

AFGHANISTAN THEATER OF OPERATIONS EVIDENCE COLLECTION GUIDE:

SUPPORTING AFGHANISTAN'S FORMAL JUSTICE SECTOR



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The transition from law of war-based detentions to evidence-based criminal detentions is underway. To fully support this aspect of our counter-insurgency (COIN) mission, Coalition Forces, partnered with Afghan units, are working in the field to provide information and evidence that supports detention operations. These efforts will most fully support the COIN effort if detainees suspected of committing criminal offenses are referred to the Afghan criminal justice system for pre-trial detention, prosecution, and serving of sentence for their crimes, based upon evidence which is used and understood in Afghan criminal courts.

This Guide will assist Coalition Forces and Afghan units by providing practical means and methods to properly identify, collect, preserve, and provide evidence that will be recognized and accepted by the Afghan criminal justice system. Using this Guide, Coalition Forces and partnered Afghan units can provide usable evidence, including statements, sketches, photographs, and physical evidence, to the Afghan authorities for each case. This justice effort continues in tandem with and complements existing intelligence exploitation which facilitates our own targeting process. To the greatest extent possible, however, the creation of unclassified products and declassification of classified products will significantly enhance in the transferability of evidence to the Afghan courts.

Built upon original work of Regional Commands, enhanced by the Detainee Criminal Investigation and Prosecution Training Team, Legal Operation Directorate, CJIATF-435, and coordinated with Battle Space Owners and Afghan partners throughout Afghanistan, this Guide will assist Coalition Forces and partnered Afghan units in properly handling and documenting evidence. While each nation within the Coalition Forces may have independent national authorities to adhere to in the detention process, the techniques provided in this Guide will assist all Coalition Forces to understand the importance of the collection of evidence for each suspect in order to continue the transition to evidence based-criminal detentions.

I. The Guide's Target Audience and Objective

1. The target audiences for this guide are the Afghan National Security Forces (ANSF), the Afghan National Police (ANP), United States Forces – Afghanistan (USFOR-A), and the International Security Assistance Forces (ISAF) partnered with ANSF/ANP who conduct detention operations, as well as their judicial partners. As such, Annex Q provides the “Jurisdiction, Police Duties, and Investigator Duties” Chapters of the Interim Procedural Criminal Code for Afghan Courts.

The object of this guide is to:

- a. Reinforce evidence collection standards and requirements;
- b. Encourage evidence transfer and exploitation;
- c. Engage ANSF/ANP to take the lead in criminal investigations; and,
- d. Facilitate intelligence sharing between ANSF/ANP, USFOR-A, and ISAF in order to neutralize threats to security and stability throughout the Afghan theater of operations.

2. Evidence collection training for ANSF/ANP, USFOR-A, and ISAF forces will follow the dissemination of this Guide. Although theater-wide units will understand and be trained on the theater-wide approach to evidence collection, units will coordinate with local prosecutors and judges to ensure compliance with local requirements. Joint training for both ANSF/ANP and USFOR-A and ISAF forces would be beneficial to gain each other's experiences.

3. Finally, while local prosecutors and/or judges might require a slightly different format or type of evidence, this collection Guide should be followed by units transferring Subjects to the Detention Facility at Parwan (DFIP) for prosecution at the Justice Center in Parwan (JCIP).

II. Why Evidence Collection is Vital

1. The Government of the Islamic Republic of Afghanistan (GIROA) is a sovereign entity with its own criminal justice system. As we strive to improve adherence to the Rule of Law in Afghanistan, we must enable and support the criminal justice system. Capturing units must provide evidence and witness statements for use in an Afghan court of law to enable the National Security Prosecutor's Unit (NSPU) or a provincial criminal court to prosecute and convict criminal suspects. Appropriate evidence collection may result in admissible evidence being used in support of effective prosecutions. To the greatest extent possible, evidence collection and case preparation will be performed by Afghan partnering forces. Although USFOR-A and ISAF continue to have a need to exploit evidence for potential intelligence value, units should ultimately turn all evidence associated with a suspect over to Afghan authorities. Therefore, units must have a plan to transfer both a copy of the case file as well as all the evidence and statements with suspects to the appropriate local, provincial, or national governmental authorities or to a national security court.

2. The Afghan legal system does not specify a standard of proof similar to that found in most common law western legal regimes. Instead, units must coordinate with the relevant local, provincial, or national prosecutors and judges to determine the specific type and amount of evidence deemed credible. Some prosecutors or judges might require a slightly different format or type of evidence than is accepted by most other authorities. Evidence collection practices and the type of evidence to be collected, as suggested in this Guide, should be tailored to fit local court requirements as necessary.

III. Collecting Evidence for Prosecutions in Afghan Courts

1. Background

Generally, each detention should be supported by the following forms of evidence, whenever possible: statements, sketches, photographs, and physical evidence (including biometrics). If properly followed, the basic evidence collection standards, detailed below, will provide the Afghan prosecutor with the evidence needed to successfully present a case for prosecution. Ultimately, proper evidence collection supports both the USFOR-A and ISAF goals of removing dangerous individuals from the area of operations as well as demonstrating effective Rule of Law to the local population.

2. Operation Pre-planning

Each tactical unit conducting an operation will appoint an evidence collection team, or Site Exploitation Team (SE Team), that will plan for, collect, receive, and handle all evidence seized during an operation. This team will be properly trained on evidence collection and handling procedures and should include Afghan partnering members. Annex A contains a list of tasks for members of the SE Team (team leader, assistant team leader, recorder, searcher, and handler) to conduct during the pre-mission, mission, and post-mission phases of the operation. If the partnered ANSF/ANP unit has insufficient personnel or training for the entire SE Team, then an expedited list of tasks is available in Annex B.

3. Planning and Equipment

a. Potential Enablers. A successful mission collecting evidence may require additional enablers. The SE Team should consider whether the following additions to its Team would be helpful and coordinate appropriately for its support: prosecutor; Law Enforcement Professional (LEP); interpreter; Level 1 Counter Improvised Explosive Device (C-IED) team; Explosive Ordnance Disposal (EOD) team; combat engineers; military working dogs; combat camera; Document and Media Exploitation (DOMEX) team; and/or female service members (to facilitate potential searches of females found on the objective). Whether each of these potential enablers is required for a specific mission depends on the facts and purpose of that mission.

b. Potential Evidence. During planning for a specific operation, the SE team should consider the following types of evidence that may be found at the objective and prepare accordingly:

(1) Possible Exploitable Evidence: Examples include: documents, weapons, photographs, Improvised Explosive Device (IED) components, explosives, Homemade Explosive (HME) components, drugs and other contraband, witness statements, money, media and/or media storage devices, suspects' clothing, and suspects requiring tactical questioning.

(2) Evidence Handling Requirements: Different types of evidence may require different materials in order to properly handle them. Considerations when preparing to handle evidence include: physical properties of the evidence (weight, size, quantity, and potentially hazardous

material), containers needed (plastic and paper bags), and protective equipment needed (rubber gloves and masks).

(3) Site Exploitation (SE) Kit. Annex C contains items that may be included in a SE Kit. The contents of the SE Kit, however, should be tailored for the specific mission and capabilities of the unit.

(4) Evidence Collection and Transfer. Generally, the goal is to provide physical evidence and a solid packet of information (statements, photographs, and sketches) to the local, provincial, or national Afghan court system. Therefore, the ultimate goal is to have ANSF/ANP collect, handle, exploit, store, and present evidence at trial. Although our Afghan partners are the primary repositories for evidence collected on site, USFOR-A and ISAF must be sensitive to and recognize evidence that might have intelligence value. Units should also coordinate with technical Subject Matter Experts (SME), such as Task Force Paladin. The unit should coordinate with the J2, LEP, Task Force Biometrics, Brigade Judge Advocate, and the Joint Expeditionary Forensics Facility (JEFF) to determine the types of physical evidence that can and should be exploited for intelligence purposes. Part of the mission planning should include how to ultimately transfer the evidence to ANSF/ANP after USFOR-A and ISAF finish intelligence exploitation. Any transfer of evidence from USFOR-A and ISAF to ANSF/ANP should be documented.

4. Scene and Site Tasks

ANSF/ANP should have the lead in evidence collection by sketching and photographing scenes and evidence, collecting physical evidence, and taking on-scene witness statements, with support from their partnered USFOR-A and ISAF units. ANSF/ANP units must be sufficiently trained in evidence handling. The most literate member of the partnered ANSF/ANP units should serve as recorder. If ANSF/ANP units have difficulty writing sworn statements, attempt to provide a recording device (video or audio) to allow ANSF/ANP to take statements from local nationals.

5. Scene Security

a. The safety of Coalition Forces is paramount. If concern for safety does not allow for some of the procedural steps detailed below to be followed, collect what is possible and finish documenting the evidence immediately upon return to base.

b. Once the objective is secure, the unit should treat the objective as a crime scene. The intent is to ensure that the evidence is not moved, touched, tainted, or otherwise corrupted. In many instances, representatives from various GIRoA agencies may arrive at the scene. Although well intentioned, these individuals may attempt to collect and remove evidence without proper coordination with the ANSF/ANP partnered force responsible for the scene. To prevent potential issues, the unit should provide constant refresher training to ANSF/ANP partnered forces on how to cordon the scene and prevent untrained individuals, including potential suspects, from disturbing any of the evidence. If GIRoA officials do remove or disturb potential evidence, record the name and contact information of the individual and document what items they removed or disturbed for notation in the case file.

