

BUCK Kerry -FTAG -DFD -C4

From: KABUL -GR -C4R
Sent: [REDACTED] 11:27 AM
To: BUCK Kerry -FTAG -DFD -C4
Cc: MULRONEY David -DMA -C4; SWORDS Colleen -IFM -C4; LAPORTE Eric -IDR -C4; KABUL -HOM -C4R; KANDH -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; SINCLAIR Jill -PCO/BCP -C4R; Public Safety -C4R
Subject: KBGR0291 - Visit to NDS detention facility in Kabul

SECRET -CEO

KANDH - KAF: Please pass to General Grant
NDHQ OTT ADM (POL): For Vincent Rigby. Also please pass to JAG.
PSEPC: Pls pass to Suzanne Hurtubise

Summary

1. On [REDACTED] the Canadian embassy conducted a visit to Sederat, the central NDS detention facility in Kabul city, with the goal of interviewing the [REDACTED] Kandahar detainees that are believed to be detained in Kabul.
2. It proved hard to locate all [REDACTED] detainees. Although the NDS made available [REDACTED] detainees from Kandahar, some of the names or ages did not correspond with the limited and sometimes confusing information provided in the documentation. Better files, including photos, should be provided in advance of monitoring efforts.
3. Of the [REDACTED] detainees we interviewed [REDACTED] said [REDACTED] had been whipped with cables, shocked with electricity and/ or otherwise "hurt" while in NDS custody in Kandahar. This period of alleged abuse lasted from between [REDACTED] and [REDACTED] days, and was carried out in [REDACTED] and [REDACTED] detainees still had [REDACTED] on [REDACTED] body; [REDACTED] seemed traumatized. This alleged abuse would have occurred before the new arrangement between the governments of Canada and Afghanistan was signed. (The [REDACTED] detainee terminated the interview before the possibility of mistreatment could be discussed.)
4. The detainees all complained about a lack of clarity in their cases. They said they did not know why they are being held, nor did any seem to have been charged.
5. We were generally pleased with the openness shown by NDS interlocutors. They provided us with quick access to detainees on two consecutive days, and readily agreed not to be present during the interviews. However, they said they needed permission from the NDS general director before they could allow us physical access to the facilities.
6. NDS detainees in Kabul are held in one of three facilities: the Sederat; a spillover facility beside the Sederat; and Pol-i-Charki.
7. Detainees said they preferred the conditions in [REDACTED] as they had more access to outdoors. They described sub-par conditions in the Sederat -- food is poor; cells are small and overcrowded; detainees are allowed outside once per week for 30 to 60 minutes; washing facilities are dirty; and, in at least some cases, visitors are not allowed access. However, none alleged mistreatment while in Kabul, nor did the detainees give the impression of reticence or fear regarding their current jailers. On the contrary, the atmosphere seemed surprisingly relaxed. [REDACTED]

Report

8. **Overview.** On [REDACTED] KABUL/ Colvin (Political Counsellor) and Bloodworth (Second Secretary/ Political) conducted an initial visit to the Sederat compound, the primary NDS detention facility in Kabul. For the [REDACTED] portion, Colvin and Bloodworth were accompanied by MCO Szwarc, who has received human rights training. Szwarc did not accompany on [REDACTED]. On both days, del was assisted by a Pashto-speaking LES.

9. On [REDACTED] del spent three hours (1400-1700) at the NDS facility. During this time, we met NDS [REDACTED]

[REDACTED] We also talked at some length with [REDACTED] as well as [REDACTED]. We then met separately with [REDACTED] detainees. No NDS officials were present during these interviews. The [REDACTED] interview had to be curtailed because the facility was closing but was resumed the following day.

10. The [REDACTED] portion lasted from 1000 until 1215. We completed the interview with the [REDACTED] interviewee from [REDACTED] and interviewed a [REDACTED] detainee. We met with the warden of the NDS prison, Ayetla, as well as the doctor in charge of the prison clinic.

11. Each interview lasted between 15 minutes and 60 minutes. NDS officials readily agreed to absent themselves during the interviews. None of the detainees were shackled, nor were there indications of recent shackling. Atmosphere overall was surprisingly relaxed. (While driving out of the compound on [REDACTED] we passed [REDACTED] the interviewees as they returned to the prison. They were walking freely beside the guard, each holding the warden's hand.)

12. **Facility.** The NDS Sederat detention facility is on a large, sprawling compound in central Kabul, about 5 minutes' drive from the embassy (if the roads are clear). It is on the same street as, but separate from, the main NDS HQ compound. (A completely unrelated Afghan National Development Strategy compound, the Sederat Palace, separates the two NDS zones.) The NDS Sederat compound includes the National Security Court, which technically reports to the Attorney General's office rather than the NDS; office complexes; at least one detention building, and several other buildings whose purpose was unclear. The compound is walled and requires permission to enter.

13. **Modalities.** As this was our first visit, we alerted the NDS prior to our visit. For each of the two visits, we had to register at the main gate but were allowed in within five minutes. During our meeting with [REDACTED] and [REDACTED] we informed them that in future we would turn up unannounced. Both accepted that principle. We also provided [REDACTED] and [REDACTED] with a Dari-language copy of our detainee arrangement, which they had not yet seen. For future visits, they provided phone numbers of key contacts so that we would be allowed access when we turn up at the main gate.

14. With regard to detainee interviews, our NDS interlocutors were cooperative and even helpful. They speedily produced each detainee we asked to see, with the exception of one individual whose recorded name was peculiar (and possibly erroneous) and who they were unable to identify. Overall, our sense was that NDS interlocutors dealt with us in good faith and with the intention of meeting our requests.

15. However, we were not granted permission to tour the detention facilities themselves. Our interlocutors said that they did not have authority to do so and would need to receive explicit approval from NDS Director General Amrullah Saleh. When next we meet Saleh, we will ask him to issue such authorization. (We do not believe that NDS is deliberately concealing from us the state of the facility. [REDACTED])

16. [REDACTED] visit. The meetings and interviews took place in what seemed to be [REDACTED]

[REDACTED]

17. As the General was busy when we arrived, we were greeted by his main assistant, [REDACTED]. We gave him the names of the [REDACTED] Canadian-transferred detainees that we know to be in Kabul, and asked to interview them. While those detainees were being located and brought to our meeting room, [REDACTED] gave us an overview of the procedures followed for each detainee, including transfer to Kabul and registration. They also showed us the registration room itself. The [REDACTED] detainee was brought into the room at around 1530, i.e. roughly an hour after we provided the names.

18 [REDACTED] visit. For this visit, we were led to what seems to be the detention facility itself. We met with the warden, and interviewed [REDACTED] detainees [REDACTED]. No NDS officials were present during those interviews. [REDACTED] We also briefly talked to a [REDACTED] detainee [REDACTED] who shared some of the name of one of our sought detainees, [REDACTED] but who turned out to be from [REDACTED] and too old to be our detainee. We therefore did not pursue the interview.

19 Apart from non-access to the detention facilities themselves, the main difficulty we faced was in correctly identifying "our" detainees. [REDACTED] explained that they had no list of "Canadian" detainees. All they knew was that some detainees had been transferred by ISAF. Moreover, the information in our possession was quite limited. The names were written only in English, not Pashto. We had no photos or other descriptions of each detainee, only their age and the name of their village (not even the district) in [REDACTED]. Of the [REDACTED] only in [REDACTED] case was the [REDACTED] given. None of the [REDACTED] were given. In one case, the listed name [REDACTED] was very strange. This all resulted in confusion. The NDS seemed to do their best to identify "our" detainees but, in the result, we only have reasonable confidence that [REDACTED] of the [REDACTED] detainees we interviewed were in fact those detained by Canadian forces. The other [REDACTED] had some similarities to those we were seeking but in other respects the information did not correspond with that on our list. We interviewed them anyway. A [REDACTED] detainee, produced by NDS because his name was similar to that of [REDACTED] we declined to interview because his age was clearly wrong [REDACTED] rather than [REDACTED] and he said he is from [REDACTED].

20. Reports on [REDACTED] of the interviews follow:

- [REDACTED] as NDS said [REDACTED] NDS brought this individual to us instead of [REDACTED]. [REDACTED] was the [REDACTED]. However, this individual was clearly not anywhere close to [REDACTED] years old (actual age was probably [REDACTED]) and he had been in detention for [REDACTED] rather than [REDACTED]. Unfortunately, we did not have [REDACTED] name for this detainee, nor the name of his [REDACTED]. Only information in the file was the name [REDACTED] age [REDACTED] place of birth [REDACTED] date and place of capture [REDACTED] and date of transfer [REDACTED]. This information was not sufficient to locate an individual.
 - Individual had no visible marks, although at the start of the meeting he was whispering to himself.
 - The individual appeared generally at ease talking with us and even smiled.
 - He said he had been taken approximately [REDACTED] ago and had been visited by the [REDACTED].
 - Individual did not wish to talk with us, saying he had been asked the same questions by others and the answers are all in his file. Meeting was therefore terminated after about [REDACTED] and we were not able to ask him about maltreatment.
- [REDACTED]

This individual may be the person listed in our database but it is hard to be certain. He has the right name, is from [redacted] and has been in detention for the right length of time - about [redacted]. He said he was from the [redacted]. Our sought individual is from the village [redacted].

