

Voluntary

KABUL -GR -C4R

From: SWORDS Colleen -IFM -C4
Sent: April 24, 2007 4:15 PM
To: KABUL -GR -C4R; ANDERSON Cory -FTAG -C4
Cc: MULRONEY David -DMA -C4; BUCK Kerry -FTAG -C4; POUPART Isabelle -IDR -C4; LAPORTE Eric -IDR -C4; KANDH -C4R; PROUDFOOT Douglas Scott -FTAG -C4; KABUL -HOM -C4R
Subject: RE: Detainees: Urgent NDS Demarche

Copying BNATO on this msg as coordination with NATO is important aspect of how we deal with detainees as we move forward.
Could we automatically put them on distr detainees msgs so we can best integrate that angle.

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

From: KABUL -GR -C4R
Sent: April 24, 2007 12:31 PM
To: ANDERSON Cory -FTAG -C4
Cc: MULRONEY David -DMA -C4; BUCK Kerry -FTAG -C4; SWORDS Colleen -IFM -C4; POUPART Isabelle -IDR -C4; LAPORTE Eric -IDR -C4; KANDH -C4R; PROUDFOOT Douglas Scott -FTAG -C4; KABUL -HOM -C4R; KABUL -GR -C4R
Subject: RE: Detainees: Urgent NDS Demarche
Importance: High

Have spoken to [redacted] at NDS, with whom we outlined (in brief) our concerns, and requested an urgent meeting with NDS. [redacted] said that NDS chief Amrullah Saleh, who arrived back in country today, is not available tonight (it is already 20:30) but that we could very likely get a meeting tomorrow. If Saleh for whatever reason is not available [redacted] promises a meeting instead with NDS [redacted]

2. We could also probably meet tomorrow with Karzai's chief of staff Omer Daoudzai and [redacted] possibly also Karzai himself. Pls let us know if you wish us to pursue that option.

3. [redacted] SCR met today on this issue with [redacted] and the Deputy Minister of Justice. SCR has also offered to provide assistance, should we request it.

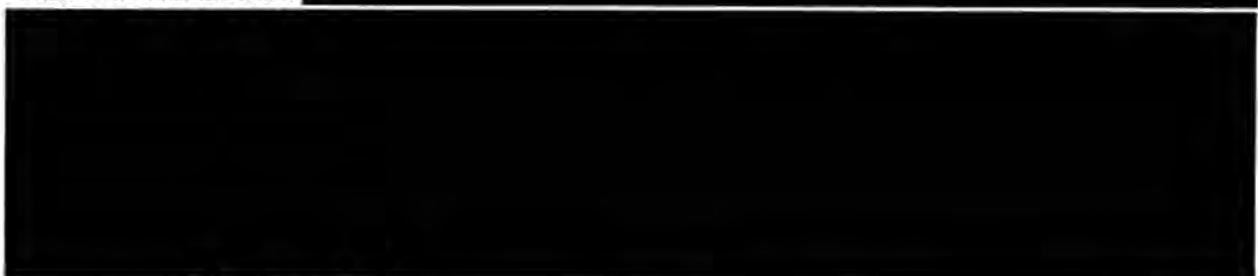
Colvin

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

From: ANDERSON Cory -FTAG -C4
Sent: April 24, 2007 11:15 AM
To: KABUL -GR -C4R; KABUL -HOM -C4R
Cc: MULRONEY David -DMA -C4; BUCK Kerry -FTAG -C4; SWORDS Colleen -IFM -C4; POUPART Isabelle -IDR -C4; LAPORTE Eric -IDR -C4; KANDH -C4R; PROUDFOOT Douglas Scott -FTAG -C4
Subject: Detainees: Urgent NDS Demarche
Importance: High

SECRET

Globe & Mail articles of today re: detainees inserted below. As discussed, grateful you make formal demarche with the NDS [redacted]



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1 Redacted by AG
Receipt Date: 16-11-09



Drafted: Anderson
Consulted: Proudfoot
Approved: Buck

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Detainee watchdog: 'We can't monitor these people'
Despite repeated assurances by O'Connor, Afghan agency says its staff are barred from visiting key detention centre in Kandahar

GRAEME SMITH

Globe and Mail Update

April 24, 2007 at 2:08 AM EST

KANDAHAR, AFGHANISTAN - The watchdog agency Canada is relying on to prevent abuse of detainees in Afghan custody says it can't do the job properly because it has been barred from access to the notorious detention cells of the intelligence service.