6. The Scene or Site Documentation (Photographs)

a. Overall:

(1) Photographs are one of the most important pieces of evidence that the ANSF/ANP can collect. Take a photograph of anything that might be considered evidence. Take photographs from a variety of angles and overlapping perspectives.

(2) Photographs should document both the exterior and interior of the scene, as applicable, as well as of all potential evidence and suspects.

(3) ANSF/ANP should take the photos and know how to operate digital cameras and the types of photographs required to depict the scene.

(4) USFOR-A and ISAF personnel should not be present in any of the scene photographs.

(5) Photographs should be clear, sharp, and free of distortion. They should be taken from a stable position at eye level (average height). Record the date, time, and location of photographs taken.

b. Exterior Photographs: Photograph the exterior of the compound, vehicle, or building, as applicable. Photographs should document the structure from all angles and include approaches. If possible, the point of view should establish the location of the crime scene by including landmarks and reference points. Photograph witnesses, onlookers, and the surrounding environment (see Annex D).

c. Interior Photographs: Document the condition of the interior of the compound, vehicle, or building (see Annex D). The photographs should provide 360 degree exposure of the entire area. Consider taking photographs from all four corners of the room to depict the scene as found by Coalition Forces.

d. Evidence: Before moving any evidence, the recorder should photograph the evidence as found.

(1) Photographs should include both a close-up of the item and a wider-angle to demonstrate where the item was located in relation to the rest of the interior space. When taking a close up shot of the evidence, use a small measuring device to show scale (a ruler or 3 x 5 card). In the close-up shots, the evidence can fill the entire frame. For the wide-angle shots, it is acceptable to move other items after the first pictures are taken to provide a clear depiction of the potential evidence. For example, if a blanket is covering part of a weapon, first take a picture of the weapon and blanket, then remove the blanket and take another picture of the weapon. The photographs should depict any attempt to hide contraband (see Annex D).

(2) It is advantageous to take photographs of the suspect next to the potential evidence before the item is moved from its original location. Always consider the safety of Coalition Forces when taking photographs. The suspect's hands need to be secured so s/he cannot access a weapon. Ensure that there are neither loaded weapons nor accessible ammunition in the vicinity of the suspect. If ANSF/ANP do take a photograph of the suspect with the evidence in its original location, they should also take a photograph of the detainee with the evidence once it is organized and consolidated at the evidence collection point as discussed below.

(3) Items of potential evidentiary value located on a suspect's person should be removed and photographed independently of the other items recovered.

(4) Photograph each piece of evidence separately, showing all details (for example, serial numbers, size, markings). Once the photographs are taken, place the evidence in the marked bags (plastic or paper bags) and prepare them for transportation. Note: Placing items in plastic bags when it is either very hot or very cold outside may cause condensation and destruction of any latent fingerprints. Use only paper bags for those items which may possibly contain latent fingerprints.

(5) Photograph the marked evidence bags.

(6) Log details of where in each room each the photograph is taken.

e. Suspects: Photograph the suspect with any evidence recovered during capture. This particular photograph is crucial to prosecution. Include a placard with the suspect's name, date, place of capture, and 8 digit Military Grid Reference System (MGRS). If possible, include an ANSF/ANP representative in the photo.

(1) After taking pictures of the evidence as found in its original location at the scene, it is permissible to consolidate all of the evidence in one location. Take a photograph of the suspects with the consolidated evidence. If possible, match specific evidence to specific suspects. For example, if a suspect was carrying an AK-47, take a picture that contains both that specific suspect and weapon. If not, take a picture of each suspect individually with all the potential evidence.

(2) Evidence displayed in the photograph with the suspect should include, but not be limited to: disguises, identification documents (passports), cell phones, notebooks, currency, maps, invoices, uniforms, patches, communications equipment, ammunition, shell casings, IED parts, weapons, and precursor chemicals (substances that can be used in making weapons, ammunition, or explosive devices).

f. Cataloging Photographs: When possible, use a photo log to record the photographs as they correspond to the room sketch.

(1) Transfer the video and/or photographs to a CD. Place the photographs into PowerPoint Presentation in the form of a storyboard. Translate the storyboard into either Pashtu or Dari as

appropriate to assist the transfer of evidence to GIRoA authorities. Ensure all information in the photos has been declassified and that the information in the storyboard is unclassified.

(2) ANSF/ANP should include a handwritten signed, dated, and thumb-printed statement authenticating the photographs. For example:

“I (name and rank) took the attached photograph(s) on (time and Afghan date). The photo shows (describe the scene—who and what is in it). This photo accurately depicts the way the suspect appeared at the time of his capture and the evidence found with the suspect during the Afghan-led operation to arrest the suspect. This photograph has not been altered in any way.”

7. The Sketch (See Annex E for an example of a sketch.)

a. Overall: Sketches are used to document the layout of a scene, to document to location of buildings and rooms, and to assist witnesses in recalling details. The sketch should support the photographs taken of the exterior, interior, evidence, and suspects.

(1) The sketch should be hand drawn and it need not be to scale.

(2) ANSF/ANP should draw the sketch.

(3) At a minimum, the sketch must include the name of the suspect, his\her father’s name, and the location of where the suspect was initially found; the location of any women and children found at the objective; and the location of all evidence found. It is permissible to use a legend to identify the placement of items on the sketch. For example, place the letter “A” in the location where the suspect was found. In the corner, the legend should read “A: John Doe.” ANSF/ANP should draw the sketch whenever possible.

(4) Ensure that the sketch includes contact information for the unit that conducted the operation and drew the sketch. Include the date of operation, and if possible, the name of the individual who drew the sketch.

(5) Ensure that the sketch includes the location of the incident – village name for the court and 8 digit MGRS for Coalition Forces.

b. People: ANSF/ANP should annotate: (1) which individuals were detained and released; (2) the names of all military-aged males found at the scene; and/or (3) the location of women and/or children found at the scene. Note on the sketch the location of all individuals.

c. Evidence: The location of all evidence should be noted on the sketch with as much detail as possible. It is the location of the evidence and the people which will assist the investigators.

d. Future Use: Afghan judges may use the sketch to determine whether someone was involved in a particular crime. Therefore, exact locations of evidence and people (suspects) are paramount. The goal is to provide a clear and accurate visual description which allows the judge to assess whether or not any criminal activity occurred. The sketch should help answer the “who, what, when, where, why, and how.” In the event that there are no ANSF/ANP at the scene, complete the sketch and have it translated from English to the appropriate dialect upon returning to base.

8. Witness Statements (see Annex F for an example of a witness statement.)

a. Witness statements are a key building block in Afghan criminal court cases and can carry a great deal of weight in proving a case. Statements should be taken by the ANSF/ANP (with assistance from USFOR-A and ISAF). Witness statements need to document, where applicable, the suspect’s actual violation of Afghan law instead of generalities. For example, “X is a bad guy” is subjective and inadequate. Statements with specifics such as “I saw X carrying and emplacing an IED,” or “I saw X meet with Y (a known insurgent) and they had weapons” are more beneficial. Such statements combined with evidence are far more likely to secure a conviction.

b. The statement should be memorialized on paper, if possible. If this process is not practicable, voice recorders or video cameras should be used to record the statement. Keep in mind, many provincial courts may not have the opportunity to view or listen to recorded testimony because of neither electricity nor video playback capabilities. Alternatively, in lieu of a witness written statement or recording, a sworn statement by ANSF/ANP or an interpreter may be allowed as a substitute. The statement, or a copy thereof, should be immediately given to the investigating prosecutor (Saranwal). Judges prefer in-person or video testimony, so whenever possible, these forms of testimony should be used in addition to written statements. Never coerce or force a witness to make a statement. Always treat suspects humanely.

c. How to Interview a Witness at the Scene

(1) ANSF/ANP should have the lead when interviewing potential witnesses.

(2) Interview each witness individually, away from any suspects and each other, to prevent collaboration or intimidation. Limit the interview to tactical questioning. Only theater-certified interrogators are authorized to conduct interrogations.

d. Ensure an interpreter speaks in the appropriate language (Dari, Pashto, etc.).

e. Record the interview with a voice recorder or video recorder, if available.

f. Ask the witness the “Who, What, When, Where, Why, and How?”

(1) Who? Include the name of all of the individuals at the scene as well as all suspects. If possible, explain the relationships between various individuals.

(2) What? Explain what happened as well as the events leading up to what happened. Describe the information obtained at the location. Describe what evidence was found and seized. If a weapon is found, describe its functionality, state in which it was found, and any identifying marks located on the weapon. If unit SOP requires the unit to destroy a specific type of weapon or an amount of illegal drugs, the statement should annotate who destroyed the evidence, why it was destroyed, how much of it was destroyed, and the condition of the evidence prior to its destruction, as well as refer to the unit SOP being followed (see also Section J below).