Main discrepancy is the age [redacted] is listed in our database as [redacted] while this [redacted] said he is [redacted]. (Again, the info in the database is limited. It includes just the name [redacted] date and location of capture, date of transfer, sex, age and place of birth (village and province only. It does not provide the father's or grandfather's name.)

Individual said that he had been held in [redacted] the NDS facility for approximately [redacted] for approximately [redacted] while at [redacted].

He said he had been sick [redacted] He has [redacted] but when he had asked for [redacted] He says [redacted] since arriving at the NDS facility and receives [redacted] He says that he got [redacted] when he got to Kabul because he keeps thinking about his family. His [redacted] is still not good.

Individual says that at the NDS facility he lives in one room [redacted] They sleep on mattresses on the floor. They are allowed out four times a day to pray and wash/ go to the washroom.

He does get visits from his son-in-law on Fridays for about an hour. He is fed bread and tea for breakfast and rice and bread for lunch and supper. [Note: Other detainees talk of being fed potatoes rather than rice.]

He complained of not having enough time for prayers and not being allowed to walk outside. He did not complain about the treatment at the Sedarat but did say that he preferred [redacted] because he got to walk around and interact with more people there. At the NDS facility he only gets 20 to 30 minutes a week to "see the sun."

He has been visited by [redacted] Individual was quiet and careful, and sat with his hands clasped during the meeting. He was forthcoming but also seemed anxious, with some facial twitches.

Individual sat with his toes curled under his feet. When he straightened his toes, it could be seen that the nails of the big toe and the one next to it, were a red/orange on the top of the nail (although the new growth underneath appeared fine).

When we asked him about his treatment [redacted] rather than Kabul, he became quiet. He said that [redacted] he had been "hurt" and "had problems." However, he is "happy now." He did not elaborate on what happened [redacted]

[redacted] seemed keen to please, very deferential, and expressed gratitude for our visit. General impression was that he was somewhat traumatized.

[redacted]

On [redacted] was brought in place of [redacted] on [redacted] it was established that there is an [redacted] (see [redacted]) We conducted half of the interview on [redacted] but had to stop because the facility was closing. We therefore completed it on [redacted] is a [redacted] from [redacted]

Individual appeared in dirty clothes although his finger nails were neatly trimmed. He said he was in [redacted] for [redacted] He was then transferred to Kabul, where he has spent the past [redacted] at [redacted]

His said his health is very bad and that life is very bad

He said his family doesn't know where he is and as a result no one comes to visit him.

Individual says he doesn't sleep well because he thinks about his family. He is married and has a child.

He said [redacted] is "very good for us" because they are allowed out to get out, walk and play.

He said the rooms in [redacted] by contrast are [redacted] The washing place is very dirty. [redacted] At night, it is so tight that they cannot roll over.

He said that, in [redacted] they are fed only bread, potatoes and a watery soup. He and the people he shares a room with sometimes put money together and buy supplemental food. They are let outside only once a week for a total of between 30 and 60 minutes.

He has never requested access to a doctor but that's because he's never sick. When we asked him about his treatment [redacted] he said he had a "very bad time. They hit us with cables and wires." He said they also shocked him with electricity. He showed us a number of scars on his legs, which he said were caused by the beating.

He said he was hit for [redacted] days while in NDS custody [redacted] It was a "very dangerous place." He said he was not provided with any medicine.

He said that he still has pain in his hands and fingers. This is from when his hands were shackled during his [redacted] detention [redacted] He said the restraining device was too tight, and tightened by itself when he moved his hands. He said he was also blindfolded.

He said that his treatment in Kabul has been "better" than [redacted] The only specific problem he identified was being put in a dark room for a few hours at the time of one of his interrogations, when he was asked about Al-Qa'ida and the Taliban.

[redacted]

[redacted]

This individual matched the information given in our database - age [redacted] length of detention and place of origin [redacted] He said he is a [redacted]

Individual appeared relaxed and even sometimes smiled. He willingly spoke with us.

He said he has no health problems.

He [redacted] He did say that he only ever got out to use the toilet. He is not allowed outside.

He has been asked questions [redacted] about his detention but doesn't know why. He said he does not know whether Canadians or Americans detained him. He was working at his [redacted] when he was detained.

His family has tried to visit him in Kabul but were not allowed. However, they have been able to deliver clothes and some food. He said that he prefers being held in [redacted] to Kabul because in [redacted] after [redacted] being held at NDS, his family was allowed to visit.

He has been visited by [redacted] both in Kabul [redacted] He gets bread and tea for breakfast and potatoes for lunch and supper. They get water/tea only when they get out to pray.

He was told that he was detained because he worked for [redacted] Individual says he does not know any [redacted] He said he had some [redacted] but said they were harmless. He said that, his whole life, he had never gone more than a few kilometers from [redacted] He asked us, "If I am a serious Taliban, why didn't the Americans keep me?"

He has not seen a lawyer or a judge and his documentation has not been prepared yet.

He has been held [redacted] and [redacted] in Kabul.

He said that, while being detained in [redacted] came and spoke with him once. He, and others, told the [redacted] that three fellow detainees had had their "fingers cut and burned with a lighter" while in NDS detention.

When we asked about his own treatment [redacted] he said that he was hit on his feet with a cable or "big wire" and forced to stand for two days, but "that's all." He showed us a mark on the back of his ankle, which he said was from the cable. [Note: There was a dark red mark on the back of his ankle.] He said it was the NDS who interrogated and held him.

After [redacted] days of being beaten with the cable and made to stand, he was put in a [redacted]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
He asked us to help him get his documents finalized and for his family to be allowed to visit. He also asked why he is still being detained - either he should be sent to jail or allowed to go home.

Drafted: Colvin, Bloodworth
Approved: Lalani

BUCK Kerry -FTAG -DFD -C4

From: BUCK Kerry -FTAG -DFD -C4
Sent: [REDACTED] 3:48 PM
To: SINCLAIR Jill -PCO/BCP -C4R
Subject: FW: KANDH-0039: [REDACTED] Periodic Follow-Up Visit to Sarposa

Apologies. PCO F&DP should have been on original distribution.

-----Original Message-----

From: BUCK Kerry -FTAG -DFD -C4
Sent: [REDACTED] 3:10 PM
To: KANDH -C4R; KABUL -HOM -C4R
Cc: MULRONEY David -DMA -C4; SWORDS Colleen -IFM -C4; LAPORTE Eric -IDR -C4; NDHQ +CEFCOM J9 -C4R; NDHQ OTT
Subject: RE: KANDH-0039: [REDACTED] Periodic Follow-Up Visit to Sarposa

SECRET CEO: NOT FOR FORWARD DISTRIBUTION

KANDH - KAF: Please pass to General Grant
NDHQ OTT ADM (POL): For Vincent Rigby. Also please pass to JAG.

1. As per the diplomatic contingency plan provisions to respond to allegations of abuse, grateful you take the following steps to seek to have the allegations investigated. It is important that all representations to Afghan authorities be consistent with the detainee's express wishes that his name be withheld. We are unclear whether the detainee's request also extended to withholding his name from the ICRC or the AIHRC, however consistent with standard international practice, unless the detainee has clearly indicated that his name can be passed on to those specific organizations, his name should also be withheld in this instance. That being said, the location of the alleged abuse and the form of abuse should be relayed to Afghan authorities [REDACTED] to investigate. We would also ask that you raise with Afghan authorities the fact that the allegations, if true, would be a matter of considerable concern for the Government of Canada [REDACTED]

2. Grateful therefore if you undertake, as a matter of priority, the following actions:

- Delegation should raise the allegations with both the AIHRC and the ICRC on a priority basis to enable both organizations to fulfil their mandates with respect to treatment of prisoners. The AIHRC should be encouraged to investigate. These contacts must be made as early as possible - tomorrow COB Afghan time at the very latest.
- [REDACTED]
- Important also that you visit the facility at which the alleged abuse is said to have taken place. In this case, we understand that a visit to NDS facilities in Kandahar is already slated for [REDACTED]. Delegation should raise fact that allegations of abuse at that particular facility have been raised, without identifying the source of the allegations.