Despite assurances that any abuse would be reported, repeated in the House of Commons by Defence Minister Gordon O'Connor on Monday, the regional head of investigations for the Afghanistan Independent Human Rights Commission conceded in a recent interview that his staff are being prevented from visiting detainees in the National Directorate of Security's detention cells in Kandahar.

"We have an agreement with the Canadians, but we can't monitor these people," said Amir Mohammed Ansari, chief investigator for AIHRC in Kandahar. "Legally, we have permission to visit prisoners inside the NDS prison. But they don't allow it."

The AIHRC signed an agreement in February to monitor detainees after Canadian forces hand them over to the NDS. The AIHRC promised to inform Canada immediately if any captives handed over to the NDS were mistreated.

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Responding to a firestorm of criticism in the House after a Globe and Mail report of widespread abuse and torture of detainees, Prime Minister Stephen Harper and his ministers repeatedly referred to the agreement with the AIHRC as sufficient to ensure that the rights of detainees are respected.

"We have made a recent agreement with the human-rights commission of Afghanistan and it has guaranteed that it will report to us any abuses of any detainees we transfer. I have the personal assurance of the leader of the human-rights commission in Kandahar and at the national level," Mr. O'Connor said in the House.

Mr. Harper said the Liberals had signed an inadequate policy, and that the Conservative government has improved it.

"The government has signed a new agreement. The previous Liberal government had an agreement in place that has proven to be inadequate despite their assurance," Mr. Harper said.

When asked Monday whether the AIHRC has the necessary access to monitor detainees at the NDS facility in Kandahar city, a Defence Ministry spokesperson cited the February agreement and said Canadian officials would follow up with the AIHRC in getting "to the bottom of these rumours and allegations."

The head of Kandahar's intelligence contradicted Mr. Ansari's account, saying his staff regularly welcome visitors from the AIHRC.

"Always we make time for the human-rights people," said Sadullah Khan, Kandahar NDS chief, by telephone. "Ansari always comes to the NDS prison. You can ask Ansari."

Since the new agreement was made, the Canadians have already informed the AIHRC about at least 10 detainees who were held at Kandahar Air Field and transferred to the NDS. The only way the AIHRC might learn of their fate, Mr. Ansari said, is if the NDS sends them to the short-term holding cells operated by the Afghan National Police or, more likely, to the national-security wing of Sarpoza prison in Kandahar.

Investigators for the AIHRC regularly speak with prisoners at both facilities.

Interviews with 30 people who were detained recently in Kandahar province suggest the NDS doesn't always send its captives to local jails, however. Some detainees are transferred to an NDS centre in Kabul, and it's not clear whether prisoners are transferred again from there.

Still, the Canadian lists of transferred detainees will be useful, Mr. Ansari said, because it will serve as a reminder to the intelligence police that they could be held accountable for them. The NDS, a successor to an Afghan intelligence agency set up by the Soviet KGB, has the worst reputation among local security forces for mistreatment of prisoners.

Keeping track of the detainees is crucial, AIHRC officials say, because so many families have already lost their sons or brothers in the labyrinth of jails. These worried relatives bring their complaints to the AIHRC in Kandahar, but often the investigators can't do anything except write down their names.

The tiny AIHRC investigations office cannot handle the volume of cases, staffers say. Five people regularly document the treatment of prisoners, but two of them are dedicated to issues concerning women and children. That leaves Mr. Ansari and two assistants to watch over the flood of suspected Taliban who have been scooped up during months of fighting in Kandahar. They cannot even estimate how many people have been detained.