(3) When? Record the date and the time of the incident.

(4) Where? Note the nearest town, district, province, and street name. Be specific. While USFOR-A and ISAF use 8 digit MGRS to identify locations, judges do not understand grid coordinates. Judges should be familiar with local landmarks, so note them.

(5) Why? If known, state why the events occurred. Did the suspect admit his motives?

(6) How? Describe the events leading up to the suspect's capture.

(7) Be as detailed, descriptive, and specific as possible.

(8) Document all evidence that is destroyed on site.

(9) Document all injuries to suspects taken into custody. If possible, document the cause of the injuries.

g. Ask open ended questions. For example, ask, "What did you see?" instead of, "Did you see the yellow car?"

h. Ask follow-up questions to get more details. For example, if the suspect says, "I saw the individual drive away in a car," follow up with, "What color was the car? What direction did the car travel?"

i. If appropriate, ask the witness to draw a picture or diagram. If the witness draws a picture or a diagram, include it as a part of the witness statement and annotate that it is his/hers.

j. At the end, always ask, "Is there anything else you want to tell me?" or "Is there anything else you think I should know?"

k. Do not write down word for word what the witness is saying. Write the content of the statement in clear, coherent language. Avoid military jargon unless the witness uses it.

l. Include language from the witness saying that he was not coerced into giving the statement, and indicating whether they are available to testify at trial. If the witness will not be available to testify, the statement should explain why.

- m. Review the statement with the witness and allow him to make any corrections.
- n. Have the witness sign the statement and put his thumbprint on it. If a witness knows his “taskyra” number, have the witness include that in the statement.
- o. Remember that the security of the witness is imperative.
- p. If safety concerns do not allow for statements to be taken at the scene, at a minimum, record the witness’s contact information. Ask the witness his/her name, father’s name, village name, cell phone number, and directions to his/her (or his/her family’s) home. This information enables Afghan investigators to question the person at a later date.
- q. In the event that no Afghan citizen is available or willing to cooperate, obtain statements from members of the ANSF/ANP who have first-hand knowledge of the suspect’s conduct on the day of capture.
- r. If the USFOR-A and ISAF unit is not partnered, statements will be taken from USFOR-A and ISAF personnel and translated upon return to base.
- s. Eyewitness Statements. ANSF/ANP should take statements from eye-witnesses, witnesses who know the suspect, or ANSF/ANP at the scene who witnessed the basis for detention. If ANSF/ANP are unable to take written statements, they should use voice recorders or video cameras to memorialize the statements.
- t. USFOR-A and ISAF Statements. USFOR-A and ISAF personnel should write statements supporting the potential detention. Such statements should include the “who, what, when, where, why, and how” as discussed above.
 - (1) Number: The more witness statements collected, the better.
 - (2) Content: If a local national has first-hand knowledge of the incident or a suspect comes forward voluntarily, take his statement. Statements should also be taken from those who have first-hand knowledge of the suspect’s conduct on the day of capture or of his prior criminal conduct. Preferably, statements should be taken from people living in the immediate vicinity of the suspect’s capture. The witness statement should not be taken in the hearing range of the suspect(s). Even if witnesses lie, they may tell different lies than the suspect(s), impugning suspect’s credibility unintentionally.
 - (3) Literacy/Accuracy: If the witness is literate, annotate the statement to indicate that the witness can read and write. If the witness is illiterate, annotate the statement to indicate that the statement was made by that witness, it was read to him/her by the linguist, s/he understood the statement, and s/he agreed with everything in the statement.

(4) Witness Identification: In the likely event that a witness does not provide his/her name, an ANSF/ANP member can take the statement and the ANSF/ANP in charge can sign it, printing his name and the unit's name on it, and placing his thumbprint on it before providing it to the prosecutor. If ANSF/ANP are not available, the 8 digit MGRS, the USFOR-A and ISAF unit, and the village name should be noted on the statement.

u. ANSF/ANP Statements

(1) In addition to eye-witnesses and citizen statements, take unclassified statements from ANSF/ANP who have first-hand knowledge in the matter. Taking statements from ANSF/ANP should be emphasized because this will encourage their participation in the criminal process.

(2) The Senior Afghan partnering force member should provide a brief statement of facts. In this statement, the Senior Afghan official will detail (1) what occurred leading up to the collection of evidence, and (2) the actual detention and the events that unfolded post-capture. This statement should include why troops were at that particular location, what led them there, and what exactly they found.

(3) Illiterate Witnesses. When the witness is illiterate, take his statement with a linguist, and have the on-scene ANSF/ANP in charge sign the statement prior to giving it to the prosecutor. If the ANSF/ANP in charge refuses to sign the statement or is otherwise unavailable, provide the name of the unit, the location of the event, date, time, and what event occurred.

(4) Victim statements. Interview the victim as described above.

9. Interviewing the Suspect

a. Before conducting any joint interviews with ANSF/ANP, use due diligence to ensure the suspect is not the victim of abuse. If the individual alleges abuse, stop the interview and report this, and follow the unit's standard detainee abuse reporting requirements.

b. The suspect's interview, whenever possible, should be conducted by an Afghan prosecutor, investigator, or partnering force, in conjunction with Afghan law. The unit LEP can coordinate partnering with Afghan prosecutors or investigators. A qualified USFOR-A and ISAF interrogator should also be present during the interview.

c. The interviewer should review time permitting, all physical evidence and witness statements prior to interviewing the suspect.

d. When questioning the suspect, follow the same guidelines above. Do not forget the "who, what, when, where, why, and how." If the suspect provides a statement, have the suspect sign the statement and place his thumbprint on it. If the suspect refuses to provide details of the alleged crimes, document his name, father's name/ grandfather's name, and tribe.

e. Never coerce or force a suspect to sign a statement if he/she is unwilling to do so. If the suspect refuses to sign a statement, have two witnesses memorialize (in writing, or video or voice recording) the details of any verbal statement or admissions made by the suspect.

f. Always consider the likelihood of an incriminating statement. In Afghan courts, or during an Afghan interview, this could serve as the beginning of a full confession and be used to extract information about the entire event. Some judges have conveyed that an incriminating response, made during the excitement of an event, is the definition of a confession. This statement can be used, if documented by an ANSF/ANP partner, as a basis for prosecution. The ANSF/ANP partners should conduct proper tactical questioning to elicit these types of excited utterances, if possible.

10. Arrest Form – Evidence Section (Refer to Annex N – Forms and References)

a. If a detention takes place, fill out the Afghan Arrest Form (see Annex N).

b. While on site, fill out the minimum data required to identify the suspect. Complete the rest of the form upon return to base.

11. Non-Transportable Items

a. In the event that evidence is destroyed IAW unit SOP:

(1) Take photographs of all of the evidence that will be destroyed; and,

(2) Have ANSF/ANP write a statement describing the items that were destroyed using as much detail as possible (number of weapons, type, and serial numbers). In addition, the ANSF/ANP statement should detail why the items were destroyed.

b. Drugs: Coalition Forces invariably encounter illegal drugs and narcotics as part of normal operations.

c. Documentation: Units must ensure their Afghan partners document the scene appropriately, including preserving the minimum standard of weight for that particular drug or narcotic (find requisite minimum amounts below). Without preserving, labeling, and transporting the minimum weight, the suspect will not qualify for trial at a counter-narcotics tribunal. In addition, recording of the scene is imperative. The designated Afghan partner must photograph, with statement included, all equipment, tools, documents, currency, and drugs. Most vitally, accompanying Afghan statements must describe why, how, and by whom the items were destroyed.

d. Minimum Quantities to Collect and Preserve as Evidence: A successful prosecution requires the ANSF/ANP to collect and preserve the following quantities of specific drugs. If the requirements are not satisfied for the counter-narcotics tribunal, the local courts still maintain jurisdiction. The local courts can still prosecute individuals who possess less than these amounts, and regularly do.

(1) Heroin – 2 kg (4.4 pounds)

(2) Opium – 10 kg (22.0 pounds)

(3) Hashish (or precursor chemicals) – 50 kg (110 pounds)

12. Physical Evidence

a. Pocket Litter. Loose objects, such as money, keys, and scraps of paper, usually found in a suspect's pockets or clothing, should all be collected. The team collecting the pocket litter does not have the time to determine relevancy; therefore, all items should be collected. Once removed from the suspect, place the pocket litter in a marked plastic bag and document it appropriately. To pursue an investigation, showcase associations, or demonstrate knowledge of insurgent activities, the Afghan Criminal Evidence Collection Team (CECT) should be provided a copy of any pocket litter, receipts, documentation, leaflets, notebooks, or papers found on a scene. In addition, the Afghan partner should prepare a short statement stating where the documentation was found and who found it. The ANSF/ANP in charge should sign this statement, document the unit's name, provide the date, and note the reference the items have to the event.

b. Documents

(1) Collect and store documents in paper containers if at all possible (to preserve latent fingerprints).

(2) Documents found in separate areas of a crime scene should be stored separately.

(3) Annotate the sketch to identify from where the documents were recovered.

