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Subject: KBGR0291 -- Visit to NDS detention facility in Kabul

SECRET -CEO

KANDH - KAF: Please pass to General Grant
NDHQ OTT ADM (POL): For Vincent Rigby. Also please pass to JAG.
PSEPC: Pls pass to Suzanne Hurtubise

Summary

1. On 5-6 June, the Canadian embassy conducted a visit to Sederat, the central NDS detention facility in Kabul city, with the goal of interviewing the four Kandahar detainees that are believed to be detained in Kabul.
2. It proved hard to locate all four detainees. Although the NDS made available four detainees from Kandahar, some of the names or ages did not correspond with the limited and sometimes confusing information provided in the documentation. Better files, including photos, should be provided in advance of monitoring efforts.
3. Of the four detainees we interviewed, three said they had been whipped with cables, shocked with electricity and/ or otherwise "hurt" while in NDS custody in Kandahar. This period of alleged abuse lasted from between two and seven days, and was carried out in both _____ and Kandahar city. One of the detainees still had visible scars on his body; one seemed traumatized. This alleged abuse would have occurred before the new arrangement between the governments of Canada and Afghanistan was signed. (The fourth detainee terminated the interview before the possibility of mistreatment could be discussed.)
4. The detainees all complained about a lack of clarity in their cases. They said they did not know why they are being held, nor did any seem to have been charged.
5. We were generally pleased with the openness shown by NDS interlocutors. They provided us with quick access to detainees on two consecutive days, and readily agreed not to be present during the interviews. However, they said they needed permission from the NDS general director before they could allow us physical access to the facilities.
6. NDS detainees in Kabul are held in one of three facilities: the Sederat; a spillover facility beside the Sederat; and Pol-i-Charki.
7. Detainees said they preferred the conditions in Pol-i-Charkhi, as they had more access to outdoors. They described sub-par conditions in the Sederat -- food is poor; cells are small and overcrowded; detainees are allowed outside once per week for 30 to 60 minutes; washing facilities are dirty; and, in at least some cases, visitors are not allowed access. However, none alleged mistreatment while in Kabul, nor did the detainees give the impression of reticence or fear regarding their current jailers. On the contrary, the atmosphere seemed surprisingly relaxed. (NDS Director General Saleh has openly acknowledged to us that the Sederat facility is very poor and overcrowded, and has undertaken to provide a request for Canadian help in renovating it.)


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Report

8. **Overview.** On 5 and 6 June, KABUL/ Colvin (Political Counsellor) and Bloodworth (Second Secretary/ Political) conducted an initial visit to the Sederat compound, the primary NDS detention facility in Kabul. For the 5 June portion, Colvin and Bloodworth were accompanied by MCO Szwarc, who has received human rights training. Szwarc did not accompany on 6 June. On both days, del was assisted by a Pashto-speaking LES.

9. On 5 June, del spent three hours (1400-1700) at the NDS facility. During this time, we met NDS [REDACTED]. We also talked at some length with [REDACTED] as well as [REDACTED]. We then met separately with three detainees. No NDS officials were present during these interviews. The third interview had to be curtailed because the facility was closing but was resumed the following day.

10. The June 6 portion lasted from 1000 until 1215. We completed the interview with the third interviewee from June 5, and interviewed a fourth detainee. We met with the warden of the NDS prison, Ayetla, as well as the doctor in charge of the prison clinic.

11. Each interview lasted between 15 minutes and 60 minutes. NDS officials readily agreed to absent themselves during the interviews. None of the detainees were shackled, nor were there indications of recent shackling. Atmosphere overall was surprisingly relaxed. (While driving out of the compound on 5 June, we passed two of the interviewees as they returned to the prison. They were walking freely beside the guard, each holding the warden's hand.)

12. **Facility.** The NDS Sederat detention facility is on a large, sprawling compound in central Kabul, about 5 minutes' drive from the embassy (if the roads are clear). It is on the same street as, but separate from, the main NDS HQ compound. (A completely unrelated Afghan National Development Strategy compound, the Sederat Palace, separates the two NDS zones.) The NDS Sederat compound includes the National Security Court, which technically reports to the Attorney General's office rather than the NDS; office complexes; at least one detention building; and several other buildings whose purpose was unclear. The compound is walled and requires permission to enter.

13. **Modalities.** As this was our first visit, we alerted the NDS prior to our visit. For each of the two visits, we had to register at the main gate but were allowed in within five minutes. During our meeting with [REDACTED] and [REDACTED], we informed them that in future we would turn up unannounced. Both accepted that principle. We also provided [REDACTED] and [REDACTED] with a Dari-language copy of our detainee arrangement, which they had not yet seen. For future visits, they provided phone numbers of key contacts so that we would be allowed access when we turn up at the main gate.

14. With regard to detainee interviews, our NDS interlocutors were cooperative and even helpful. They speedily produced each detainee we asked to see, with the exception of one individual whose recorded name was peculiar (and possibly erroneous) and who they were unable to identify. Overall, our sense was that NDS interlocutors dealt with us in good faith and with the intention of meeting our requests.