3. Regarding your question as to forward distribution of this report, pending finalization of SOPs and standardization of system for numbered hardcopies, we are, with this message, relaying the report and follow-up to the distribution specified in the SOPs, viz. JTF-Afg, ADM (POL), JAG and CEFCOM. We will also be advising MINA under cover of separate memorandum.

-----Original Message-----

From: KANDH -C4R
Sent: [REDACTED] 6:14 AM
To: KABUL -HOM -C4R
Cc: MULRONEY David -DMA -C4; SWORDS Colleen -IFM -C4; BUCK Kerry -FTAG -DFD -C4; LAPORTE Eric -IDR -C4
Subject: KANDH-0039: [REDACTED] Periodic Follow-Up Visit to Sarposa
Importance: High

SECRET CEO



Follow-Up Visit Report - Sarpo...

REFTEL: KANDH-0026 of [REDACTED]

On [REDACTED] IDR/Laporte, FTAG/Fairchild, CSC/Garwood-Filbert and PRT LEGAD/LCdr Connor conducted a periodic follow-up visit to Sarposa Prison in Kandahar City. As this was the first time a follow-up visit at Sarposa prison, we have included below a short narrative report of the meeting with prison authorities as well as the follow-up report using existing SOPs template (attached).

<< File: Follow-Up Visit Report - Sarposa Prison [REDACTED].wpd >>

2. This visit was undertaken with some advanced notice as to the fact that members of the PRT would conduct a visit but not as to its scope or purpose. Immediately upon arrival, team members were greeted by Col. Qadir, who after being in an acting position for some months, was [REDACTED] formally appointed as warden of Sarposa Prison. Congratulatory remarks on his appointment were provided by PRT LEGAD/Connor and CSC/Garwood-Filbert. As this was the first time conducting a "follow-up" visit, IDR/Laporte presented Col. Qadir with a Pashtu version of the recently concluded Canada-Afghanistan Supplementary Arrangement and explained some of the Arrangement's key provisions, namely assuring full and unrestricted access to Canadian-transferred detainees by Canadian officials, the AIHRC and the ICRC as well as the ability to conduct interviews of these same individuals in private. While Col. Qadir was not aware of the Supplementary Arrangement, he assured team members that [REDACTED]

3. With respect to identifying Canadian-transferred detainees, Col. Qadir indicated that this would be difficult for him and his staff as the prison registry did not track whether a particular individual had been originally detained and subsequently transferred by international forces. He indicated, however, that the registry was complete (note: this concords with previous CSC visits and inspection of Sarposa's in-mate registry which is generally speaking fairly comprehensive and accurate) and that if we had names, he could make arrangements for interviews to occur.

4. In light of the above, IDR/Laporte provided an English-language list of [REDACTED] Canadian-transferred detainees who are believed to be at Sarposa Prison based on recent exchanges received from the NDS (KANDH and KABUL C4 referrals of [REDACTED] and [REDACTED] total). Col Qadir indicated that neither he or his staff would be able to translate the list into Pashtu and would therefore appreciate if the PRT could do so prior to formally transmitting it to his attention (PRT endeavoured to do so as quickly as possible). We subsequently requested to conduct private interviews with [REDACTED] randomly selected individuals identified on our list. Col. Qadir agreed and dispatched his one of his guards to collect the individuals. Understandably, this took some time and as we were limited by the amount of time we were able to spend at a location for operational security reasons, we did not conduct a visit of the entire facilities (Note: this has been done on several previous occasions by CSC and PRT Engineers as part of on-going PRT capacity-building initiatives.). In this respect, the facilities at Sarposa prison are considered, relative to other facilities in Afghanistan as above average (refer to CSC mission assessment and [REDACTED])

5. Given time constraints, we were only able to privately interview [REDACTED] individuals identified. These included detainee no. [REDACTED] (no CF detainee number available). [REDACTED] During the interviews, one detainee [REDACTED] claimed to having been "beaten with electrical cables while blindfolded" on one occasion during his [REDACTED] at the Kandahar NDS facility. When asked if he had required any medical treatment subsequent to this incident, he indicated that none had been sought. We indicated our concern about the alleged mis-treatment and advised that we would be raising the matter with NDS authorities as a matter of priority. In doing so, the detainee requested, however, that we withhold his name so as to avoid any possible repercussions. Please note that IDR/Laporte, FTAG/Fairchild, CSC/Garwood-Filbert and PRT LEGAD/LCdr Connor are slated to visit NDS on [REDACTED] where we will raise this issue as a matter of considerable concern and if true as being incompatible with the terms of the Supplementary Arrangement. Please note that the PRT is slated to meet with the Deputy Head of the AIHRC tomorrow [REDACTED] as part of meetings established for IDR/Laporte's visit and that IDR/Laporte will meet with the Head of the ICRC sub-delegation in Kandahar on [REDACTED] where this issue can be raised. We would be grateful for further guidance from Ottawa on the desired approach/tact we should take in this matter.

9. Grateful for guidance on the further distribution of the attached report and this message electronically or in numbered hardcopy form, including to KAF-POLAD for transmission to Commander JTF-Afg, ADM(POL), JAG and CEFCOM. In the case of numbered hardcopies, it might be appropriate for FTAG to establish a registry on the distribution of this report.

Drafted/Released: IDR/Laporte
Consulted: FTAG/Fairchild, CSC/Garwood-Filbert, PRT LEGAD/LCdr Connor

DATE OF VISIT [REDACTED]

1. Administrative details

Provide a brief description of the place of detention visited and the nature of the interaction with detainees.

- a. *Name of Institution visited*
 - Sarposa Provincial Prison (Kandahar)
- b. *Number of security related detainees overall*
 - Approximately 171 based on records received by KPRT LEGAD in mid-May
- c. *Number of Canadian-transferred detainees present*
 - Estimated at [REDACTED] given NDS information provided by KPRT [REDACTED] and KABUL [REDACTED]
- d. *Number of Canadian-transferred detainees seen by officials on visit*
 - [REDACTED]
- e. *Nature of inter-action with Canadian-transferred detainee(s)*
 - Approximately 20 minute private interview with each detainee
- f. *Inter-action with any other detainees (allies; general population)*
 - None
- g. *Outline any constraints in accessing Canadian transferred detainees*
 - The lack of information on the source of detainees originally detained by international forces as part of the prison registry constrains our ability to quickly identify Canadian-transferred detainees and leaves us reliant on information provided by the NDS or other sources. We would recommend that Sarposa prison officials consider including as part of their registry information, the source of the detainee, including if transferred by international forces.
- h. *Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge*
 - As noted in g) above, the inclusion of information pertaining to the source (e.g. which international forces) of the detention should be incorporated as part of Sarposa prison's registry.

2. Overall Situation of Detention

Provide a brief description of the conditions of detention and the status of the detainees. In identifying the conditions of detention and specific issues regarding the detainee, information and analysis or interpretation that can provide background to the recommendations (if any) made later in the report would be useful.

Given time constraints imposed by operational security reasons (e.g. limit to the duration of time at one location given high-threat assessment of the day); we did not conduct a visit of the overall situation of detention at Sarposa Prison but concentrated instead on interviewing Canadian-transferred detainees. Please note that visits to assess the overall conditions of the facilities have been conducted on several occasions by CSC and PRT Engineers as part of on-going PRT capacity-building initiatives.)

Private interviews were conducted with individuals identified: These included detainee no.: [REDACTED] and [REDACTED] (no CF detainee number available). All

acknowledged being originally detained by the Canadian Forces and being transferred to the NDS prior to being transferred to Sarposa Prison. Of note, all interviewees commented that they were not aware of the specific reasons for their detention.

All [redacted] individuals appeared in good physical condition and confirmed that they had access to medical services and medicines (albeit rudimentary) at Sarposa prison. In terms of exercise and access to fresh air, unrestricted access to the prison's courtyard and garden was provided except at night. All individuals interviewed were generally satisfied with their treatment and their conditions of detention at Sarposa Prison although each of them complained about the quality of food received (note, however, this is the same food provided to prison guards and management). Access to a courtyard and garden was provided throughout the day but restricted at night. [redacted] indicated having been seen [redacted] while in custody of the NDS

When responding to questions pertaining to judicial access (as per SOPs), interviewees unanimously complained about the lack of transparency in their arrest (including reasons for detention by the CF) and ensuing legal proceedings. In this context, all indicated that [redacted] [redacted] interviewees complained that [redacted] they were told to sign documents (thumb print) without having read their contents.

One concern identified was that the [redacted] individuals interviewed were shackled (chained at the ankles). While members of the team originally believed this to be a precautionary measure adopted by Sarposa Prison officials to safeguard Canadian representatives during conduct of interviews [redacted] of the [redacted] detainees interviewed claimed that their shackles had not been removed since being in custody of the NDS. While no sores, welts or chaffing were evident, in one case shackles would have been worn for over four months. 18 individuals were believed to have been in shackles since their detention by the NDS. This was the first time that a CSC representative witnessed in-mates shackled at Sarposa Prison.

