

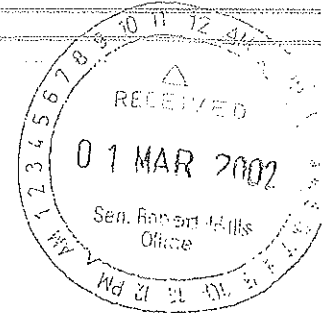
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Chief of the Defence Force

MINUTE



CDF 121/02

Minister For Defence

For Information (Recommend reading ASAP)

OPERATION SLIPPER – TREATMENT OF CAPTURED TALIBAN AND AL  
QA'EDA PERSONNEL

RECOMMENDATION

- That you note the email sent by CDF to the US Commander-in-Chief Central Command (USCINCCENTCOM), General Franks, attached to this brief.

OVERVIEW

- In response to a brief from CDF dated 25 Feb 02, the Minister directed CDF to urgently raise the proposals contained in that brief with the US (pencrisp to CDF brief).
- Following a telephone conversation between CDF and General Franks on 25 Feb 02, CDF sent an email to General Franks on 27 Feb 02, detailing the Australian position on the ADF's involvement in dealing with the taking captives in Afghanistan. No response has yet been received from General Franks. The matter is being monitored by the ADF liaison team located in US Central Command. The Minister will be advised of any US response as soon as possible.
- CDF apprised the Minister of the general terms of the approach to the General Franks by phone during the evening of 27 Feb 02. The Minister's staff were apprised of the proposed text and gave clearance on the basis of the imminence of operations, but also on the understanding that the Minister was to be formally briefed on the latest developments promptly.

The arrangements proposed to General Franks are as follows:

Section 33 (i) a (ii) & (iii)

Section 33 (i) (a) (ii) & (iii)

- 3 The brief for NSC is being prepared. As part of this process, it is envisaged that the AG's Department will provide further advice on salient issues.
- 5 DFAT have been asked to send a copy of CDF's email to Ambassador Thawley at the Embassy of Australia in Washington. Once DFAT advise that this is done, an information copy will be provided to Head Australian Defence Staff (Washington).

CONSULTATION

- Prior to the dispatch of the email, the Secretary of DFAT indicated that he was broadly comfortable with the approach to the US in the form proposed. Senior legal advisers from AG's and DFAT settled the terms of the email with Defence.

Sensitivity. Yes.

- Australia's position regarding the treatment of captives is of considerable interest to its coalition partners (particularly the US), the United Nations, International Committee of the Red Cross, NGOs concerned with human rights, political and legal commentators and to the media.
- Difficulties will arise in the event that ADF takes captives before national policy is available.

Section 33(1)(a)(iii)

AUTHORISED:

C.A. BARRIE  
ADML

CDF

28 FEB 02

*There is now very confusing. You put a position forward by legal advice which I agreed. You now seem to have put a different position to the US - a position they may or may not accept.*

CONTACT: BRIG M. McNam DGJOP: 6265 0026

Copies: Secretary, VCDF, DEPSEC SP, CN, CAF, CA, HSC, DEPSEC I+S, FASSIP, HPGA, COMAST, HPACC, DGTDLs.

*We should determine our rules for dealing with prisoners & it should be endorsed by RNSC. It should have happened months ago.*

*RNSC  
13/3/02*