(4) Translate the documents as soon as practicable for intelligence value.

(5) Take a photograph of the documents to capture as much information as possible in case the actual document is misplaced.

c. Weapons (see Annex H and Annex I)

(1) Photograph any weapon before moving it. Clear the weapon after taking photographs, but before transporting it.

(2) Take notes on the condition of the weapon as it is discovered.

(3) Note and photograph the serial number of any weapons as well as any other visible nomenclature.

(4) Preserve latent fingerprints and genetic samples that may be located on the weapon. Limit the number of individuals who handle the weapon. Do not remove ammunition from any magazine.

(5) Do not destroy the weapon in place if it can be collected and preserved as evidence. To maximize potential exploitation opportunities, weapons should be handled on areas less likely to be touched during normal handling. Follow the unit's SOP regarding the types of weapons or hazardous material that should be destroyed.

(6) Store the weapon separately from any ammunition or magazines, but annotate which ammunition was found with which weapon. Do not remove rounds from the magazine just for the sake of counting them - the rounds probably contain fingerprints.

d. Explosive Materials / IED Components (see Annex J, Annex K, and Annex L for sample checklists)

(1) Any explosive materials found on site, such as HME should only be handled by trained EOD or CIED personnel.

(2) Collect, document, and store any IED components found on site, such as pressure plates, copper wire, switches, and battery packs.

(3) Turn over all IED related evidence to EOD/CIED personnel so that it may be processed through the Combined Explosive Exploitation Cell (CEXC).

(4) If safe to do so, photograph all explosive materials prior to moving or destroying the items.

e. Electronic Media Storage Devices

(1) Collect all cell phones, SIM cards, and media storage devices, such as computer hard drives, thumb drives, compact discs, I-Pods, MP3, cameras, optical disks, video-recorders, and USB devices.

(2) If the device is on, leave it on. If off, leave it off. Do not touch the buttons - pressing buttons could destroy data. Do not remove the battery or SIM card, check for contact information, answer incoming calls, or use the device.

(3) Keep all power cords, cables, and chargers with the device.

(4) With respect to cell phones, after a USFOR-A or ISAF element provides the phone for intelligence exploitation, it must request the unclassified list of phone numbers stored on the cell phone SIM cards be returned as soon as possible. The unit will provide the unclassified phone list to the GIRoA prosecutors. With this information, they can identify ownership of a cell phone and proceed with their investigation. The prosecutors can also use this information to showcase insurgent relationships and communication methods to help prove a suspect's guilt.

13. Advanced Evidence Collection: If the following capabilities are available, and local prosecutors and judges accept the following forms of evidence, they may be used to supplement the

basic evidence collection guidelines above. Adequate training needs to be provided to the judges. Most of these advances evidence collection techniques are highly technical, and they should only be entertained if the judge has been trained to understand the significance of scientific evidence.

a. Biometrics Analysis Toolset System (BATS)

(1) Biometrically enroll all subjects on-site using the BATS or Quick Capture Platform (QCP) system. If permissible, ensure that a full enrollment is collected, to include iris scans, ten digit fingerprints, a full facial photograph, and other biometric data. Properly document the 8 digit MGRS coordinate associated with the location that the suspect was found.

(2) If the situation requires immediate retrieval of biometrics data, contact the Task Force Biometrics Enabled Intelligence Analysts to expedite the suspect's enrollment in and matching search through the latent fingerprint database.

(3) Upload the collected biometrics via File Transfer Protocol (FTP) or via support from the Biometrics FSE. If suspected of IED related activities, ensure that the collected biometrics are in the appropriate file formats (BATS Data File (BDF) and Electronic File Transfer (EFT) and are provided to CEXC with any IED related evidence that requires exploitation.

(4) If exploited items are of a non-IED nature, then provide biometrics to JEFF. Ensure the collected biometrics data is saved in BDF and EFT and are provided with the other evidence collected at the scene.

b. Explosives Testing (X-Spray, Vapor Spray)

(1) Immediately following capture, when possible, administer an explosive test, such as the X-Spray or Vapor Spray tests, to determine whether the suspect has recently handled various types of trace elements indicative of explosive handling.

(2) Take a close-up photograph of the swab to show the result of the spray test. Take an additional photograph depicting the result of the swab with the suspect. If requested, produce a translated chart showcasing the various chemicals (Note: the swab will fade over time and the photograph will be the only accurate evidence preserved).

(3) Ensure trained ANSF/ANP partners use the available explosive testing materials. Have the ANSF/ANP partner write a statement on the explosive testing conducted and the results of the test.

c. Latent Fingerprints

(1) Fingerprints are easily destroyed. If rubber/latex gloves are available, use them to handle the evidence. Eliminate unnecessary contact with the evidence. Only handle the evidence if it is necessary. Unnecessary handling of the evidence might degrade any latent fingerprints left on the

evidence or might impede proper DNA sampling through cross-contamination (see DNA below). Use paper containers if at all possible.

(2) Small, transportable items should be packaged in paper containers and sent to the crime lab for processing.

d. DNA

(1) Items found at the scene may have traces of DNA that can link the suspect to the crime. Collect evidence that may contain DNA and store it in a sealed paper bag. Place the paper bag inside of a second paper bag and seal it. Record the Handled Interagency Identity Detection Equipment (HIIDE) batch number and/or fingerprint of suspect(s) on the paper bag. Also include the biographical information on the bag (name, son of, date of birth, tribe, village, etc.). This is to ensure that the DNA swab can be married to the appropriate HIIDE and/or fingerprint card entry into the fingerprint databases.

(2) Wear two rubber/latex gloves per hand if available. Change the outer set of gloves before collecting another item to avoid potential cross-contamination.

(3) In order to match the suspect to any DNA found at a crime scene, a DNA sample from the suspect is necessary. Take a swab and collect a DNA sample from the inside of the suspect's mouth, along the wall of his/her cheek. Store the swab in a paper bag and label it with the name of the suspect, date, time, and location. Seal the bag to avoid cross-contamination.

(4) NOTE: Damp evidence and some DNA samples (cheek swaps, blood, etc) must be placed in paper bags to allow ambient drying and to prevent the destruction of evidence through the presence and growth of bacteria and mold.

14. Wet Documents

a. When handling wet documents, always use latex gloves and a mask. If the document is damp, unfold it with care and allow it to dry completely. If the document is soaked, place in a paper bag to help absorb the moisture. Then, place the paper bag into a plastic bag – do not seal the plastic bag. Monitor the document for discoloration, remove while still damp, and allow it to dry completely.

b. For documents soaked with bodily fluids, wear rubber/latex gloves and a mask. Place the items in a paper bag and an unsealed plastic bag. Contact unit medical clinic upon return to base for handling of the documents and disposal.

c. Use a digital camera to record the condition and content of documents. Do not leave documents sealed in the plastic bag for any extended period of time.

15. Labelling Evidence for Identification (Tagging)

a. Tagging is not required by Afghan courts. However, units should tag all evidence when possible. When tagging, evidence must be separately labeled and the following should be indicated for each individual piece of evidence:

- (1) Name of item;
- (2) Name of suspect/capture tag associated with this specific item;
- (3) Unit designated number given to this specific piece of evidence;
- (4) Date/time of capture;
- (5) Short description of the item, to include info such as color, serial number, shape;
- (6) Exact location where item was located upon confiscation, to include 8 digit MGRS and/or room;
- (7) Identity of capturing unit (USFOR-A and ISAF/ANSF/ANP);
- (8) Retain a copy of each tag for record keeping purposes.

b. Translate all tags into Dari or Pashto, as appropriate. If originally in Dari or Pashto, translate to English.

c. Place loose evidence such as “pocket litter” separately in a plastic bag and label it appropriately.

16. Transferring Evidence (Chain of Custody)

a. Transfer all suspects with the following, as applicable:

b. A fully executed and translated Afghan Arrest Form (See Annex N) with the suspect's thumbprint and the signatures of two Afghan witnesses.

c. An unclassified storyboard of all photographs taken at the scene and a translated statement of facts by the site commander.

d. All physical evidence necessary to assist the prosecution at trial, including disabled weapons and disabled IED components.

e. A fully executed and translated Afghan Search Form (See Annex N). Obtain this in advance if the capture is coordinated prior to execution with supporting ANSF/ANP entities. An Afghan prosecutor can provide consent for a search by phone if unexpected evidence is found. If the Search Form cannot be obtained in advance, complete one upon return to base.

f. Fully executed and translated witness statement forms, to include witness contact information from both Afghan civilians and ANSF/ANP.

g. Full commercial contact information for the unit POC, including cell phone if available, to facilitate contact by NDS investigators and prosecutors for investigation purposes.

h. A fully executed and translated transfer of evidence form, such as DA Form 4137 (Evidence/Property Custody Document).

i. Keep copies and/or records of every document or piece of evidence related to a criminal prosecution that is turned over to Afghan authorities.

IV. Evidence Classification

All evidence and information collected is unclassified unless there is a specific reason to classify the information. Identify the regulation or authority for classification at the bottom of the first page of any classified evidence.