One detainee [redacted] claimed to having been "beaten with electrical cables while blindfolded" on one occasion during his [redacted] at the Kandahar NDS facility. When asked if he had required any medical treatment subsequent to this incident, he indicated that none had been sought. We indicated our concern about the alleged mis-treatment and advised that we would be raising the matter with NDS authorities as a matter of priority. In doing so, the detainee requested, however, that we withhold his name so as to avoid any possible repercussions.

3. Priority Requirements and Recommendations

The report should indicate any gaps that were identified in the course of the visit or needs that require urgent attention in relation to what is already being done as part of wider capacity-building efforts of local authorities and domestic institutions such as the AIHRC.

As noted during the [redacted] visit to NDS facilities, [redacted] appear to have their legs shackled together at all times. This is inconsistent with international standards.

We understand that up until recently, there had been a backlog of some 90 NDS-related cases which had not been heard. The court proceedings referred to by interviewees as part of the "judicial access" questions are the first NDS hearings in some time (since April 2006) [redacted]

[redacted] PRT LEGAL advises that the backlog has now been cleared but decisions remain pending. Proceedings were held behind closed doors due to the national security dimensions of the cases and to protect the safety and security of judges and prosecutors hearing these

matters.

Make recommendations as to possible Canadian follow-up actions, including diplomatic efforts or capacity-building.

- Raise with the NDS the issue of mis-treatment as alleged by one detainee as a matter of considerable concern and if true as being incompatible with the terms of the Supplementary Arrangement. Inform AIHRC and the ICRC of the alleged mis-treatment and request their assistance in following up as appropriate.
- As a matter of priority, concerns regarding the extended use of shackles for security-related detainees will be raised with Sarposa Prison authorities. Depending on the outcome discussions with Sarposa Prison authorities, consideration should be given to providing infrastructure upgrades to Sarposa Prison facilities as part of CSC's on-going capacity-building efforts so as to mitigate the need for shackles to be worn on a continuous basis.
- It may be appropriate to engage further with the NDS Attorney General and the Chief Justice of the Kandahar Court to obtain information on the jurisdiction, procedures and scope of the recently established closed door court proceedings.

Note any actions already taken or planned by the relevant Canadian actors in theatre (e.g. allocations from CIDA, training by CSC, demarches with relevant authorities etc..)

- The issue of delays in judicial processes was one of the issues raised at a recent human rights workshop hosted by the PRT and AIHRC, and several participants expressed interest in future collaboration to address the problem. KPRT has engaged the NDS [REDACTED] the Senior Council for the [REDACTED] of Afghanistan as well as the Chief Justice of the Kandahar Court on this issue. PRT LEGAD advises that the backlog has now been cleared but decisions remain pending. Proceedings were held behind closed doors due to the national security dimensions of the cases and to protect the safety and security of judges and prosecutors hearing these matters.

BORNSTEIN Michael -DCB -C4

From: KANDH -C4R
Sent: [REDACTED] 3:27 PM
To: KANDH -KAF -C4R; KABUL -GR -C4R; KANDH -C4R
Cc: MULRONEY David -DMA -C4; SWORDS Colleen -IFM -C4; BUCK Kerry -FTAG -DFD -C4;
 GIBBINS Christopher -FTAG -C4; Public Safety -C4R; KABUL -KAF -HOM -C4R; NDHQ
 +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Privy Council Office / Foreign & Defence
 Policy -C4R; CHOWDHURY Sanjeev -FTAG -DFB -C4
Subject: KANDH0074 - Detainees: Periodic Follow-up Visit to NDS on [REDACTED]

SECRET CEO: NOT FOR FORWARD DISTRIBUTION

For NDHQ OTT ADM (POL) - Please forward to JAG

For Public Safety - Please forward to DM/Hurtubise

For PCO/FDP - For PCO/Cartwright and PCO/Sinclair eyes only

1. On [REDACTED] KPRT Political Director/Davison and Programme Officer/Musani visited the National Directorate of Security (NDS) detention facility in Kandahar City to review the conditions of the facility and the treatment of detainees transferred to NDS by Canadian Forces (CF). While no advance notification of the visit was given to NDS, they were alerted to our arrival because of difficulty locating the correct building. KPRT was admitted to the facility immediately.
2. KPRT met first with General Qayum, who oversees the facility. We discussed again the transfer of minors from CF to NDS. Qayum agreed that in case of the capture of a minor, CF would transfer the individual to NDS, who would in turn transfer him to Sarpoza Prison (which has a dedicated juvenile detention space). Any interrogation related to the investigation of the case would be undertaken at Sarpoza Prison.
3. The most recent version of the KAF detainee database indicated that [REDACTED] individuals who had been captured by CF were still detained at NDS. KPRT queried Qayum as to whether this number was accurate. After sending his deputy, [REDACTED] to do verification, Qayum indicated that the actual number of CF-transferred detainees at the NDS facility (for whom investigations were ongoing) was [REDACTED] (according to the KAF database: # [REDACTED]). The other [REDACTED] detainees listed in the database [REDACTED] had been transferred to Sarpoza Prison as their investigations had been finished. It is not clear when these transfers occurred. There was some confusion as to whether [REDACTED] had intended to notify KPRT of the transfers. KPRT requested again that notification be done by phone or letter as soon as detainees are released or transferred from the NDS facility. A summary of detainee location is as follows:

Detainees transferred to Sarpoza Prison:

#	Last name	First name	Father's Name	Date of Transfer	Tribe or Region
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Detainees remaining at NDS:

#	Last name	First name	Father's Name	Date of Transfer	Tribe or Region
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

4. Qayum asked again about the possibility of having KPRT assistance in improving the defensive mechanisms for the NDS detention facility compound [REDACTED]. KPRT suggested that the Specialist Engineering Team (SET) might conduct a recce accompanied by a CSC expert in detention facilities in the near future to determine what might be feasible. As [REDACTED] is imminent, KPRT also asked about visits to the facility [REDACTED]. Qayum assured us that we were welcome any time.

5. We then visited the detainee holding facility (description below).

6. KPRT reviewed the guidelines for detention at NDS with [REDACTED] and his staff, per the template "Questions for Detaining Authority", annexed to the Arrangements (description below).

7. KPRT reviewed NDS's registration books to understand systems and processes for tracking detainees (description below).

8. KPRT conducted private interviews with [REDACTED] detainees, selecting [REDACTED] who had been transferred [REDACTED] and [REDACTED] who had been held by NDS [REDACTED]. Reporting follows below per the template defined in Annex C of the Arrangements (MISSION REPORTING TEMPLATE ON PERIODIC FOLLOW-UP VISITS TO ASSESS CONDITION OF CANADIAN-TRANSFERRED DETAINEES).

Drafted: Musani
Approved: Davison

DATE OF VISIT: [REDACTED]

1. Administrative details

- a. *Name of Institution visited*
National Directorate of Security detention facility, Kandahar City
- b. *Number of security-related detainees overall*
Did not ask.
- c. *Number of Canadian-transferred detainees present*
[REDACTED]
- d. *Number of Canadian-transferred detainees seen by officials on visit*
[REDACTED]
- e. *Nature of interaction with Canadian-transferred detainee*
Private interviews with [REDACTED] detainees; preliminary visual check of other [REDACTED] detainees.
- f. *Interaction with any other detainees (allies; general population)*
A visual inspection of the new holding facility allowed us to see other detainees who were sharing cells with Canadian-transferred detainees.
- g. *Outline any constraints in accessing Canadian-transferred detainees*

We were readily granted access to all detainees in the holding facility, and then to those with whom we specified we wanted private interviews. The main constraint was limited time due to operational security (it was growing dark and force protection felt we should not stay too long).

h. Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge

NDS registers detainees upon arrival at the facility, and has separate ledgers for transfer and release. Canadian-transferred detainees are labelled as such in the ledgers. Name, age, profession, province, district, weapons (if any), and detainee contact with Taliban are also recorded for each individual.

2. Overall Situation of Detention

The detainee holding facility [redacted] [redacted] The facility, [redacted] being brand new, is generally clean and in good condition, with carpeted floors and fresh paint. KPRT verified that each of the [redacted] individuals transferred by CF to NDS were present. A preliminary assessment of their physical condition revealed them to be in good shape— all were ambulatory, with no visible marks on hands, face, or feet, and several shook hands while greeting [redacted] chain-link leg irons.

a. Our [redacted] interview was with [redacted] who was transferred to NDS on [redacted]

Name: [redacted] Father's full name: [redacted] Grandfather's name: [redacted] / Sex: [redacted]
Age: [redacted] Identification Serial Numbers [redacted] Place of birth: [redacted] Nationality: [redacted] Tribe: [redacted]
[redacted] General physical condition upon transfer: Fit for transfer.