15. However, we were not granted permission to tour the detention facilities themselves. Our interlocutors said that they did not have authority to do so and would need to receive explicit approval from NDS Director General Amrullah Saleh. When next we meet Saleh, we will ask him to issue such authorization. (We do not believe that NDS is deliberately concealing from us the state of the facility. In an earlier meeting, Saleh himself told us that the NDS detention facility is sub-par and overcrowded, and requested Cdn assistance to renovate and expand the prison.)

16. **5 June visit.** The meetings and interviews took place in what seemed to be [REDACTED]

17. As the General was busy when we arrived, we were greeted by his main assistant, [REDACTED]. We gave him the names of the four Canadian-transferred detainees that we know to be in Kabul, and asked to interview them. While those detainees were being located and brought to our meeting room, [REDACTED] gave us an overview of the procedures followed for each detainee, including transfer to Kabul and registration. They also showed us the registration room itself. The first detainee was brought into the room at around 1530, i.e. roughly an hour after we provided the names.

18 **6 June visit.** For this visit, we were led to what seems to be the detention facility itself. We met with the warden, and interviewed two detainees in his office. No NDS officials were present during those interviews. One of the individuals was [REDACTED], the third person from June 5. The second was new, [REDACTED]. We also briefly talked to a fifth detainee, [REDACTED], who shared some of the name of one of our sought detainees, [REDACTED] (sic), but who turned out to be from Kabul and too old to be our detainee. We therefore did not pursue the interview.

19 Apart from non-access to the detention facilities themselves, the main difficulty we faced was in correctly identifying "our" detainees. [REDACTED] explained that they had no list of "Canadian" detainees. All they knew was that some detainees had been transferred by ISAF. Moreover, the information in our possession was quite limited. The names were written only in English, not Pashto. We had no photos or other descriptions of each detainee, only their age and the name of their village (not even the district) in Kandahar. Of the four, only in one case was the name of the father given. None of the grandfathers' names were given. In one case, the listed name [REDACTED] was very strange. This all resulted in confusion. The NDS seemed to do their best to identify "our" detainees but, in the result, we only have reasonable confidence that two of the four detainees we interviewed were in fact those detained by Canadian forces. The other two had some similarities to those we were seeking but in other respects the information did not correspond with that on our list. We interviewed them anyway. A fifth detainee, produced by NDS because his name was similar to that of [REDACTED], we declined to interview because his age was clearly wrong [REDACTED] rather than [REDACTED] and he said he is from Kabul not Kandahar.

20. Reports on each of the interviews follow:

Detainee 1 -- [REDACTED]

- NDS brought this individual to us instead of [REDACTED] as NDS said [REDACTED] was the father's name. However, this individual was clearly not anywhere close to 72 years old (actual age was probably early [REDACTED] and he had been in detention for [REDACTED] rather [REDACTED]. Unfortunately, we did not have the father's or grandfather's name for this detainee, nor the name of his tribe. Only information in the file was the name [REDACTED], age [REDACTED], place of birth [REDACTED], date and place of capture [REDACTED], and date of transfer [REDACTED]. This information was not sufficient to locate an individual.
- Individual had no visible marks, although at the start of the meeting he was whispering to himself.
- The individual appeared generally at ease talking with us and even smiled.
- He said he had been taken approximately [REDACTED] ago and had been visited by the "human rights people."
- Individual did not wish to talk with us, saying he had been asked the same questions by others and the answers are all in his file. Meeting was therefore terminated after about 10 minutes and we were not able to ask him about maltreatment.

Detainee 2 -- [REDACTED]

- This individual may be the person listed in our database but it is hard to be certain. He has the right name, is from [REDACTED], and has been in detention for the right length of time – about [REDACTED]. He said he was from the [REDACTED]. Our sought individual is from the village [REDACTED] with no district specified. Main discrepancy is the age – [REDACTED] is listed in our database as [REDACTED] while this [REDACTED] said he is [REDACTED]. (Again, the info in the database is limited. It includes just the name [REDACTED], date and location of capture, date of transfer, sex, age and place of birth (village and province only. It does not provide the father's or grandfather's name.)
- Individual said that he had been held in Kandahar city [REDACTED] Pol-i-Charki for [REDACTED] and the NDS facility for approximately [REDACTED].
- He said he had been sick with a headache and sore throat for approximately 20 days while at Pol-i-Charki but when he had asked for drugs at the pharmacy, they wouldn't give him any. He has seen a doctor numerous time since arriving at the NDS facility and receives tablets for the headaches. He says that he got headaches when he got to Kabul because he keeps thinking about his family. His throat is still not good.
- Individual says that at the NDS facility he lives in one room with three other people. They sleep on mattresses on the floor. They are allowed out four times a day to pray and wash/ go to the washroom.
- He does get visits from his son-in-law on Fridays for about an hour.
- He is fed bread and tea for breakfast and rice and bread for lunch and supper. [Note: Other detainees talk of being fed potatoes rather than rice.]
- He complained of not having enough time for prayers and not being allowed to walk outside. He did not complain about the treatment at the Sedarat but did say that he preferred Pol-i-Charki because he got to walk around and interact with more people there. At the NDS facility he only gets 20 to 30 minutes a week to "see the sun."
- He has been visited by "human rights people"
- Individual was quiet and careful, and sat with his hands clasped during the meeting. He was forthcoming but also seemed anxious, with some facial twitches.
- Individual sat with his toes curled under his feet. When he straightened his toes, it could be seen that the nails of the big toe and the one next to it, were a red/orange on the top of the nail (although the new growth underneath appeared fine).
- When we asked him about his treatment in Kandahar, rather than Kabul, he became quiet. He said that in Kandahar, he had been "hurt" and "had problems." However, he is "happy now." He did not elaborate on what happened in Kandahar.
- [REDACTED] seemed keen to please, very deferential, and expressed gratitude for our visit. General impression was that he was somewhat traumatized.