V. References

1. [10-35 Forensics and Warrant-Based Targeting Newsletter](https://call2.army.mil/toc.aspx?document=5898) (Apr 10) (<https://call2.army.mil/toc.aspx?document=5898>).
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4. CALL Handbook Tactical Site Exploitation and Cache Search Operations, No 07-26 (May 2007) available at (<https://call2.army.mil>).
5. Site Exploitation: Evidence Collections Best Practices Guide (February 2008) (published by Technical Support Working Group, the United States Navy, and the United States Marine Corps).
6. ISAF Guide to Collecting Evidence for Prosecution of Detainees in Afghan Courts, Jun 2010.
7. ISAF SOP 236, Intelligence and Forensics Support to Detainee Operations, 20 Oct 2009.
8. ISAF SOP 362, Detention of Non-ISAF Personnel, 3 Aug 2009.
9. ISAF SOP 503, Support to GIRoA Counter Narcotics Operations, 3 Oct 2009.
10. IJC SOP 250, Exploitation of Captured Enemy Materials, 23 Dec 2010.
11. RC-E Evidence Development Standing Operating Procedure, 23 Jan 2010.
12. IJC FRAGO 071-2009, Evidentiary, Prosecution, and Case Tracking Procedures, 17 Nov 2009.
13. Site Exploitation: Evidence Collection, USMC, Oct 2009.
14. IJC SOP 10371.2, IED Exploitation (Draft), 31 Dec 10.

ANNEX A SE TEAM MEMBER ROLES

Team Leader

- Brief the SE Team including any attachments
- Conduct pre-mission checks and inspections
- Conduct rehearsals
- Oversee operations
- Conduct site assessment
- Specify suspect holding and screening area
- Keep notes on the chronology of events
- Designate priority rooms for search
- Ensure scene documentation
- Coordinate suspect tactical questioning
- Communicate with higher
- Ensure suspect movement and handover
- Conduct debriefing
- Supervise evidence inventory
- Supervise completion of reports
- Consolidate all documents and photos

Assistant Team Leader

- Attend SE Team brief
- Assist team leader with permission requirements
- Conduct permission checks and inspections
- Conduct SE kit inventory
- Conduct rehearsals
- Conduct initial walk through of the scene
- Establish evidence collection point
- Number rooms
- Brief team leader on evidence collection plan
- Assist searcher and recorder on scent
- Conduct evidence quality check
- Prepare evidence for transfer
- Complete evidence documents
- Prepare statement on mission activities and results
- Refit SE Kit

ANNEX A (cont'd)
SE TEAM MEMBER ROLES

Recorder

- Receive mission brief from team leader
- Train any additional recorders
- Conduct pre-mission checks and inspections
- Assist with SE Kit inventory
- Conduct rehearsals
- Photograph the target site exterior
- Photograph the target site interior
- Photograph the evidence as found
- Photograph the evidence with the suspect
- Sketch with target site
- Take ID photographs of suspects
- Add all photographs and sketches to suspect packet
- Prepare statement on mission activities and results
- Assist assistant team leader with SE Kit

Searcher

- Receive mission brief from team leader
- Train any additional searchers
- Conduct permission checks and inspections
- Assist with SE Kit inventory
- Conduct rehearsals
- Search the site for items of evidentiary value
- Inform Recorder of location of evidence to allow photographs
- Keep notes on where the items of evidence are found
- Package evidence
- Label evidence
- Prepare statement on mission activities and results

Suspect Handler/Law Enforcement Professional/Tactical HUMINT Team Member

- Identified during briefing
- Escort suspect to holding area on site
- Search, silence, segregate, safeguard, speed to rear, tag
- Conduct tactical questioning
- Brief team leader on findings and intelligence

ANNEX B
EXPEDITED SE TEAM MEMBER TASK LIST

Crime Scene and Criminal Evidence Collection Checklist

- ___ Site is secure and if necessary cleared by EOD or military working dogs.
- ___ Designated Afghan Criminal Evidence Collection Team (CECT) leader conducts initial brief.
- ___ CECT Team leader and designated Afghan CECT team leader conduct walk through.
- ___ CECT Team leader and Afghan CECT team leader brief designated Afghan CECT and USFOR-A, or ISAF CECT on any remaining safety issues or enemy threats.
- ___ Afghan CECT team leader designates a consolidation area for evidence collection.
- ___ Designated Afghan CECT members and USFOR-A or ISAF CECT members disperse to process the crime scene.
- ___ Afghan CECT team leader contacts the appropriate authority for notification and to seek guidance.
- ___ Photographs - designated Afghan CEXC member(s) begins to capture photographs IAW SOP.
- ___ Sketch - designated Afghan CECT member sketches diagram(s) of the site IAW SOP.
- ___ Witness Statements - designated Afghan CECT member(s) seek out witness statements from any available civilians and fellow ANSF/ANP.
- ___ Collect Physical Evidence – designated Afghan CECT member(s) collect physical evidence IAW SOP.
- ___ Afghan CECT team leader conducts final walk through of scene to complete site process.
- ___ Afghan CECT team leader transports and secures evidence in accordance with unit SOPs.
- ___ Afghan CECT team leader completes final reports and statements including but not limited to:
 - ___ All evidence is labelled appropriately in Dari or Pashtu and English.
 - ___ Afghan statement describing the reasons for arriving at this site or objective (if applicable).
 - ___ Afghan statement describing evidence that was destroyed, why it was destroyed, where it was destroyed, and who destroyed it (if applicable).
 - ___ Afghan statement describing the photos as authentic and have not been altered in any form or fashion, unit name who captured the photographs, location (village, incident, and/or MGRS), and each photograph is initialled by appropriate Afghan CECT member (statement may be written on the rear of the one of the photographs).

ANNEX B (cont'd)
EXPEDITED SE TEAM MEMBER TASK LIST

____ Afghan witness statements (minimum of 2) from civilians or appropriate ANSF/ANP members.

____ Afghan CECT team leader coordinates with USFOR-A, or ISAF personnel for transport of evidence for forensic evaluation.

____ Afghan CECT team leader briefs Afghan prosecutor and receives guidance for further investigation.

ANNEX C SE KIT ITEMS

- 3 x 5 card to label evidence
- Batteries for camera or voice recorder
- Blackout goggles to blindfold suspects
- Paper bags to hold evidence and preserve latent prints
- Cable ties to make weapons safe
- Cardboard boxes to package and transport evidence
- CD cases to secure CDs/DVDs during transport
- Chain of custody tags
- Chalk
- Chem lights to mark evidence collection point
- Clipboard to organize forms and provide writing surface
- Digital camera, to include a memory card of minimum 1GB capacity, to document the scene (extra batteries)
- DNA kits to collect blood or bodily fluids (buccal swabs) at the scene
- Duct tape to secure evidence, mark areas or tag evidence
- Evidence tags
- Explosive residue kits
- Fingerprint kits to gather prints found on scene and inkpad for sworn statements
- Flashlights to search dark areas
- Flex cuffs to secure suspects and make weapons safe
- Forms (sworn statement, evidence inventory form, etc)
- Global Positioning System (GPS) receiver to mark locations for reports
- Graph sketch pad
- Gunshot residue (GSR) kit
- Heavy duty trash bags to hold and transport items
- Lanterns/lighting
- Large manila envelopes to transport documents and small pieces of evidence
- Large backpack to hold all SE Kit items, and one small backpack to hold a select number of items during a patrol.
- Mask for use in preserving wet documents
- Multi-tool to for cutting and prying open items
- Pens, pencils, and paper
- Permanent marker to mark evidence bags
- Personnel Protective Equipment (PPE) for suspects to wear as appropriate during transport
- Premade room number cards to number rooms without writing on walls
- Reference object / ruler to place next to evidence in photos for scale
- Rifle cleaning swabs and envelopes to gather DNA
- Rubber gloves worn to prevent evidence destruction
- Space blanket to serve as a background for photographs
- Surgical scissors to cut tape
- Video camera and/or voice recorder to record the site and minimize writing
- Wet wipes

ANNEX C (cont'd)
SE KIT ITEMS

- White labels to label items too large to bag
- Ziploc bags and paper bags to hold evidence
- Zip ties to secure evidence

ANNEX D PHOTOGRAPHS – EXTERIOR



The two photographs depict the same compound. The one on the left depicts the house in relation to the road. The one on the right demonstrates the vehicle in relation to the house.



The photograph above depicts an IED site in relation to the house and provides a good frame of reference for the distance between the IED and the suspect's house.

**ANNEX D (cont'd)
PHOTOGRAPHS - EXTERIOR**



The picture above depicts all of the items found in a cache.



The picture above depicts the items found in the box in the cache depicted in the top picture.