Besides checking on suspected Taliban, the three AIHRC investigators are also responsible for monitoring the criminal-justice system, and, in theory, reporting on abuses in other jails across southern Afghanistan.

"We need more people for this work," said Abdul Qadar Noorzai, the AIHRC's regional director.

The work itself is frustrating for Reza Ibrahimy, 25, one of Mr. Ansari's assistants. He hears stories of torture every week during his visits to the Sarpoza prison, he said. He writes them down, but the allegations are usually months old by the time the prisoners are transferred to Sarpoza.

"It's difficult to get the NDS to confirm that they are torturers, so yes, most of our information comes from prisoners," Mr. Ibrahimy said.

"From a physical examination we can confirm that prisoners have scars of torture on their bodies, but unfortunately the NDS usually keeps people until they are healed. Blunt trauma and internal injuries are hard to document."

Even if the intelligence police throw open the doors to their facility, Mr. Noorzai said, the AIHRC has little power.

"What if we saw the torture equipment?" Mr. Noorzai said. "What if we saw the freshly tortured people? Our authority is to write a letter. They could reject our findings and we could be back at zero."

He told me, 'Don't bleed on the carpet'

GRAEME SMITH

From Tuesday's Globe and Mail

April 24, 2007 at 2:12 AM EST

KANDAHAR, AFGHANISTAN - Crouched against a crumbling stone wall, Abdul Wali is a small man with curly dark hair, sweaty and matted under a cap that sits askew on the back of his head.

He plays nervously with a broken wristwatch, kneading the metal bracelet through his fingers like a string of prayer beads. He doesn't want to tell his story, he said. What good would it do? His situation is pretty much the same as everybody else's here in the national-security wing of Sarpoza prison. He stands accused of involvement with the Taliban insurgency, and denies it. No judgment has been passed, so he's not sure how long he will languish in these dark cells.

Yes, he answers in a quiet voice, he was tortured. He opens his shirt and shows scars on his chest. He refuses to show his naked back, where a human-rights investigator said he saw worse scarring on the young man's flesh.

"I'm hopeless," he said. "I've told my story many times to the interrogators, but they don't listen."

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His ordeal started when he met Canadian troops in a grape field last summer in Nalgham, a cluster of villages about 35 kilometres southwest of Kandahar city, on the north bank of the Arghandab River. At the time, he didn't know the nationality of the soldiers; like most people in southern Afghanistan, he referred to them only as haroji, or foreigners.

But he remembers clearly that the troops had dark-green, eight-wheeled vehicles of the kind used by the Canadians, and he has heard enough stories in prison to understand that he owes his captivity to Canada.

He has no quarrel with the foreign soldiers, he said, although it's easy to understand why the Canadians thought he was a Taliban fighter.

At age 23, he falls into the category that the soldiers usually refer to as "fighting-age males." He belongs to Omarkhail tribe, a tiny branch of the Pashtun ethnic group, one of many smaller tribes that often feel disenfranchised under the new government. His hometown is located in Helmand province, a long way from the grape field where he encountered the Canadians. That part of the countryside was an unlikely place to be lingering, too, because gun battles had ripped through those fields earlier in the day.

None of that proves he was an insurgent, Mr. Wali said. He was obliged to stay in Nalgham despite the recent fighting because he was guarding a farm that belonged to his brother-in-law. Mr. Wali said he had been living in the district for three years, after his family started a meagre business in a nearby migrant camp.

His father was a livestock trader in Helmand province, he said, but the trade wasn't enough to support all eight sons. Mr. Wali moved with three of his brothers

to set up a tailoring shop in a ramshackle camp west of Kandahar city, where thousands of people have sought shelter from war and drought. All the brothers lived with their wives and children in a mud house, 14 people crowding into three rooms. They could afford to eat meat about once a week. He was relaxing in the shade when the Canadian troops surrounded him, he said. They took off his green pinstripe vest and tore open the lining, finding nothing except his wallet, decorated with Japanese cartoon characters and the words, "Kiki & Coco." The wallet was later emptied of cash, although Mr. Wali said he's sure the foreign troops didn't steal anything; he blames the local police.

