

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]

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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 Coulter
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. [REDACTED] 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].