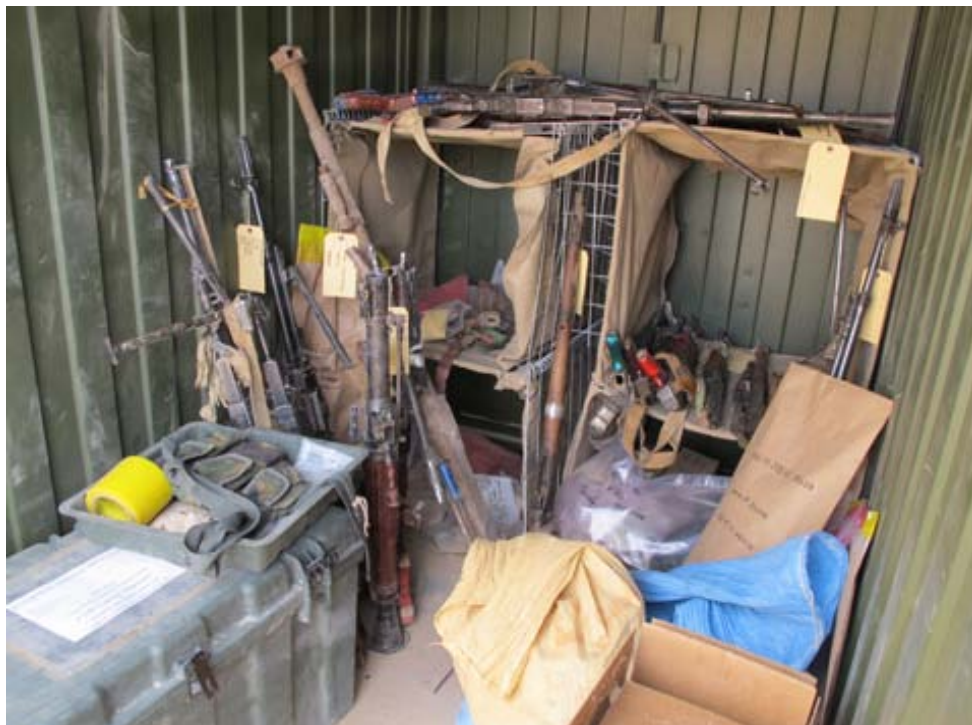
**ANNEX D (cont'd)
PHOTOGRAPHS INTERIOR**



The picture on the top left is the right corner to the main entrance of a compound where a cell phone was found. The picture on the top right is a different perspective of the door seen in the top left picture. The lower left is a room in the compound adjacent to where the phone was found. The entrance to that room is shown in the lower right image.



**ANNEX D (cont'd)
PHOTOGRAPHS – EVIDENCE**



This sequence of photographs depicts the contents of a weapons cache in a shed and then focuses on one specific weapon to capture unique markings, make, and individual close ups of the weapons above.



**ANNEX D (cont'd)
PHOTOGRAPHS – EVIDENCE**



**ANNEX D (cont'd)
PHOTOGRAPHS – EVIDENCE**



This sequence of photographs depicts a weapons cache that was covered by foliage, and shows a progression where the weapons are gradually uncovered. Concluding the series is a picture of a full layout of the cache.



ANNEX D (cont'd)
PHOTOGRAPHS – EVIDENCE

PHOTOGRAPH SUSPECT

You should take photographs of the evidence where you find it before consolidating it for this shot
(Note: Your photographs should not black out the suspect's face – this is done in this photo as it is being used for training purposes only).



ANNEX E SKETCH

Be sure to include contact information for the unit and who drew the sketch.

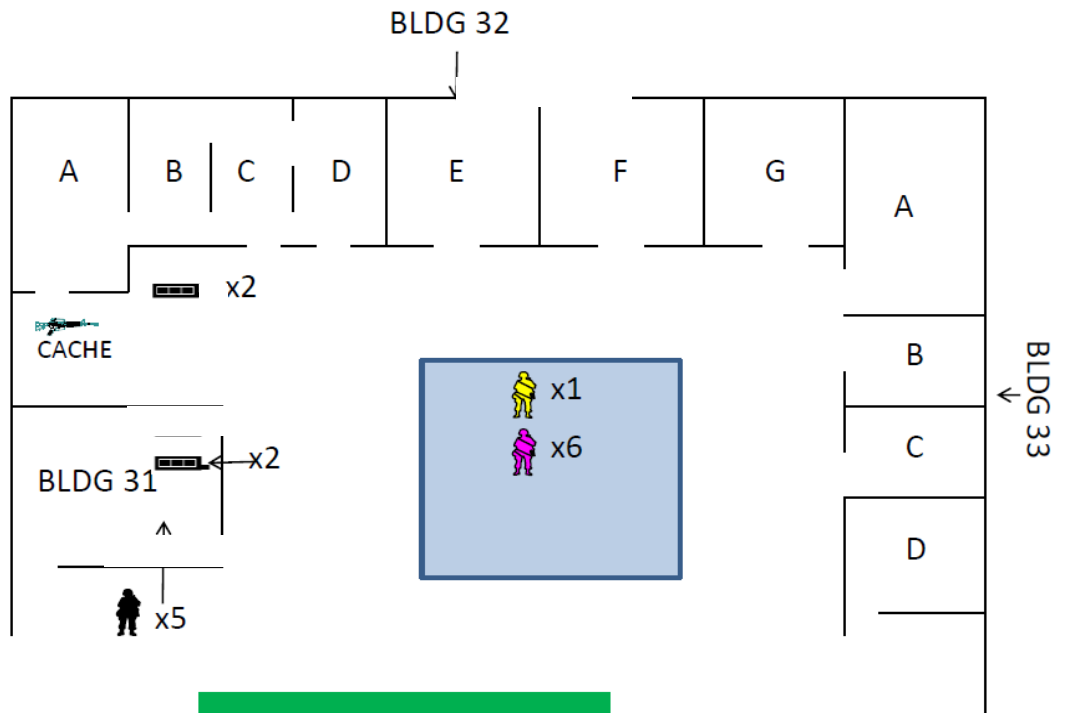
Exhibit

UNCLASSIFIED//FOUO
FLOOR PLAN - BLDGS 31, 32, 33

20576



	MALES	
	FEMALE	
	CHILDREN	زن
	HANDSET	طفل
	SIM CARD	
	WEAPON	
	EXPLOSIVE	
	DOCUMENTS	
	MEDIA	
	VEHICLE	
	MOTORCYCLE	
	KORAN	



UNCLASSIFIED//FOUO

ANNEX G
WEAPONS CACHES INSIDE RESIDENCES

____ If the weapons are hidden, photograph them in place before removing them, or if in boxes/containers, make sure the lid is open so the picture shows what is in the container or box.

____ Photograph the room and/or area where the weapons or contraband were found.

____ Photograph each suspect and the weapons together.

____ If more than one suspect, also take a picture of all the suspects together with the cache.

____ Take close-ups of the weapons, grenades, detonation cords, antitank rockets (RPG rockets), ammunition, etc.

____ Take a photo of the exterior of the suspect's house (courtyard, wall, entrance and exit points, and any major landmarks).

____ On the appropriate forms (evidence/property, witness statement, and apprehension), list all weapons and contraband found at the site.

____ Take at least two witness statements.

____ Draw a sketch of the house and specifically the room where the contraband is located.

____ Collect and tag evidence.

ANNEX H

WEAPONS CACHES OUTSIDE RESIDENCES

____ If weapons are hidden, photograph them in place before removing them, or if in boxes/containers, make sure the lid is open so the picture shows what is inside the container.

____ Take a photo of each suspect and the weapons found.

____ If more than one suspect, take a picture of all the suspects together with the cache.

____ Take close-ups of the weapons, grenades, detonation cords, RPG rockets, ammunition, etc.

____ Take a photo of the suspect's house and where the weapons cache was located in relation to the house (Note: This photo is used to establish distance from the home and that the suspect owns the property. The suspect's house should be in the background).

____ If the cache is located in the suspect's courtyard, take a picture of the courtyard wall (Note: This photo is used to show that the property is not easily accessible).

____ Take a picture of the courtyard (Note: This photo is used to show the layout of the property).

____ On the appropriate forms, (evidence/property, witness statement and apprehension) list all weapons and contraband found at the site.

____ Take at least two witness statements.

____ Draw a sketch of the house and specifically the room where the contraband is located.

____ Collect and tag evidence.

ANNEX I

WEAPONS INSIDE VEHICLES

- ___ Take photos of the weapons inside the vehicle before removing them.
- ___ Take a photo of the entire vehicle.
- ___ Take a photo of the license plate of the vehicle.
- ___ Take a photo of the weapons, vehicle, and suspect together.
- ___ Take close-ups of all weapons and contraband found. If contraband is in a container, make sure it is open, and take photographs of what is inside.
- ___ Take a photo of the area showing where the car was stopped.
- ___ Take a close-up of the car registration.
- ___ Take a close-up of the vehicle's identification number (VIN). The VIN could be under the driver's side windshield or inside the door panel.
- ___ Remember to identify the driver and passengers in the witness statements.
- ___ Take a photograph of the car registration and the driver and passenger identification (ID) in order to prove ownership of the vehicle.
- ___ On the appropriate forms (evidence/property, witness statement and apprehension), list all weapons and contraband found at the site.
- ___ Take at least two witness statements.
- ___ Draw a sketch of the vehicle in relation to nearby landmarks to include roads.
- ___ Collect and tag evidence.