[redacted] clothing, hands, and feet were clean, and he displayed no visible marks of ill treatment. After introduction by KPRT per the template, his first comments were that he had not been beaten. He is kept in his room with leg irons, and is occasionally handcuffed. He was aware that he had been detained [redacted] He is allowed outside every other day for an hour or an hour and a half each time. His family is aware of his detention and they have sent him clothing. They have not yet been allowed to visit him, although Thursday is the facility's visiting day.

[redacted] occasionally has trouble sleeping due to stress; he is concerned that some of his relatives do not know he is being detained. [redacted] a Canadian-transferred detainee at NDS. He suffered from a [redacted] two days ago, which was resolved with medication purchased for him [redacted] from the bazaar with money he had borrowed from a fellow detainee. Meals are regular (three times per day), and water, toilets, and bathing facilities are all available. He shares his room with [redacted] and is able to speak with [redacted]

In terms of the reason for his arrest, [redacted] said ISAF arrested him from his house in the middle of the night. He proclaims his innocence. NDS began its investigation and interrogated him [redacted] he found this stressful. The interrogator showed him pictures of [redacted] that were allegedly found in his home. He has not seen a lawyer, and has been visited [redacted]

He finished by saying that he has a [redacted] in [redacted] and investigators should visit his neighbourhood and place of work to verify his innocence. He is concerned that his family is alone, as the next male relative in his household is his young son. He does not want to stay at NDS any longer. He asks that his family be allowed to visit him on Thursday.

b. Our [redacted] interview was with [redacted] who was transferred to NDS on [redacted]

Name: [redacted] Father's full name [redacted] Grandfather's name: [redacted]
Sex: [redacted] Age: [redacted] Identification Serial Numbers [redacted] Place of Birth [redacted]
Nationality: [redacted] Tribe: [redacted] General physical condition upon transfer: Fit for transfer, no medical complaints

[redacted] clothing, hands, and feet were clean, and he displayed no visible marks of ill treatment. Upon being seated in the interview room, he immediately asked about privacy with regards to his comments. He was reassured, per the template, that his remarks would be kept in confidence unless he gave consent for us to share them. He reported that [redacted] after transfer by Canadian Forces, were interrogated by NDS over a whole night (they were deprived of sleep); the interrogator tried to beat him and asked whether he had killed people.

██████████ claimed to have been detained due to a tribal dispute-- a rival tribe labelled him ██████████ (a pseudonym that is listed on the GoC detainee database) and accused him of being a Taliban ██████████. He asked that we tell NDS not to beat the detainees, and to treat them like human beings rather than like animals.

He indicated that he had been interrogated ██████████. He said he had been punched in the mouth for no apparent reason by one NDS official ██████████ ago (there was bleeding at the time). Furthermore, he reported that he was hit twice on the buttocks and upper thigh during an interrogation three days earlier. No visible marks remain from either alleged mistreatment. He said that he told the interrogator lies (i.e. that he is a Taliban commander) to avoid being beaten further because the interrogator did not believe the truth.

██████████ reported that his family does not know that he has been detained. His clothes were given to him ██████████ who visited ██████████ and brought him food. He knew he had been detained ██████████ but could not tell us what day it was. In those ██████████ he had been allowed outside ██████████ for one hour each time.

He does not sleep well due to anxiety of being beaten, and indicated a pre-existing pain ██████████. ██████████ has been eating regularly, three times per day, and noted that the food was the same as at his home. Water, toilets, and bathing facilities were all available to him, and he shares his cell with another detainee. (Note: GoC detainee database lists ██████████ physical condition as: "Physical condition upon capture: Good Health; Physical condition upon transfer: Fit for transfer, no medical complaints.")

In terms of judicial guarantees, ██████████ said that he was being detained because he had been accused of being a Taliban commander. He has not seen a lawyer. He would like his relatives to be informed that he is being detained; otherwise, they might believe he was killed by the Canadian Forces. He also requested that we ensure that detainees are given proper meals in the evening ██████████.

3. Compliance with Terms of Canada-Afghanistan Detainee Transfer Arrangements

NDS were aware of the detainee transfer Arrangements and were willing to allow us to interview detainees transferred to NDS by Canadian Forces. They said that guidelines with respect to detainee treatment do exist, noting that they follow the rules and know how to behave, including respect for human rights. They claimed to have received relevant literature from KPRT and others on human rights.

In response to the question "Is there an investigation underway into allegations of abuse at this facility?", ██████████ and his staff vehemently stated that no one at NDS is allowed to abuse or beat detainees, saying that each detainee, if asked, would tell us they had not been treated poorly. NDS conducts its investigations and asks questions of the detainees, but does nothing more than that-- even if the detainees have done "horrible things" (here, ██████████ gave the examples of ██████████ and ██████████ whom he cited as senior Taliban commanders who had killed many innocent people).

4. Priority Requirements and Recommendations

Note any actions already taken or planned by the relevant Canadian actors in theatre (e.g. allocations from CIDA, training by CSC, demarche with relevant authorities, etc...)

Timely notification from NDS to KPRT of detainee release and transfer clearly continues to be a major problem (ref. KANDH0058, ██████████). In addition, we are aware that NDS had indicated they would ██████████ (ref. KANDH0058, ██████████). In the time available for our visit, we were unable to address these issues. KPRT will shortly conduct a follow-up visit with NDS to conduct private interviews with additional detainees and to raise the following issues:

- Medical treatment for detainees
- Family notification and visitation
- ██████████
- Notification of transfer and release
- Use of leg irons

We will ask the KPRT engineer to visit with the CSC Director to both review the security needs identified by General Qayum and to inspect the new building and make recommendations in terms of prisoner conditions, treatment, and general state of the new facility.

Boré, Cyril -DFA -FTAG -C5

From: GIBBINS Christopher -FTAG -C4 [Christopher.GIBBINS@c4.international.gc.ca]
Sent: Monday, [REDACTED] 2:32 PM
To: Boré, Cyril -DFA -FTAG -C5; CARETTE Alexandre -DFA/FTAG -C4
Cc: TERMORSHUIZEN Cindy -FTAG -C4
Subject: FW: KANDH0123 - Detainees: Periodic Follow-up Visit to NDS on [REDACTED]

-----Original Message-----

From: KANDH -PRT -C4R
Sent: [REDACTED] 1:54 PM
To: KANDH -PRT -DIR -C4R; KANDH -KAF -C4R; KABUL -GR -C4R
BUCK Kerry -FTAG -DFD -C4; GIBBINS Christopher -FTAG -C4; Public Safety -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT
Cc: ADM (POL) -C4; Privy Council Office / Foreign & Defence Policy -C4R; Swords, Colleen -IFM -C5; KANDH -PRT -C4R; KABUL -
DHOM -C4; Correctional Services -BH; ALEXANDER Vera -OGD -PCO/BCP -C4R; Muirney, David -DMA -C5; KABUL -HOM -
C4R
Subject: KANDH0123 - Detainees: Periodic Follow-up Visit to NDS on [REDACTED]

SECRET CEO - NOT FOR FORWARD DISTRIBUTION

NDHQ OTT ADM (POL) - Pls fwd to JAG
Public Safety - Pls fwd to DM/Hurtubise and CSC Comm. Coutler
PCO/FDP - For S. Cartwright, J. Sinclair

1. On [REDACTED] KPRT Political Director/Davison, KPRT Political Officer/Gosselin visited the National Directorate of Security (NDS) detention facility in Kandahar City to interview Canadian-transferred detainees. No advance notification of the intention to interview detainees was given to NDS officials.

2. KPRT met first with General QAYUM and emphasized the commitment of the Canadian Government to assisting the GoA improve the conditions of detention. [REDACTED]

3. KPRT expressed concern with the lack of information provided by NDS with regards to movement of Canadian-transferred detainees. KPRT suggested that we agree on a simple process by which NDS will systematically inform KPRT whenever a Canadian-transferred detainee is transferred, sent to trial, sentenced or released. General QAYUM indicated that [REDACTED] would provide the KPRT with a complete list by [REDACTED]

3. KPRT then met with [REDACTED] and once again raised the importance of obtaining an update on movement of Canadian-transferred detainees. KPRT and [REDACTED] agreed on a process by which a letter would be sent to NDS/QAYUM every 2 weeks inquiring about the status of all Canadian-transferred detainees. NDS will indicate the status of each detainee and return the information to KPRT as soon as possible. KPRT then offered to go over a list of Canadian-transferred detainees to obtain an update on their status. [REDACTED] indicated that he would need some time to go over the list and prepare a complete update. He committed to provide an update and deliver it to the KPRT by [REDACTED]

4. [REDACTED] inquired about development or progress in obtaining KPRT assistance in improving the defensive mechanisms for the NDS detention facility compound. KPRT indicated that a feasibility assessment was underway and that we would provide them with an update shortly.

