
From: PSR(IC)3 (ISED)
Sent: Monday, 27 September 2010 2:10 p.m.
To: PSR(IC)3 (PAC); PSR(IC)3 (SEA); PSR(IC)3 (GVA); PSR(IC)3 (LGL);
PSR(IC)3 (JAK)
Cc: PSR(IC)3 (DS MLG); PSR(IC)3 (MOS); PSR(IC)3 (AMER)
Subject: Detainees: NZDF Opinion
Attachments: Detainee operations August 2010.doc

[SEEMAIL] ~~[RESTRICTED]~~

Attached is a copy of Brig Kevin Riordan's legal opinion on New Zealand's detainee arrangements in Afghanistan (I'm awaiting a hard copy with the flags/annexes). This opinion has been drafted at MinDef's request, following the UK High Court judgment (on which we provided advice to our Minister).

Please let me know if you have any questions/comments, in which case I will coordinate a response from MFAT. Its primary purpose is to clarify the extent of NZ's legal obligations and our policy re detainees in Afghanistan. But it also points to a possible moral imperative to carrying out (or at least exploring options for) prisoner monitoring. In this regard, the opinion indicates some implications for MFAT, including recommending that the Ministry be "engaged to identify a programme a method of enhancing New Zealand's overview of the human rights position of persons arrested by the CRU in the course of partnered operations".

Cheers

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