

**FORSVARSKOMMANDOEN**  
**DOKUMENTNOTAT**  
 (BEHANDLINGSOMSLAG)  
 KUN TIL INTERN BRUG

FKO-ODO2

061'6

0200362-149

2002-03-15

DOK. ANFAL XNR.	BILAG ANFAL XNR.	FORDELING	TIL	V.	KODE	SIGNATUR/ DATO	TIL	V.	KODE	SIGNATUR/ DATO
			CH-ODO2		G	<i>[Signature]</i> 19/1				
			CH-ODO		G	<i>[Signature]</i> 20/2				
			CH-OD		G	<i>[Signature]</i> 21/2				
			CH-OD		G	<i>[Signature]</i> 23/2				
			FC		G	<i>[Signature]</i> 24/2				
							ODO2UN01		R	<i>[Signature]</i> 2/2

B - Behandling	D - Drøftes	F - Foranstaltning	G - Godkendelse
O - Orientering	R - Retur til SBH	U - Udtalelse	UN - Underskrift

Emne: Notits vedrørende overdragelse af evt. KF ifm. TG-F deltagelse i OEF  
 Af ODO2UN01 KN-P Ebstrup (3127)

2002-02-18

Vedlagte notits er udarbejdet på baggrund af mundtligt direktiv fra CH-ODO

(VEDLAGT ER TILGÆNGELIG I SAMMENSÆTTET MED NOTITEN I OEF)

*10/1 CH-ODO*

*FC har hørt om vedlagte notit*

TIL ARKIVET

- DOKUMENTET:  ARKIVERES
- DESTRUERES:  STRAKS  EFTER 3 MDR  EFTER 6 MDR  EFTER 9 MDR
- EFTER 1 AR  EFTER 5 AR  EFTER \_\_\_\_\_
- NØDFALDSKATEGORI:  MEDBRINGES  DESTRUERES  FORBLIVER

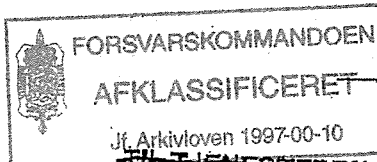
DEN / 2002

SIGNATUR

TIL TJENESTEBRUG

Uf. Arkivloven 1997-06-10

*25/5-2010 (LEBEKOS)  
 Britte Ravn*



FORSVARSKOMMANDOEN

AFKlassificeret

JL Arkivloven 1997-00-10

TIL TJENESTEBRUG

OPERATIONSADFDELINGEN

afklassificeret

d. 25/5-10

ARKIVERET

2002-02-18

BR (FKO-VESEK05)

NOTITS  
VEDRØRENDE OVERDRAGELSE  
AF EVENTUELLE KRIGSFANGER I FORBINDELSE MED  
TASK GROUP FERRET DELTAGELSE I OPERATION ENDURING FREEDOM

### 1. FORMAL

Formålet med denne notits er at redegøre for dansk holdning til overdragelse af eventuelle krigsfanger i forbindelse med Task Group FERRET (TG F) deltagelse i Operation Enduring Freedom (OEF) i Afghanistan.

### 2. BAGGRUND

Det danske specialoperationsstyrkebidrag, benævnt TG F, blev på baggrund af Folketingsbeslutning B-37 af 14. december 2001 udsendt til Afghanistan med henblik på at støtte den amerikanske ledende internationale indsats til bekæmpelse af terrornetværk i Afghanistan. Af B-37 fremgår, at TG F indsættes med henblik på at gennemføre informationsindhentning, men også kan indsættes i forbindelse med opfyldelse af indsatsens hovedformål – nedkæmpelse af al Qaida- og Talibanstyrker i Afghanistan.

### 3. REDEGØRELSE

TG F indsats til bekæmpelse af terrornetværk i Afghanistan finder sted i overensstemmelse med dansk ret samt relevante dele af folkeretten, herunder krigens folkeret. Forsvarskommandoen (FKO) har i den forbindelse udarbejdet et direktiv for TG F magtanvendelse under OEF. Af dette direktiv fremgår bl.a.:

"At kombattanter har ret til status som krigsfange. Såfremt tilfangetagne hævder at være berettiget til krigsfangestatus, eller såfremt omstændighederne tyder på, at en sådan status er berettiget, skal den tilbageholdne behandles som krigsfange indtil videre".

Endvidere fremgår det af direktivet, at:

"Danmark er ansvarlig for, at alt tilbageholdt personel behandles human<sup>1</sup>, herunder personel med ret til krigsfangestatus. Krigsfangen skal øjeblikkeligt evakueres fra kamppladsen og bringes i sikkerhed".

Det danske specialoperationsstyrkebidrag har ingen kapacitet til opbevaring og bevogtning af krigsfanger, hvorfor eventuelle krigsfanger vil blive overgivet til foresatte myndigheder, i dette tilfælde amerikanske myndigheder.

<sup>1</sup> "Sådanne civile (som nævnt i første omtalt i anførselstegn) kan under fornøden beskyttelse og efter tilladelse fra CH TG FERRET overlades foresatte myndigheder med henblik på afhøring. Dog kan sådanne civile ikke overlades, hvor der er konkret grund til at frygte, at der ikke vil finde en sådan human behandling sted".

TIL TJENESTEBRUG

afklassificeret 25/5-10  
BR (FKO-VESEK05)

FORSVARSKOMMANDOEN  
AFKLASSIFICERET

J. Arkivloven 1997-00-10  
~~TIL TJENESTEBRUG~~  
afklassificeret

d. 25/5-10 BR (FKO-LESEKOS)

FKO har drøftet denne policy telefonisk med Forsvarsministeriet (FMN) den 17. januar 2002 (CH ODO/KC1), hvor FMN meddelte, at man ville drøfte sagen med den amerikanske ambassade og vende tilbage.