5. Reporting follows below per the template defined in Annex C of the Arrangements (MISSION REPORTING TEMPLATE ON PERIODIC FOLLOW-UP VISITS TO ASSESS CONDITION OF CANADIAN-TRANSFERRED DETAINEES).

Drafted: Gosselin/Davison
Approved: Davison

DATE OF VISIT: [REDACTED]

1. Administrative details

- a. Name of Institution visited
National Directorate of Security (NDS) Detention Facility, Kandahar City.
- b. Number of security-related detainees overall
76.
- c. Number of Canadian-transferred detainees present [redacted] on [redacted]
Est. [redacted] NDS unable to confirm. Detailed list to be provided by [redacted] on [redacted]
- d. Number of Canadian-transferred detainees seen by officials on visit
[redacted] and other tasking of the Force Protection limited our ability to conduct more interviews. [redacted] took almost [redacted]
- e. Nature of interaction with Canadian-transferred detainees
Private interview with [redacted]
- f. Interaction with any other detainees (allies; general population)
n/a.
- g. Outline any constraints in accessing Canadian-transferred detainees
We were readily granted access to the holding facility, and then to those with whom we specified we wanted private interviews.
- h. Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge
NDS registers detainees upon arrival at the facility, and has separate ledgers for transfer and release. Canadian-transferred detainees are labeled as such in the ledgers. Name, age, profession, province, district, weapons (if any), and detainee contact with Taliban are also recorded for each individual.

2. Overall Situation of Detention

The detainee holding facilities at NDS [redacted] The cells did not contain toilet facilities. [redacted] The lights were turned on during our visit. The facility, being brand new, is generally clean and in good condition, with carpeted floors and fresh paint. [redacted] The cells did not contain toilet facilities. [redacted] The lights were turned on during our visit but the lighting is fairly limited. This facility is generally clean and in fair condition, there are no carpets and walls are painted or bare concrete. [redacted] chain-link leg irons.

a. Our interview was with [redacted] transferred to NDS on [redacted]
Detainee Name: [redacted] / Age: [redacted] Father's full name: [redacted] Grandfather's name: [redacted] Sex: [redacted]
[redacted] / Age: [redacted] Identification Serial Numbers: [redacted] place of birth: [redacted] Nationality: [redacted] Tribe: [redacted]
General physical condition upon release: Fit for transfer.

The detainee indicated that to date he was not allowed to contact his family. He indicated that detainees are allowed outside for 1 to 2 hours per day. He indicated that the food provided is of acceptable quality and quantity. Detainees are provided with three (3) meals a day and there is a regular rotation in the menu. Detainees are also provided with drinking water.

The detainee indicated that health care services in the facility are provided by an NDS employee rather than a physician. NDS officials, on the other hand, have indicated that detainees are visited regularly by a physician from nearby Mirwais Hospital. The detainee indicated that he is in good health with the exception of an injury to [redacted] sustained before his arrest, and an allergy problem (rash) also affecting [redacted]. The detainee has expressed difficulties in obtaining the necessary medication to treat his allergy problem.

The detainee indicated that he was never visited by a representative of [REDACTED]. He indicated that he believes that the facility received a visit by representatives of [REDACTED]. He indicated that he was not provided with any legal representation nor was clearly informed of the charges against him.

When asked about his interrogation the detainee came forward with an allegation of abuse. He indicated that he has been interrogated on [REDACTED] occasions by a group of [REDACTED] individuals. He could not positively identify the individuals [REDACTED]. He indicated that that he could not recall the [REDACTED] interrogation in any details as he was allegedly knocked unconscious early on. He alleged that during the [REDACTED] interrogation, [REDACTED] individuals held him to the ground [REDACTED] while the other [REDACTED] beating him with electrical wires and rubber hose. He indicated a spot on the ground in the room we were interviewing in as the place where he was held down. He then pointed to a chair and stated the implements he had been struck with were underneath it. Under the chair, we found a large piece of braided electrical wire as well as a rubber hose. He then showed us a bruise (approx. 4 inches long) on his back that could possibly be the result of a blow. [While we did not ask, after the interview was completed and before we left, [REDACTED] told us that [REDACTED].

The detainee specifically asked that these allegations be kept confidential (Not shared with NDS officials).

3. Compliance with Terms of Canada-Afghanistan Detainee Transfer Arrangements

NDS officials were aware of the detainee transfer Arrangements and were willing to allow us to interview Canadian-transferred detainees.

The timely notification of any proceedings or material changes in the circumstances of detainees remains an issue. The agreement reached today between KPRT and [REDACTED] will likely improve this situation.

4. Priority Requirements and Recommendations

We did not discuss the allegation with NDS staff before leaving. Instead we made mention of the detainees desire to see family and for a regular supply of medication for his leg.

The allegations of abuse and mistreatment should be taken very seriously but should be addressed strategically. In order to maintain confidentiality and prevent retaliation against the detainee that we interviewed today, KPRT should [REDACTED]

Holding the interviews at Sarpoza Prison would further alleviate the risk of retaliation against detainees who were allegedly abused at NDS. We should also notify ICRC and AIHRC of our concerns and ask them to investigate.

GIBBINS Christopher -FTAG -C4

From: KANDH -PRT -C4R
Sent: [REDACTED] 12:08 PM
To: KANDH -PRT -DIR -C4R; KANDH -KAF -C4R; KABUL -GR -C4R
Cc: BUCK Kerry -FTAG -DFD -C4; GIBBINS Christopher -FTAG -C4; Public Safety -C4R; NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Privy Council Office / Foreign & Defence Policy -C4R; Swords, Colleen -IFM -C5; KANDH -PRT -C4R; KABUL -DHOM -C4; Correctional Services -BH; ALEXANDER Vera -OGD -PCO/BCP -C4R; Mulroney, David -DMA -C5; KABUL -HOM -C4R
Subject: KANDH0125 - Detainees: Periodic Follow-up Visit to NDS on [REDACTED]

SECRET CEO - NOT FOR FORWARD DISTRIBUTION

NDHQ OTT ADM (POL) - Pls fwd to JAG
Public Safety - Pls fwd to DM/Hurtubise and
PCO/FDP - For S. Cartwright, J. Sinclair
CSC - Pls fwd to Comm. Coutler

1. On [REDACTED] KPRT Political Director/Davison, KPRT Political Officer/Gosselin visited the National Directorate of Security (NDS) detention facility in Kandahar City to interview Canadian-transferred detainees. No advance notification of the intention to interview detainees was given to NDS officials.
2. KPRT was greeted by [REDACTED] who indicated that General QAYUM needed to authorize our visit. We met with Gen. QAYUM and explained the visit in the context of the arrangement but also in light of events in Canada including newspapers' allegations of abuse of detainees and a recent court decision to render public documents concerning our visits to NDS and Sarpoza. KPRT again emphasized the commitment of the Canadian Government to assisting the GoA to improve the conditions of detention and expressed our appreciation with the collaboration that we had received from NDS officials so far. QUAYUM indicated that the NDS also appreciates the support received from the Canadian Government.
3. KPRT explained that it is essential that NDS adheres to Afghan as well as international laws and ensures that due judicial process is followed. As such, detainees' rights must be respected throughout the judicial process.
4. KPRT then met with [REDACTED] and indicated that we would like to see [REDACTED] Canadian-transferred detainees present at the facility and proceed with at least a couple of private interviews. KPRT/Davison conducted an interview with [REDACTED] while KPRT/Gosselin was escorted by [REDACTED] to conduct an inspection of the facility and conduct a visual assessment of the remaining [REDACTED] detainees. KPRT/Gosselin later joined KPRT/Davison to conduct an interview with a [REDACTED]
5. Reporting follows below per the template defined in Annex C of the Arrangements (MISSION REPORTING TEMPLATE ON PERIODIC FOLLOW-UP VISITS TO ASSESS CONDITION OF CANADIAN-TRANSFERRED DETAINEES).

Drafted: Gosselin/Davison
Approved: Davison

DATE OF VISIT: [REDACTED]

1. Administrative details
 - a. Name of Institution visited
National Directorate of Security (NDS) Detention Facility, Kandahar City.
 - b. Number of security-related detainees overall
77
 - c. Number of Canadian-transferred detainees present
[REDACTED]

- d. Number of Canadian-transferred detainees seen by officials on visit
 [REDACTED]
- e. Nature of interaction with Canadian-transferred detainees
 Conducted a visual assessment of [REDACTED] detainees.
 Conducted private interviews with [REDACTED] detainees.
- f. Interaction with any other detainees (allies; general population)
 n/a.
- g. Outline any constraints in accessing Canadian-transferred detainees
 We were readily granted access to the holding facility, and then to those with whom we specified we wanted private interviews.
- h. Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge
 NDS registers detainees upon arrival at the facility, and has separate ledgers for transfer and release. Canadian-transferred detainees are labeled as such in the ledgers. Name, age, profession, province, district, weapons (if any), and detainee contact with Taliban are also recorded for each individual.