Detainee 3 - [REDACTED]

- On 5 June, [REDACTED] was brought in place of [REDACTED] on 6 June it was established that there is an [REDACTED] (see Detainee 4.) We conducted half of the interview on 5 June but had to stop because the facility was closing. We therefore completed it on 6 June. [REDACTED] is a [REDACTED] from [REDACTED].
- Individual appeared in dirty clothes although his finger nails were neatly trimmed.
- He said he was in Kandahar for [REDACTED]. He was then transferred to Kabul, where he has spent the past [REDACTED] in Pol-i-Charki, and now at Sedarat.
- He said his health is very bad and that life is very bad
- He said his family doesn't know where he is and as a result no one comes to visit him.
- Individual says he doesn't sleep well because he thinks about his family. He is married and has a child.
- He said Pol-i-Charki is "very good for us" because they are allowed out to get out, walk and play.
- He said the rooms in Sedarat by contrast are too small and dark, with no window or fan. The washing place is very dirty. There are five or six people to a very small room. At night, it is so tight that they cannot roll over.

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- He said that, in Sedarat, they are fed only bread, potatoes and a watery soup. He and the people he shares a room with sometimes put money together and buy supplemental food.
- They are let outside only once a week for a total of between 30 and 60 minutes.
- He has never requested access to a doctor but that's because he's never sick
- When we asked him about his treatment in Kandahar, he said he had a "very bad time. They hit us with cables and wires." He said they also shocked him with electricity. He showed us a number of scars on his legs, which he said were caused by the beating.
- He said he was hit for days while in NDS custody in , and then another by NDS in Kandahar city. It was a "very dangerous place." He said he was not provided with any medicine.
- He said that he still has pain in his hands and fingers. This is from when his hands were shackled during his detention in Kandahar. He said the restraining device was too tight, and tightened by itself when he moved his hands. He said he was also blindfolded.
- He said that his treatment in Kabul has been "better" than in Kandahar. The only specific problem he identified was being put in a dark room for a few hours at the time of one of his interrogations, when he was asked about Al-Qa'ida and the Taliban.
- He said that he is now waiting for his documents to be cleared. He said he was told 10 days ago that he would be sent home.

Detainee 4 --

- This individual matched the information given in our database – age , length of detention and place of origin (. He said he is a
- Individual appeared relaxed and even sometimes smiled. He willingly spoke with us.
- He said he has no health problems.
- He shares a small room with four other individuals where they sleep side to side.
- He did say that he only ever got out to use the toilet. He is not allowed outside.
- He has been asked questions "11 times" about his detention but doesn't know why. He said he does not know whether Canadians or Americans detained him. He was working at his when he was detained.
- His family has tried to visit him in Kabul but were not allowed. However, they have been able to deliver clothes and some food. He said that he prefers being held in Kandahar to Kabul because in Kandahar, after days being held at NDS, his family was allowed to visit.
- He has been visited by "human rights people" both in Kabul and Kandahar.
- He gets bread and tea for breakfast and potatoes for lunch and supper. They get water/tea only when they get out to pray.
- He was told that he was detained because he worked for a high level Taliban figure. Individual says he does not know any . He said he had some Pakistani phone numbers on his cellphone but said they were harmless. He said that, his whole life, he had never gone more than a few kilometres from . He asked us, "If I am a serious Taliban, why didn't the Americans keep me?"
- He has not seen a lawyer or a judge and his documentation has not been prepared yet.
- He has been held in Kandahar and in Kabul.
- He said that, while being detained in Kandahar, ISAF came and spoke with him once. He, and others, told the ISAF visitors that three fellow detainees had had their "fingers cut and burned with a lighter" while in NDS detention. Subsequently, he and the others were not given food or water for a few days and were asked why they had spoken to ISAF.
- When we asked about his own treatment in Kandahar, he said that he was hit on his feet with a cable or "big wire" and forced to stand for two days, but "that's all." He showed us a mark on the back of his ankle, which he said was from the cable. [Note: There was a dark red mark on the back of his ankle.] He said it was the NDS who interrogated and held him.
- After two days of being beaten with the cable and made to stand, he was put in a very small room with

another individual. The room had high ceilings but was only about one metre wide and just long enough to lie down in.

- He asked us to help him get his documents finalized and for his family to be allowed to visit. He also asked why he is still being detained – either he should be sent to jail or allowed to go home.

Drafted: Colvin, Bloodworth

Approved: Lalani