The Canadians tied his hands with plastic cuffs and kept him in the back of their armoured vehicle for two or three hours, he said. The foreigners didn't harm him, only asked questions through a translator and scribbled in a notepad.

Afterwards, the Canadians blindfolded him and gave him to Afghan forces. The beatings started almost immediately, he said, and only paused whenever it seemed that Canadians were nearby.

"The foreign soldiers didn't like to see beating," he said.

The Afghans took him to a nearby town and uncovered his eyes. He found himself in the Panjwai district headquarters, a high-walled compound where Canadian officers often meet local leaders for cups of green tea.

Mr. Wali was shown less hospitality. Afghan officers took him to a room with bare cement walls and cudgelled him with rifle butts, he said. They also jabbed him in the chest with the muzzles of their Kalashnikovs, he said, which left him with the rash of dark scars on his chest.

At one point, he said, about nine police officers forced his face into the floor. One officer sat on the back of his head, while the others pummelled him. A man in civilian clothes questioned him between beatings, he said.

The local police kept him in that cell for three days, he said, with only two meals of tea and bread. Next he was transferred to Kandahar city, and thrown into the grey block of holding cells beside police headquarters.

Around midday, a fat officer and a thinner one took him up the cement stairs of the headquarters building. They brought him to a room overlooking the busy street, shut the windows, and closed the yellow curtains.

He had a quiet moment to contemplate what was about to happen, he said, as the officers searched for a suitable whip. It seemed they wanted to find a length of chain, but settled on a bundle of electrical cables.

They forced him onto his stomach, he said, and thrashed him on his back and legs.

It was hard to guess how long the beating lasted, he said. He didn't bleed, but later he found himself covered with black bruises. They beat him on three consecutive days, he said, and then started asking for money.

Tales of extortion and bribery are very common among people who have passed through Kandahar jails; in Mr. Wali's case, he said the first person to ask for a bribe was the police interrogator, a tall man with red henna in his neatly trimmed beard. He didn't quote a price, but suggested that a gift would mean freedom.

"I said, 'What if I don't give you money?'" Mr. Wali said.

"He said, 'The pen is in my hand. I can send you to the NDS, right now.'"

The National Directorate of Security, the domestic intelligence agency, has a fearsome reputation. Mr. Wali knew his family didn't have enough money for a bribe, however, so he refused the interrogator's offer. He was sent to the NDS the same afternoon, he said, escorted in a taxi by two police officers and a prosecutor.

His got a little relief when NDS officers took him to a bathroom and allowed him to

wash, he said, and they gave him a few minutes for prayers. Then they sent him to interrogation, the first in a series he would endure over the next month.

He was introduced to the questioner that prisoners have nicknamed Shin, meaning "green," because of the sickly colour of his skin. Other prisoners called him Bobo, local slang for a B-52 bomber.

"His beating was like a bombing," Mr. Wali said. "He kicked me in the head, and I fell into a table. Blood came out my nose. He told me, 'Don't bleed on the carpet. Go wash your face.' " The bleeding didn't stop, however, so his interrogation was suspended until the next day. The NDS wanted him to give his signature and thumbprint to a written confession, acknowledging himself as a Taliban insurgent. Some interrogators also wanted money.

"I said, 'I have no money in my pockets,'" he said. "'I have to call my family to bring money. Give me a phone.'" The interrogator refused, and instead demanded his relatives' phone numbers. Realizing it was useless, Mr. Wali admitted that his family was too poor to afford telephones.

The beatings continued. From his tormentors, he learned that the written accusations against him claimed that the Canadians who originally detained him had discovered two bullets in his pockets.

These two bullets, he said, were considered physical evidence of his involvement with the Taliban.