2. Overall Situation of Detention

The detainee holding facilities at NDS [REDACTED] The cells do not contain toilet facilities. [REDACTED] The lights were turned on during our visit. The facility, being brand new, is generally clean and in good condition, with carpeted floors and fresh paint. [REDACTED] The cells do not contain toilet facilities. [REDACTED] The lights were turned on during our visit but the lighting is fairly limited. This facility is generally clean and in fair condition, there are no carpets and walls are painted or bare concrete. [REDACTED] chain-link leg irons.

a. Our [REDACTED] interview was with [REDACTED] who was transferred to NDS on [REDACTED] We

Name: [REDACTED] / Father's full name: [REDACTED] / Grandfather's name: [REDACTED]
 [REDACTED] / Sex: [REDACTED] / Age: [REDACTED] / Identification Serial Numbers: [REDACTED] / Place of birth: [REDACTED]
 [REDACTED] Nationality: [REDACTED] / Tribe: [REDACTED] / General physical condition upon transfer: Fit for transfer, no medical complaints

The detainee indicated that his general condition is good. He knew what the day was and indicated that he has had contact with his family [REDACTED] but about [REDACTED] [REDACTED] He indicated that he is allowed outside once every 2 days for 1 hour. He has been sleeping well.

He indicated that his health is generally good with the exception of a pre-existing [REDACTED] that is causing him some pain. He did not get the opportunity to see a doctor [REDACTED] He was examined by this individual [REDACTED]

He indicated that food and water are provided. They eat different things (i.e. meat, rice, fruits, bread, beans, etc.). Some detainees also get food purchased for them on the outside by guards or relatives.

He indicated that water, toilets, and bathing facilities were all available to him. He gets to shower twice a week. He shares his cell with another detainee and he is able to move around in his cell.

He indicated that he has been informed by NDS officials that he is accused of being a Taliban [REDACTED] He has not been allowed to see a lawyer. He believes that what will happen to him next is that he will either be taken to a bigger jail (Sarpoza) or he will be released. He indicated that he has been visited [REDACTED] occasions.

The detainee indicated that he has been interrogated on approximately [REDACTED] occasions by NDS officials. He identified them as being [REDACTED] He was asked general questions

and was allegedly told that if he lied he would get beaten. He indicated that before [REDACTED], he was struck twice on the hip with an electric cable.

He would like KPRT to assist [REDACTED] by asking elders from his village to come to NDS. He also alleged that he gave a guard some money to get him grocery items but the guard did not return all his money.

He asked that the results of the interview be kept confidential.

b. Our [REDACTED] interview was with [REDACTED] who was transferred to NDS on [REDACTED]

Name: [REDACTED] Father's full name: [REDACTED] Grandfather's name: [REDACTED] / Sex: [REDACTED]
Age: [REDACTED] / Identification Serial Numbers: [REDACTED] Place of birth: [REDACTED] Nationality: [REDACTED]
Tribe: [REDACTED] General physical condition upon transfer: Good

His clothing, hands, and feet were clean, and he displayed no visible marks of ill treatment. He indicated that he was [REDACTED]. He indicated that he was not provided with the opportunity to see a doctor nor was he provided with [REDACTED]. He indicated that he [REDACTED] and he therefore would like access to [REDACTED]. He was not aware of what today's date was but he knew that he had been at NDS for [REDACTED]. He indicated that he did not have any contact/news with/from his family.

When questioned about the weather he indicated that he did not have an opportunity to go outside since his arrival. He indicated that detainees receive 3 meals a day and that the food/water provided is generally good.

He indicated that detainees have access to shower/sanitation facilities. He personally did not have the opportunity to shower but also indicated that he has not asked for it. His interaction with other detainees is limited to conversation with his cell mate. He indicated that he cannot walk around in his cell because it is too small.

According to the detainee, he was told that he is being held because of [REDACTED]. He has not seen a lawyer and does not know what will happen to him next. Since his arrival, he has not been visited by [REDACTED].

The detainee indicated that he had been [REDACTED]. He also stated that he had been interrogated [REDACTED] by a group of [REDACTED] individuals. [REDACTED] The interrogation took place inside the NDS compound and lasted approximately [REDACTED]. He alleged that he was forced to stand up for an extended period of time and was slapped in the face 5-6 [REDACTED]. He was allegedly threatened [REDACTED]. Some time after the interrogation he was allegedly told that he would not be [REDACTED].

He asked that the results of the interview be kept confidential.

3. Compliance with Terms of Canada-Afghanistan Detainee Transfer Arrangements

NDS officials were aware of the detainee transfer Arrangements and were willing to allow us to interview Canadian-transferred detainees.

4. Priority Requirements and Recommendations

Once again we did not discuss specific allegations with NDS staff before leaving. Instead we made mention of detainees desire and right to have access to the care of a doctor and receive proper treatment/medication for their medical conditions.

We today raised with ICRC and AIHRC our concerns about possible abuse of detainees in NDS. We will provide AIHRC with an exact list of which Canadian-transferred detainees are currently in NDS. [REDACTED]

GIBBINS Christopher -FTAG -C4

From: KANDH -PRT -C4R
Sent: [REDACTED] 10:05 AM
To: KANDH -KAF -C4R; KABUL -GR -C4R; KANDH -PRT -C4R
Cc: NDHQ +CEFCOM J9 -C4R; NDHQ OTT ADM (POL) -C4; Public Safety -C4R; Privy Council Office / Foreign & Defence Policy -C4R; Swords, Colleen -IFM -C5; KANDH -PRT -C4R; Borlé, Cyril -DFA -FTAG -C5; Correctional Services -BH; ALEXANDER Vera -OGD -PCO/BCP -C4R; Mulroney, David -DMA -C5; KABUL -HOM -C4R; KANDH -KAF -C4R; GIBBINS Christopher -FTAG -C4; BUCK Kerry -FTAG -DFD -C4; Brodeur, Yves -DFM -C5; NDHQ OTT SJS -C4; KABUL -DHOM -C4
Subject: KANDH0138- Detainees: Periodic Follow-up Visit to Sarpoza Prison on [REDACTED]

SECRET CEO: NOT FOR FORWARD DISTRIBUTION

NDHQ CEFCOM: Please forward to Lieutenant-General Gauthier & Duschner
NDHQ DNATO POL: Please forward to Buchan & Bos
NDHQ SJS: Please forward to Rear Admiral Donaldson
PCO/FDP: Please forward to Cartwright & Sinclair
Correctional Services: Please forward to Commissioner Coultter
Public Safety: Please forward to Hurtubise

1. On [REDACTED] PRT Political Officer/Gosselin and CSC/Garwood visited the Sarpoza Provincial Prison in Kandahar City to interview Canadian-transferred detainees. No advance notification of the visit was given to Sarpoza.
2. KPRT/Gosselin was taken to the office of [REDACTED]. We examined their records to validate the presence of Canadian-transferred detainees at Sarpoza. [REDACTED] indicated that there are [REDACTED] Canadian-transferred detainees currently at Sarpoza [REDACTED] awaiting trial and [REDACTED] convicted). We were able to confirm the status of [REDACTED] detainees that required updates from Sarpoza authorities. [REDACTED] currently at Sarpoza. [REDACTED] been returned to NDS for investigation.
3. KPRT then conducted private interviews with [REDACTED] Canadian-transferred detainees.
4. Reporting follows below per the template defined in Annex C of the Arrangements (MISSION REPORTING TEMPLATE ON PERIODIC FOLLOW-UP VISITS TO ASSESS CONDITION OF CANADIAN-TRANSFERRED DETAINEES).

Drafted: Gosselin
Consulted: CSC/Garwood
Approved: Davison

DATE OF VISIT: [REDACTED]

1. **Administrative details**
 - a. Name of Institution visited
Sarpoza Provincial Prison, Kandahar City
 - b. Number of security-related detainees overall
Approx. 261 Political detainees (many are still awaiting trial);
 - c. Number of Canadian-transferred detainees present
[REDACTED]
 - d. Number of Canadian-transferred detainees seen by officials on visit
[REDACTED]
 - e. Nature of interaction with Canadian-transferred detainee
KPRT conducted private interviews with [REDACTED] Canadian-transferred detainees.