ANNEX J VEHICLE BORNE IED

- ___ Take several photographs showing the damage once scene is cleared by EOD/CIED.
- ___ Take a photograph showing damage to the road.
- ___ Take a photograph of the vehicle remnants, including license plate, registration, and VIN, if possible.
- ___ Take several photographs of the aiming points, if any were used by the suspects.
- ___ Take photographs of the aiming point showing the damaged vehicle in the background.
- ___ Take photographs of where the suspects were captured in relation to the aiming point (Note: this photo is used to show distance).
- ___ Take a photograph of where the suspects were first observed by USFOR-A or ISAF after the detonation (Note: this is used to show distance and viewpoint of the IED placement).
- ___ Take a photograph of the detonation device, if recovered.
- ___ Take a photograph of the detonation device and the suspect if the device is recovered.
- ___ Conduct explosives testing on all suspects and the vehicle and record the findings. Put findings on all sworn documents.
- ___ Take photographs of the explosive testing conducted on the suspects.
- ___ Ensure number of photographs were taken and who took them is documented.
- ___ Draw a sketch.
- ___ Take at least two witness statements.
- ___ Collect and tag evidence.

ANNEX K UNEXPLODED VBIED or IED

Only take pictures if safe to do so. As a minimum, EOD/IEDD should be consulted prior to any attempt to collect evidence from any IED scene.

____ Take several photographs showing the IED.

____ Take a photo showing the IED and where it is located in relation to the road.

____ Take several photographs of the aiming points used by the suspects.

____ Take photographs of the aiming point showing the IED site in the background (Note: this photo is used to show distance).

____ Take a photograph of where the suspects were captured in relation to the aiming point (Note: this photo is used to show distance).

____ Take a photograph of where the suspect was capture in relation to the IED site (Note: this photo is used to show distance).

____ Take a photograph of where the suspect was first observed by the unit after the IED was discovered (Note: this photo is used to show distance and viewpoint of the IED placement).

____ Take a photograph of the detonation device, if recovered.

____ Take a photograph of the suspect and the detonation device if the device is recovered.

____ Conduct explosives testing on all suspects and record findings. Put findings on all sworn statements.

____ Take photographs of the explosive testing that was conducted on the suspects.

____ The witness statements should state how many photographs were taken and who took them.

____ Draw a sketch of the scene.

____ Take at least two sworn statements.

____ Collect and tag evidence.

**ANNEX L
EXPLODED IED**

____ Photograph the location of the attacks and/or assaults (Note: these photographs should also include any damage to vehicles or property)

____ Photograph all weapons and contraband, to include close-up photos of the model and serial numbers, if applicable.

____ Photograph all suspects with weapons and contraband seized.

____ Photograph shell casings.

____ Include medical records and or letters from the hospital on all injuries sustained.

____ If there are personnel KIA, a copy of the death certificate needs to be filed for each person killed.

____ Prepare two sworn statements.

____ Draw a sketch.

____ Collect and tag all evidence.

**ANNEX M
PROPAGANDA**

____ Photograph all computers, cell phones, palm pilots, thumb drives, CDs, DVDs, cameras, video equipment, and disks.

____ Photograph paper propaganda materials, such as night letters.

____ Photograph the location where evidence was obtained.

____ Photograph the suspect with the evidence.

____ Photograph and seize all suspects' IDs, visas, passports. Make copies in case any items are lost.

____ Prepare two sworn statements.

____ Draw a sketch.

____ Collect and tag all evidence.

ANNEX N FORMS AND REFERENCES

محضر گرفتاری مطابق ماده (12) قانون کشف و تحقیق

تاریخ گرفتاری : نوع گرفتاری : ساعت گرفتاری : شهرت مظنونین :	محل گرفتاری : نوع گرفتاری : ساعت گرفتاری : شهرت اشخاص که گرفتاری را انجام داده اند.
فکاتح مظنونین	شهرت اشخاص که گرفتاری را انجام داده اند.

1 of 5

Capture Report In Accordance With Article #11, Laws of Detection and Discovery	
Date of Capture:	Place of Capture:
Time of Capture:	Type of Capture:
Identity of Suspect:	
Suspect's Willingness / Signature	Identification of the individuals involved in capture / Signature

1 of 5

General Combat Incident Management		Form # (1) Incident Reporting		Ministry of the Interior Year // 1389	
Case Number	Type of Incident Place of Incident Date of Incident Number and Registration Date of Incident Number and Registration Date of Central Administration				
	Name Father's Name Grandfather Original Present Job Age				
Identity of the Central Suspect	Name Father's Name Grandfather Original Present Job Age				
	Date of Arrest Suspect Disposition				
Identity of Escaped Suspect	Name Father's Name Grandfather Job Original Present Age				
	Name Father's Name Grandfather Job Original Present Age				
Cause of Crime	To Individual To Government				
	Cause of Crime Felony Type				
Evidence Present of Crime					
Signature and Name of the Responsible Officer			Incident Details:		
			Interrogator's Signature:		

فرم نمبر (1) گزارش آگاهی و اکتفا

وزارت امور داخله (سال 1389 /)

گروہست عمومی مبارزه باجرایم

2 of 5

شماره مسلسل	
نوع و محل وقوع و تاریخ تصدیق و تاریخ ارتکاب	نوع واقعه محل واقعه تاریخ واقعه نمبر و تاریخ ثبت واقعه نمبر و تاریخ ثبت در اداره مرکزی
شهرت مظنونین گرفتار	اسم ولد ولادت سکونت اهل پیشه سن
شهرت مظنونین	تاریخ نظارت سرنویشت مظنون اسم ولد ولادت سن سکونت اهل پیشه سن
شهرت مظنونین مفقود	اسم ولد ولادت پیشه سکونت اهل سن
شماره	به فرد به دولت
۰۰۰۰۰۰۰۰۰۰۰۰ ۰۰۰۰۰۰۰۰۰۰۰۰ ۰۰۰۰۰۰۰۰۰۰۰۰	

تفصیل واقعه :

شهرت و محل اقامت مشتعلی

شهرت محل اقامت مظنون اداره

2 of 5

ANNEX N (cont'd) FORMS AND REFERENCES

Location of Body Search:										
Date:					Time:					
Person Searched										
Current Residence			Permanent Residence			Duty	Rank	Identity		Number
Province	District	Village	Province	District	Village			Son of	Name	
										1
										2
Searching Officers										
Signature					Branch	Duty	Rank	Identity		Number
								Son of	Name	
										1
										2
During the course of a search of the person listed on this document, the following items were discovered:										
Cases of Containment or Non-Containment (incarceration vs. non-incarceration) of the Person Listed										

3 of 5

محضر تلاشی بدنی

سجل تلاشی بدنی										
تاریخ					ساعات					
شهرت شخصیکه تحت تلاشی بدنی قرار میگردد										
سکونت فعلی			سکونت اصلی			رتبه	وظیفه	شهرت		شماره
ولایت	ولسوالی	قریه	ولایت	ولسوالی	قریه			نام	وند	
										1
										2
شهرت هیئت تلاشی کننده										
نمونه امضا					شعبه مربوطه	رتبه	وظیفه	شهرت		شماره
								نام	وند	
										1
										2
اشیائی که در اثنای تلاشی بدنی بدست آمده است										
قناعت وعدم قناعت شخصیکه مورد تلاشی قرار گرفت(مظنون)										

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**ANNEX N (cont'd)
FORMS AND REFERENCES**

Statement Sheet

Name:
Son of:
Grandfather:
Original Residence:
Present Residence:
Previous Job:
Current Job:
Age:
Marital Status:
Education:
Monthly Income:
Number of Family Members:
Identification Number:

Brother:
Nephew:
Paternal Uncle:
Paternal Cousin:
Maternal Uncle:
Maternal Cousin:
Father-in-Law:
Brother-in-Law:
Place of Capture:
Date of Capture:
Date of Statement:
Place of Statement:

Name: () Son of: (); that according to Paragraph #7, Article #5, listed above, at the Criminal Execution Place of Hearing, you have the right to remain silent. You have the right to an attorney, which one will be appointed to you, and to have that attorney present during questioning.

The person identified in this document has been advised that he or she acknowledges that the contents of the statement are true and accurate.

ورق اظهارات

اسم:
والد:
والدیت:
سکونت اصلی:
سکونت فعلی:
وظیفه قبلی:
وظیفه فعلی:
سن:
حالت مدنی:
درجه تحصیل:
تاریخات ماهانه:
تعداد اعضای:
نامرتکره:

برادر:
برادرزاده:
کاکا:
پسرکاکا:
عمو:
پسرعمو:
خمسهر:
خمسهره:
محل گرفتاری:
تاریخ گرفتاری:
محل اظهارات:
محل اظهارات:

اسم () والد ()
شما مطابق بند (7) ماده (5) قانون اجراءات جزائی موقت برای محاکم حق سکونت، حق تعیین وکیل مدافع و حضور در هنگام تعیین وکیل مدافع و استناده کرده میباشید.

شخصی که شهرت اش در قوهی دکر گردیده است به راستگویی توصیه گردید و چنین اظهار نمود.