"Please, ask the Canadians, did I have two bullets?" he said, flicking a reporter's notebook with an angry gesture. Then he sighs, deflated, and slumps back against the prison wall.

The abuse stopped when the NDS sent him to Sarpoza prison, he said. He has been waiting eight months for a formal sentence.

"I saw many people who were beaten for five months, six months," he said. "They want to put pressure on people and make them say lies. If the beating is one or two days, okay. But six months?"

DANIEL LEBLANC

From Tuesday's Globe and Mail

April 24, 2007 at 2:14 AM EST

OTTAWA - Prime Minister Stephen Harper ignored growing allegations of torture in Afghan prisons and said Monday that Canadian soldiers will keep transferring detainees to local authorities in the war-torn country.

He rejected arguments from the opposition and human-rights experts who argue that Canada is breaking international law by exposing prisoners to torture and that Minister of Defence Gordon O'Connor must resign as a result.

Instead, the Prime Minister said that Canada's current agreement with Afghan authorities contains the necessary safeguards after being beefed up by his government.

"We take such allegations seriously. That is why we have concluded an agreement with the Afghan government," Mr. Harper said. "It is why we will be in discussions with them to pursue this matter and to ensure that they have the capacity to undertake their terms of the agreement."

The agreement, in fact, is with the Afghanistan Independent Human Rights Commission, an independent organization funded in part by the Afghan government. The chief investigator for the AIHRC, however, recently told The Globe and Mail that his staff are prevented from visiting prisoners held by Afghanistan's National

Directorate for Security, the intelligence agency where detainees handed over by Canadians told of being whipped, starved, frozen, choked and subjected to electric shocks.

All three opposition parties rejected the Prime Minister's assurances and said the transfer of prisoners must cease immediately to ensure that Canada abides by the Geneva Conventions.

"We will need to keep them under our control in Afghanistan," Liberal Leader Stéphane Dion said of the detainees. "The Prime Minister cannot tell Canadians that he will continue to hand over human beings to the Afghan government in the current circumstances."

The Liberals joined the other parties in calling for Mr. O'Connor to step down. Deputy Liberal leader Michael Ignatieff said the Defence Minister is "incompetent" and should be replaced by someone "who can ensure the Geneva Convention will be respected" by both Canada and its allies.

Bloc Québécois Leader Gilles Duceppe said Mr. O'Connor had been "just lying to us since the very beginning ... not only on detainees, on the whole situation in Afghanistan," and joined the chorus calling for his resignation.

At a news conference, two human-rights experts said Canadian authorities are complicit in torture if they ignore the most recent reports of mistreatment of prisoners in Afghanistan. University of British Columbia law professor Michael Byers said Canadian troops face prosecution for war crimes if they continue to deliver prisoners to Afghan authorities.

"I want this government to do the right thing with respect to detainees in large part because I want our government to protect our soldiers from the possibility of prosecution for war crimes," Prof. Byers said. "A government that allows, indeed orders, detainees to be transferred in situations where they are at risk of torture, is letting our soldiers down."

University of Ottawa law professor Amir Attaran said the solution is for the Canadian Forces or the North Atlantic Treaty Organization to build a detention facility in Afghanistan.

"The Canadian Forces cannot be turned into a collection agency for torturers," he said.

The NDP and the Bloc Québécois agreed that the current system doesn't work and that prisoners need to remain in Canadian hands. NDP Leader Jack Layton said the evidence of torture is "absolutely terrible and Canadians are very worried."

"Will the government now do what needs to be done, which is to immediately stop the transfer of prisoners, launch a public inquiry and fire the Minister of Defence?" Mr. Layton said.

Alex Neve, secretary-general of Amnesty International Canada, said the allegations of torture are not surprising.

"It's clear that Afghan assurances that there will be no torture are unreliable," he said.

He urged the government to stop all future detainee transfers and drop its opposition to an attempt by Amnesty International and the British Columbia Civil Liberties Association to obtain a legal review of the constitutionality of such handovers.

With a report from Paul Koring in Washington