- f. Interaction with any other detainees (allies; general population)
n/a
- g. Outline any constraints in accessing Canadian-transferred detainees
We were readily granted access to the facility and to the registers. We were also granted unrestricted access to the detainees we wanted to interview.
- h. Assessment of operational procedures being followed by relevant prison authorities regarding reception, registration and discharge
Sarpoza does register prisoners on arrival, but does not specifically track Canadian-transferred detainees.

2. Overall Situation of Detention

Our [redacted] interview was with [redacted] who was originally transferred to NDS on [redacted]

Name: [redacted] / Father's full name: [redacted] Grandfather's name: [redacted] Sex: [redacted]
 [redacted] Age: [redacted] Identification Serial Numbers: [redacted] Place of birth: [redacted] Nationality: [redacted] Tribe: [redacted]
 General physical condition upon release: Fit for transfer.

The detainee indicated that he has been in detention for under [redacted]. He was aware of today's date. He indicated that he did have contact with his family. He indicated that he has access to the outside courtyard all day if he wishes. He said that he has been sleeping well.

He indicated that his health is generally good but that he [redacted]. He said that he has not seen a doctor but would like to be examined and receive appropriate [redacted]. He added that he did not ask to see a doctor because he thought no one would come. He indicated that his family provided him [redacted].

He indicated that detainees are provided with 3 meals a day, generally consisting of bread and beans. They are also provided with drinking water. He added that he supplements the prison rations with food items purchased with other detainees. He indicated that they have unlimited access to showers but that the water is cold. He explained that access to toilet facilities is allowed from 5 a.m. to 11 p.m.

The detainee explained that he has regular interaction with other detainees during prayers or when in the courtyard but added they are not allowed to interact while inside the cell area. He indicated that he can move around in his cell.

He indicated that he is not aware of the reasons for his arrest and added that he has not seen a lawyer. He mentioned that he does not know what is going to happen to him next. He indicated that he has been visited by representatives of [redacted] but it is unclear whether he has seen them since his arrival at Sarpoza.

He indicated that he was interrogated [redacted] while at NDS. He believes that the interrogations were conducted by [redacted]. He explained that [redacted] interrogation lasted approximately [redacted] and consisted of a series of general questions. He alleged that he had been slapped in the face once or twice during these interrogations.

As a final comment, he indicated that he would like some help in getting out of prison.

He has granted us permission to disclose information about his personal conditions and treatment to Afghan authorities.

Our [redacted] interview was with [redacted] who was originally transferred to NDS on [redacted]

Name: [redacted] / Father's full name: [redacted] Grandfather's name: [redacted] Sex: [redacted] Age: [redacted]
 Identification Serial Numbers: [redacted] Place of birth: [redacted] Nationality: [redacted] Tribe: [redacted]
 General physical condition upon transfer: Fit for transfer.

The detainee indicated that he has been in detention for [redacted]. He was aware of today's date. He indicated that he did have contact with his family who visited him on a few occasions. He indicated that he has access to the outside courtyard all day if he wishes. He indicated that he has been sleeping well.

He indicated he has [redacted]. He alleged that he has been beaten while at NDS and [redacted]. He indicated that he has not [redacted] but would like to be [redacted].

He indicated that [redacted] has provided him [redacted] He added that he does not trust [redacted] provided by the prison.

He indicated that food and water are available. He explained that detainees are provided with bread and peas. He supplements his rations with food items brought by family members. He indicated that he has 3 meals a day. He indicated that access to showers is unlimited but he showers once per week. He explained that detainees have access to toilet facilities but added that the facilities are not adequate (only 6 toilets and they are really dirty).

The detainee indicated that he has regular interaction with other detainees. He added that he can move around in his cell.

He indicated that he has not been informed of the charges against him and he has not seen a lawyer. He added that he does not know what is going to happen to him next and he is scared of the future. He indicated that he has been visited by [redacted] He added that [redacted] has provided [redacted] for detainees.

He claims that he was interrogated on [redacted] occasions while at NDS (approx. [redacted] and that he was beaten on [redacted] of these occasions. He alleged that the interrogations were conducted by [redacted] He explained that each interrogation lasted between 2 to 4 hours. He alleged that he was beaten several times with a cable and was told he would be [redacted] He alleged that [redacted]

As a final comment, he indicated that he is scared of the future and he would like to be tried by Canadian authorities.

He has not granted us permission to disclose information about his personal conditions and treatment to Afghan authorities.

Our [redacted] interview was with [redacted] who was originally transferred to NDS on [redacted]

Name: [redacted] / Father's full name: [redacted] / Grandfather's name: [redacted] / Sex: [redacted]
Age: [redacted] / Identification Serial Numbers: [redacted] / Place of birth: [redacted] / Nationality: [redacted] / Tribe: [redacted]
General physical condition upon transfer: Fit for transfer, no medical complaints.

The detainee indicated that he has been in detention for [redacted] He was not aware of today's date. He indicated that he did have contact with his family. He indicated that he has access to the outside courtyard all day. He said that he has been sleeping well.

He indicated that his health is generally good but added that he is experiencing pain in different areas of his body. He suggested that this may be a result of the dampness of his cell at NDS. He said that he would like to be examined by a doctor but has not been able to see one since none is available.

He indicated that food and water are available. He explained that detainees are provided with beans and bread. They have to prepare their own meals 3 times a day. He added that several detainees supplement their rations with other food items received from family members.

He indicated that access to showers is unlimited but that the water is cold. He explained that detainees have access to toilet facilities but added that the facilities are in poor condition.

The detainee indicated that he has regular interaction with other detainees and added that he can move around freely in his cell.

He indicated that he has not been informed of the charges against him and he has not seen a lawyer. He added that he does not know what is going to happen to him next. He indicated that he has been visited by representatives [redacted] He added that [redacted] asked questions and took notes but are not doing anything to help him.

He claims that he was interrogated approximately [redacted] while at NDS. He explained that each interrogation lasted approximately [redacted] He could not [redacted] the interrogations. He alleged that on a few occasions, he had [redacted] with his interrogator. He alleged that although he has not been physically abused, he was verbally abused by officials while in NDS, and by another inmate while at Sarpoza.

As a final comment, he indicated that people have been awaiting trial for a long time so someone should make sure that this gets addressed.

He has granted us permission to disclose information about his personal conditions and treatment to Afghan authorities.

Our [redacted] interview was with [redacted] who was originally transferred to NDS on [redacted]
Name: [redacted] / Father's full name: [redacted] Grandfather's name [redacted] / Sex: [redacted] Age: [redacted]
Identification Serial Numbers: [redacted] / Place of birth: [redacted] Nationality: [redacted] Tribe: [redacted]
General physical condition upon transfer: Fit for transfer.

The detainee indicated that he has been in detention for [redacted]. He was aware of today's date. He indicated that members of his family have visited him. He indicated that he has access to the outside courtyard from 8 a.m. to early evening. He said that he has been sleeping relatively well except for the fact that he is worried about his family.

He indicated that his health is generally good. He reported having [redacted] that he was able to [redacted]. He said that he has [redacted]. He added that he has been provided [redacted] the prison [redacted].

He indicated that food and water are provided 3 times a day. The prison provides detainees with bread and beans but many detainees choose to obtain their own food through family and friends. Detainees prepare their own meals 3 times a day. He indicated that he has regular interaction with other detainees. He also reported that he is able to move around in his cell.

He indicated that no one has explained the reason why he is being detained and added that he has not been in contact with a lawyer. We had to explain what a lawyer was before he could respond. He indicated that he has been visited [redacted] when he was in NDS [redacted].

He indicated that he was interrogated on [redacted] by an [redacted] while he was detained at NDS. He explained that [redacted] lasted approximately [redacted] and consisted of a series of general questions. He said that he had not been subjected to ill-treatment since his capture.

As a final comment, he stated that he should be tried and sentenced if there are proofs that he did something wrong. If not he should be released.

He has not granted us permission to disclose information about his personal conditions and treatment to Afghan authorities.

3. Compliance with Terms of Canada-Afghanistan Detainee Transfer Arrangements

Sarpoza officials were aware of the detainee transfer Arrangements.

4. Priority Requirements and Recommendations

The issue of inmates still awaiting trial despite having been in custody for several months needs to be addressed in order to instill a certain degree of confidence in the justice system. A number of stakeholders including the Warden of Sarpoza prison, the Chief Prosecutor for NDS and the Chief Justice of the High Court of Kandahar have indicated that the courts cannot meet the current demand for court hearings.

The main issue is simply the lack of judges who are available [redacted] to hear National Security cases. The Public-Security division of the High Court of Kandahar, which is supposed to hear National-Security cases, does not have any judge at the moment. The General Crime division of the High Court of Kandahar, which is responsible to hear appeals for National-Security cases, [redacted].