

Afghan Detainees Transferred To Torture

AMNESTY INTERNATIONAL SEEKS ASSURANCES FROM NZ DEFENCE FORCE

5th December 2007

Amnesty International's (AI) latest report on Afghanistan "Detainees transferred to torture: ISAF complicity?" outlines that the NATO-led International Security Assistance Force (ISAF) in Afghanistan is exposing detainees to real risks of torture, other ill-treatment and arbitrary detention by Afghanistan's intelligence service, the National Directorate of Security (NDS).

Amnesty International is concerned that ISAF troops from New Zealand operating in Afghanistan and particularly the Provincial Reconstruction Team (PRT) could be involved in transferring detainees to Afghan security forces.

While New Zealand was not one of those countries surveyed in the AI report, NZ is a participant in the ISAF and has a Provincial Reconstruction Team in Afghanistan. "We are particularly concerned that the NZ PRT, as part of its task in maintaining security in Bamyan Province involving frequent patrols throughout the province NZ Defence Force website; 3rd Nov 2007; <http://www.nzdf.mil.nz/operations/deployments/afghanistan/default.htm> "The NZ PRT (107 personnel as of October 2007) Bamyan is tasked with maintaining security in Bamyan Province. It does this by conducting frequent presence patrols throughout the province." , may apprehend and transfer detainees," says Amnesty International Spokesperson Gary Reese.

In March this year, Amnesty International raised our concerns to Hon Phil Goff, Minister of Defence, that the 50-70 detainees handed over to U.S. forces by the NZ SAS could be subject to torture at Guantanamo Bay or other secret detention centres in a third country (through the US practice of 'extraordinary rendition'). The responses from the New Zealand Defence Force to Amnesty questions at this time were vague and unsatisfactory. Assurances from the Minister of Defence that the International Committee of the Red Cross (ICRC) would follow up any persons transferred by NZ Forces is inconsistent with statements to Amnesty International from the ICRC in Afghanistan. (See 'Notes to Editor' for further details).

"Amnesty International was very concerned that 50-70 detainees handed over to US forces, sometime before December 2005, may have been subjected to torture at Guantanamo Bay or other secret detention camps" says Gary Reese. "It is now important that the New Zealand Government ensure that no detainees will be handed over to Afghan Security forces, who are also known to be using severe torture techniques".

"We have again written to the Hon Phil Goff, questioning whether any detainees have been handed over to the Afghan authorities by New Zealand's PRT or ISAF personnel." says Gary Reese. "We have also sought a commitment to a moratorium on any future transfers of detainees to Afghan security forces."

Amnesty International's research and the work of others has now revealed a pattern of human rights violations, perpetrated with impunity by Afghan NDS personnel. Scores of NDS detainees, some arrested arbitrarily and detained incommunicado, that is without access to defence lawyers, families, courts or other outside bodies, have been subjected to torture and other ill-treatment, including being whipped, exposed to extreme cold, deprived of food and shocked with electrical probes.

"We were taken to the NDS compound in Kandahar...I was beaten on my back and especially my kidneys with a metal cable... After some 50-60 cable blows, I fell unconscious...A metal bar was placed under my chained arms and knees and I was hung from the hook on the ceiling and they continued to beat me. I was hung in this

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position for maybe one hour and lost consciousness." – Testimony given to Amnesty International in December 2005.

The report details Amnesty International's primary concern that by transferring detainees to Afghan authorities, states are in breach of international law, requiring states not to send detainees into a situation where they are at substantial risk of torture or other ill-treatment. This is the principle of non-refoulement which is absolute and allows for no exceptions.

End

Resources

The full report is available at:

<http://web.amnesty.org/library/Index/ENGASA110112007?open&of=ENG-AFG>

Notes to Editor

1. Hon Phil Goff Minister, Minister of Defence was quoted in the NZ Herald on 28th February 2007 as saying the NZ Defence Force negotiated a deal with the ICRC to follow up on any prisoners NZ Defence Forces helped to capture. A report from the Minister to the Foreign Affairs, Defence, and Trade Committee on 27th February also stated that the Chief of Defence has put in place procedures for the notification of the ICRC of any persons captured.
 - a. However when Amnesty International tried to confirm this arrangement, the ICRC office in Afghanistan advised us on the 7th March 2007 that they "had not received any information from NZ authorities of any arrests or transfers in Afghanistan". They also advised that their role "is not to monitor the whereabouts or treatment of detained persons on behalf of a third party, be it a government or another party".
2. The NZ Defence Force in a written response, dated 13th April 2007, to Amnesty International on the whereabouts of the 50-70 people detained by the SAS stated that "the information received from the United States was that no person in its custody could be identified as having been among those people temporarily detained by NZ Forces".
 - a. This response does not give Amnesty International confidence that any of these detainees are not still being held in Guantanamo Bay or part of the US practice of 'extraordinary rendition' of detainees to secret detention centres in third countries.
 - b. A NZ Herald report of 27th February quotes unnamed sources that NZ soldiers were concerned that some detainees handed over by them were not properly identified, photographed or fingerprinted. If these claims are true, any tracking of the whereabouts of those detained by the NZ SAS would now be very difficult.

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