Den 18. januar 2002, meddeler FMN telefonisk (KC1/CH ODO), at FMN finder FKO direktiv for TG F magtanvendelse under OEF for dækkende, idet Danmark har fuld tiltro til, at amerikanerne overholder deres folkeretslige forpligtelser i relation til krigsfangebehandling, herunder at ingen overdragelsesaftale med amerikanerne er nødvendig.

Det skal afslutningsvis bemærkes, at TG F inden en eventuel overdragelse af krigsfanger til de amerikanske myndigheder tilsikrer sig de pågældendes identitet. Dette finder sted under anvendelse af identitetspapirer, fotografering og/eller fingeraftryk.

~~TIL TJENESTEBRUG~~

id 25/5-10 BR/PROLESEKOS

# THE WAR ON TERROR

## Canada grapples with 'detainee' handover

SHARON HOBSON, JDW Correspondent  
Ottawa



Canadian Defence Minister Art Eggleton is under fire for not telling the Prime Minister Jean Chrétien or parliament that Canadian forces had handed over Taliban and Al-Qaeda prisoners to US forces in Afghanistan.

Parliamentarians, legal experts and human rights advocates had been debating Canada's position regarding the handing of prisoners captured by Canadian troops and

whether they should be handed over to US authorities who are refusing to classify them as prisoners of war (*Jane's Defence Weekly* 2 January).

There were concerns about the possible ill-treatment of the 'detainees' as well as the possibility that they could face the death penalty, which Canada does not have in its legal system. These concerns have been mirrored by human rights groups in other coalition countries such as Australia and the UK, which also have special forces operating

under US command in Afghanistan.

While the debate raged, the issue was quietly settled by the members of the secretive Joint Task Force 2 (JTF2) counter-terrorist unit which transferred its captives to US forces. A number of JTF2 soldiers, believed to be 30 or 40 but not confirmed by the government, have been operating with US forces since December.

On 21 January an Associated Press photographer captured on film several special forces soldiers taking three Al-Qaeda or Taliban prisoners into custody at Kandahar. On 29 January, the minister admitted to reporters that the soldiers were members of JTF2. Initially Eggleton said he had only known for four days, but later admitted that he had known about the incident for eight days. His admission came a day after Prime Minister Chrétien said the government was still reviewing its policy on prisoners. He said that concerns over the issue were "hypothetical" because no prisoners had yet been taken.

In the wake of Eggleton's admission, Chrétien told parliament that Canada had concluded an agreement with the USA that "they were going to respect all international laws, including the Geneva declaration". As for concern over possible death penalties, "we apply ... Canadian values in Canada on the death penalty for people who are on Canadian territory. For extradition, we have to make sure they are not going to a jurisdiction where there will be capital punishment. In this case, these people are not covered by the Canadian Charter of Rights".

## Karzai appeals for expansion to ISAF

Afghanistan's interim leader Hamid Karzai has appealed to the UN for an extension of the existing mandate for the International Security Assistance Force (ISAF) in Kabul. "We hope you would authorize an extension and expansion of the mandate of these forces," Karzai told the UN Security Council in New York on 30 January.

Karzai said that he is committed to the creation of a new national army and a new national police force to restore law and order throughout Afghanistan. "I have personally spoken to hundreds of delegates from different parts of Afghanistan—and all of them have strongly expressed that security is the key issue," he told the council. He added that he would like to see the ISAF expand its military presence to other Afghan cities. Karzai is not only seeking to extend the ISAF mandate but also wants the force to commit more to prevent factional fighting, warning that the stability of the country would otherwise be in jeopardy.

He has called for ISAF's force level to be expanded from its planned strength of 5,000 troops to some 30,000 personnel, arguing that this augmentation would signal the continuing commitment of the international community to peace and security in Afghanistan, he said.

Fearing a threat to his interim administration by the skirmishes between rival warlords in Afghanistan, Karzai has made a strong case for the deployment of peacekeepers outside Kabul. Gul Agha Shirzai, the ruler of the southern region of Kandahar, is currently embroiled in a power struggle with Ismail Khan, the governor of the province of Herat in western Afghanistan.

However, UK Defence Secretary Geoff Hoon told the House of Commons that ISAF has no plans to extend its mandate. "The ISAF will operate in Kabul—and Kabul areas," he told parliament. UK Prime Minister Tony Blair pledged long-term support for the rebuilding of Afghanistan during a meeting with Karzai on 31 January. However, Blair stopped short of agreeing to Karzai's request for extra troops beyond commitments made by the UK and the rest of the international community. US President George Bush has also rejected Karzai's request for more US troops. However, he pledged a team of US military advisers to train the new Afghan armed forces.

THANK DEAN, JDW/UN Correspondent  
LW/HQ, New York

## Colombian troops die in blasts

At least seven Colombian Army soldiers were killed in the town of El Dorado in the department of Boyacá, a 23 January attack by the Revolutionary Armed Forces of Colombia (FARC) in the town.

The attack occurred on the 23rd of January, and resulted in the deaths of seven soldiers and the capture of two others. The FARC also destroyed several military vehicles and infrastructure in the town.

The FARC has been active in the region for several months, carrying out a series of attacks against military and civilian targets. The group has also been accused of human rights abuses.



Colombian troops in the town of El Dorado.

Colombian troops in the town of El Dorado, Boyacá, were killed in a 23 January attack by the Revolutionary Armed Forces of Colombia (FARC).