
From: KABUL
Sent: Wednesday, 19 October 2011 5:42 a.m.
To: MEA; BAMIYAN
Cc: ISED; PSR(R)1
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Subject: FORMAL MESSAGE: 20111018: RELEASE OF UNAMA DETAINEE REPORT
Attachments: UNAMA Detention Report 10 Oct 2011 - Eng.pdf; Oct10_2011
_UNAMA_Detention_Report_ENG.pdf

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Summary

UNAMA's long awaited report on "Treatment of Conflict-Related Detainees in Afghan Custody" was released on 10 October. The report's key finding is that 166 (or 44%) of the 390 detainees interviewed by UNAMA in Afghan facilities were reportedly subjected to torture or other forms of mistreatment. Concerns on the part of UNAMA, ISAF and the international community that the Afghans might react particularly negatively to the release of the report, especially after the assassination of former Afghan President Rabbani, did not materialise. The Afghan response was certainly more moderate than some expected.

Action

For information.

Report

The UN Assistance Mission in Afghanistan (UNAMA) released its long awaited report on detainees on 10 October. A copy of the report "Treatment of Conflict-Related Detainees in Afghan Custody" is attached, as well as a copy of the UNAMA press release.

2. The UNAMA report is based on interviews conducted over the period October 2010 – August 2011 with 390 conflict-related detainees at 47 Afghan facilities in 22 provinces. The interviews were conducted at facilities run by the National Directorate of Security (NDS) and the Ministry of Interior (MOI) - the latter controls the Afghan National Police (ANP), including the Afghan Uniformed Police and Afghan Border Police, which are responsible for maintaining law and order and deal with both ordinary and conflict-related crimes.

3. The report's key finding is that 166 (or 44%) of the 390 detainees interviewed by UNAMA were subjected to torture or other forms of mistreatment. More specifically, UNAMA found "compelling evidence" that 125 (or 46%) of the 273 detainees interviewed at NDS facilities experienced interrogation that constituted torture, with UNAMA finding "compelling evidence" that torture is practiced systematically in five NDS facilities (heart, Kandahar, Khost, Laghman the national facility of the a number of NDS detention facilities throughout Afghanistan". The report also found that one third of the 117 conflict-related detainees interviewed at ANP facilities "experienced treatment that amounted to torture or to other cruel, inhuman or degrading treatment".

4. The report contains some graphic and disturbing accounts of what took place in some of the facilities. Among the different forms of torture and mistreatment cited in the report are suspension (being hung by chains or other devices attached to walls, ceilings and iron bars for lengthy periods), beatings (most frequently on the soles of feet), electric shock, stress positions and threats of sexual abuse. These practices were typically used to obtain confessions from individuals accused of committing crimes against the state.

UNAMA Commentary

5. The UN Special Representative of the Secretary-General (SRSG) for Afghanistan, Staffan di Mistura, has made it clear that the reported mistreatment of detainees is not institutional or Afghan Government policy, a point reflected in the UNAMA press release. He has also noted, and this is again reflected in the press release, that the NDS and MOI co-operated with UNAMA in providing access to NDS and MOI facilities. (Comment: we note that while the press release states that UNAMA received "full co-operation" from NDS and MOI, UNAMA was prevented from undertaking interviews at the NDS facility in Kapisa and the national detention facility of NDS Counter-Terrorism Department 90 (now numbered department 124) in Kabul).

ISAF and Afghan Reactions

6. As Brussels has noted (FM of 7 September refers) ISAF was quick to put in place a series of measures before the report was officially released, having been made aware by UNAMA in late August of the report's findings. These include:

- suspending the transfer of detainees to all 16 facilities apparently named in the report where compelling or credible allegations of abuse have been reported;
- joint ISAF/Afghan inspections of named facilities and any facilities where ISAF receive credible reports of detainee abuse;
- re-training on Human Rights, interrogation and detainee treatment for staff at named facilities;
- support to Afghan officials responding to the report, and investigating the allegations contained within it;
- conduct of ISAF monitoring visits to all 16 facilities identified, that have ISAF transferred detainees and persons detained as a result of combined operations.

7. We understand that COMISAF is keen to ensure that ISAF maintains a proactive approach on the detainee issue, including working closely with UNAMA to address the issues raised in the report.

8. The NDS and MOI provided formal written responses which were included as annexes to the report. The tone of the NDS response is reasonably measured. The NDS provided responses to ten specific concerns raised in the report and adopted a relatively proactive response by outlining what measures it had taken or would be taking in response to the allegations - it noted, for instance, that some staff has been dismissed at certain institutions and that a work plan had been prepared and was already being implemented to address the issues identified in the report. The NDS also noted that "torture did not take place in a systematic manner in all NDS headquarters".

9. The MOI's official response, by comparison, is less detailed and specific, The MOI's initial public reaction MOI spokesperson effectively dismissing much of UNAMA's findings in the local media, although the tenor of its public comment did become more moderate. As it turned out, coverage of the detainee report, at least in the local Afghan media, quickly became overshadowed by mounting media and public attention on relations with Pakistan in the wake of the assassination of former Afghan President Rabbani and ongoing tensions over alleged Pakistan cross border military action.

Comment

10. Concerns on the part of UNAMA, ISAF and the international community that the Afghans might react particularly negatively to the release of the report, especially after the assassination of Rabbani, did not materialise in the end. The Afghan response was certainly more moderate than some expected. di Mistura, who played a hands on role in managing relations with the Afghans in the final days leading up to the report, can undoubtedly take a large measure of credit for this,

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And the prevailing view of the Kabul based international community both before and since the report's release has been that it will be important to engage with the Afghans proactively as part of transition to help them to address the issues identified in the report, an approach which UNAMA endorsed in the report and in its subsequent public comments. The seriousness of the allegations will undoubtedly mean, however, that there will continue to be a

considerable amount of international scrutiny of detainee issues. PSR(IC)1

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