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ANNEX N (cont'd) FORMS AND REFERENCES

List of Documents According to Article (), Laws of Detection and Discovery

Number	Type of Document	Number of Document(s)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

فہرست اوراق مطابق مادہ () قانون کشف و تحقیق

شماره	نوع ورق	تعداد ورق
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		

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ANNEX O PROSECUTION PACKET CHECKLIST

24 hours – prosecutor must be notified crime occurred

____ Afghan team leader has notified the prosecutor a crime has occurred and an investigation has begun.

72 hours - the Afghan CECT must complete all reports and statements for handover to the prosecutor. The prosecutor may request additional information or reports.

____ Afghan sketches of scene are complete with Afghan unit name, date, time, and location.

____ Photographs are printed and each individual photograph is initialed by the Afghan photographer or the ANSF/ANP on-scene commander.

____ Afghan statement describing all photos to be accurate and unaltered naming the unit who captured the photographs, signed and dated by the unit CDR.

____ Afghan statement describing weapons/HME/IED components/drugs and narcotics that were destroyed, WHY it was destroyed, WHERE, and by WHOM. This statement should be signed by the ANSF/ANP on-scene commander and list name of unit, date, and references the incident in question.

____ TWO ANSF/ANP statements describing who, what, when, where, why, and how (if applicable) signed by ANSF/ANP on-scene commander, and list name of unit, date, and reference the incident in question.

____ Civilian witness statements describing who, what, when, where, why, how (if applicable) signed by the ANSF/ANP on-scene commander, and list name of unit, date, and reference the incident in question.

____ Afghan statement describing the weapons in detail to include serial numbers, identifying markings, the state the weapon was found (loaded/unloaded), and most importantly, if the weapon is functioning properly (able to be fired).

____ Afghan statement describing any insurgent related documentation, leaflets, letters, notes, etc. Statement is signed by the ANSF/ANP on-scene commander, and lists the name of the unit, date, location found and references the event in question. Provide a copy to Afghans prior to intelligence exploitation.

____ Afghan partner statement describing the reason why ANSF/ANP arrived on the scene, why was the search conducted, and why were the suspects detained. This statement should be signed by the ANSF/ANP on-scene commander, and lists name of unit, date, and references the incident in question.

____ Copy of all statements and documentation are translated to English for USFOR-A or ISAF criminal evidence and prosecution files.

ANNEX P
FORENSIC ANALYSIS AND EXPLOITATION

___ Weapons sent for forensics or intelligence exploitation are returned to prosecutor (if applicable).

___ Result of CEXC (IED) analysis to include translated report describing the findings returned to prosecutor (if applicable).

___ Phone numbers derived from cell phone given to prosecutor (if applicable).

ANNEX Q
INTERIM PROCEDURAL CRIMINAL CODE FOR AFGHAN COURTS: CHAPTERS 4, 5, AND 6

Chapter 4 - Jurisdiction of the Courts

Article 25 Jurisdiction on crimes

1. The District Courts are competent for adjudicating petty, misdemeanors and felony crimes according to the provisions of the law.

Article 26 Territorial Jurisdiction

1. The territorial jurisdiction is determined by the place where the crime is committed.
2. In case of attempt crime the competence belongs to the Court which has jurisdiction on the place where the last action for the commission of the crime has been accomplished.
3. In case of continuing or permanent crime the competence belongs to the Court having jurisdiction on the place where the continuation or the permanence ceased.
4. When an accused is to be adjudicated for more than one crime, the territorial competence belongs to the Court having jurisdiction in the venue where the most serious crime has been committed.
5. When the Court realizes that in cases of multiple crimes committed by the accused the most serious crime has been committed in another venue, it shall transfer the procedure to the court having jurisdiction in that venue.

Article 27 Conflict between Two Courts

1. When between two District Courts located in the same Province raises a conflict on the attribution of territorial jurisdiction, the case is ruled by the President of the Provincial Court.
2. When the said conflict rises between Courts in different Provinces, the case is ruled by the Supreme Court.
3. The settlement of the territorial jurisdiction conflict is made at the request of one of the conflicting Courts or of the related Saranwal.
4. The decision settling the conflict is notified to the competent Court.

Chapter 5 - Duties and Jurisdiction of Judicial Police

Article 28 Categories of Judicial Police Officers

1. Judicial police are categorized as follows:
 - a. the Judicial police's commissioned officers are the superior ranks of the State police;
 - b. the ordinary officers of the judicial police are the low ranks of the State police.
2. Special laws can attribute the functions of judicial police to other public officers.

Article 29 Role of Judicial Police

1. The judicial police perform their duties under the direction and supervision of the Saranwal.
2. The judicial police have the role of detecting crimes, collecting evidence, and seeking suspects in the pursuit of justice.

Article 30 Judicial Police's Arrest

1. The judicial police shall arrest on their own initiative: a) the offender who is caught in state of flagrante delicto of misdemeanors, punished by medium term imprisonment, or felony; b) the person who is allegedly the author of a felony and there is risk of his disappearance.
2. In all other circumstances, the judicial police perform arrests only in execution of orders of the judicial authorities.

Article 31 Judicial Police's Interrogation

1. The judicial police, after having identified the person arrested on their own initiative, inform him of the reasons of the arrest and interrogate the same about the crime and its circumstances within a maximum of twenty-four hours.
2. Immediately after a report shall be sent to the Primary Saranwal and the person shall be put at his disposal.

Article 32 Judicial Police's Activities

1. In case of flagrante delicto and whenever there are grounded reasons to believe that urgent action is needed to preserve the evidence the judicial police can, on their own initiative, conduct preliminary investigations which include:
 - a. personal frisks or searches of premises and other places;
 - b. seizure of objects and documents;
 - c. inspection of persons and places, taking photos;
 - d. requesting the assistance of experts for performing activities which require special professional qualification.
2. Immediately after having performed the above listed activities. the judicial police shall send a report to the Primary Saranwal
3. Defense Counsel of suspect and accused has the right to be present in investigation and interrogation phases according to art. 38 of this code.

Chapter 6 - Investigation Performed by the Saranwal

Article 33 Ratification of the Police's Decisions

1. The Primary Saranwal immediately after having been informed about the judicial police's activities indicated in articles 30, 31 and 32 either sanctions the deeds of the judicial police's activities or-adopts decisions to revoke or modify them.
2. Before taking the actions mentioned in the previous paragraph the Saranwal can ask the police to provide explanations.

Article 34 Interrogation of the Person Arrested

1. The Primary Saranwal shall interrogate the person arrested within forty-eight hours from the moment when the person has been put at his disposal.
2. The Primary Saranwal can release the arrested suspect whenever he deems no more necessary the deprivation of liberty.

Article 35 Arrest and Seizures by the Primary Saranwal

1. In the course of the investigations activities the Primary Saranwal can order the arrest of the alleged author of a misdemeanor punishable by medium term imprisonment or felony and seizure of items and goods connected with the crime.
2. The person arrested shall be interrogated within forty-eight hours.

Article 36 Terms for Indictment in Case of Arrest

1. When the arrest performed by the Judicial Police is sanctioned or when the arrest has been ordered by the Saranwal and it remains in force, the arrested person shall be released if the Saranwal has not presented the indictment to the Court within fifteen days from the moment of the arrest except when the Court, at the timely request of the Saranwal, has authorized the extension of the term for not more than fifteen additional days.

Article 37 Collection of Evidence

1. During the investigations phase the Primary Saranwal shall collect all relevant evidence which can substantiate a decision pros or cons the suspect.
2. The collection of evidence is not restricted to particular form or matters. The Primary Saranwal is free in selecting tools and modalities of proof.
3. The following shall be considered as key tools:
 - a. Witnesses
 - b. Confrontations
 - c. Line up procedures
 - d. Inspections
 - e. Searches
 - f. Seizure
 - g. Expert exams and evaluations
 - h. Interrogations

Article 38 Defense Counsel Presence

1. The defense counsel has the right to be present at all times during the interrogation of the suspect.
2. The suspect and the defense counsel have the right to be present during searches, confrontations, line-up procedures and expert examinations as well as during the trial.
3. In the investigation phase the Saranwal and the judicial JX)lice shall notify the suspect and his defense counsel of searches, confrontations, line-up procedures and expert examinations in order to allow them to be present. This duty can be waived only when there is an urgent need to conduct the said operations, which is defined as when it is a flagrante delicto crime or there is a fear of the loss of evidential facts.

Article 39 Conclusion of the Investigation

1. At the conclusion of the investigations phase, if the Primary Saranwal deems that there is not grounded evidence dismisses the case.
2. The victim or higher Saranwal can file a complaint to the Court against this decision within ten days.
3. The Court, after having examined the case, can confirm the decision of the Saranwal or vice versa request him to lodge the indictment.
4. In any other case the Saranwal shall submit to the Court the act of indictment requesting the assessment by trial of the criminal responsibility of the indicted person.

5. The act of indictment is comprised of the following:
 - a. Complete identification of the suspect;
 - b. Complete description of the crime.
6. Together with the act of indictment the Primal)' Saranwal shall transmit to the Court the file containing all the deeds formed during the investigations~ putting at the Court's disposal the seized items and goods.