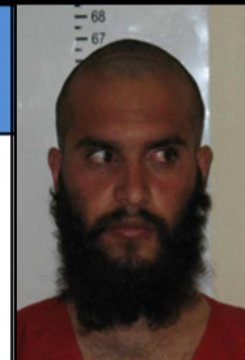


Capturing Unit: TF			Cat	Charges	Estimated Release Date	Primary Court* (Amin, CJ; Matin)	Appellate Court
ISN	Name	Capture					
5460 (MCP)	Mohammad Zahid Age: 22	DOC: 23 Feb 12 Khost Province RC-East	D	Arts. 14 & 19 <i>(Law on Combat against Terrorist Offenses)</i>	22 Feb 16	Art. 5: 4 yrs** Art. 19: 2 yrs	Pending Def. Appeal: Yes Gov Appeal: TBD



Prosecutor: Najib (replacement) **Defense Attorney: Mohammad Aman (CAPS)**

Facts: The Accused was not the TI, but was captured during a joint CF/ANA operation. CF reporting indicates that the Accused is involved in the building and emplacing of IED's. During the joint operation, over (100) MAM's were enrolled in the biometric system. The fingerprints of the Accused were PID to latent prints discovered on an IED located in a cache discovered on 02 Jan 11. Seized with the cache were: (4) cell phones; (4) spider devices; (4) HME samples; (8) battery packs; (1) improvised charge; (3) DTMF boards and magnetic IED components.

Nothing of significance was seized on the DOC.

**Art 5-Subversive Activities

Trial: Prosecutor: The prosecutor summarized the circumstances of capture. He then argued that the fingerprint match of the Accused to a latent print lifted off of the IED discovered on 02 Jan 11, was sufficient evidence to convict under Article 14. Additionally, the prosecutor argued that CF reporting that indicated the Accused was involved with the TB, combined with the PSP was sufficient evidence to convict for membership under Article 19.

Defense Attorney: The defense attorney argued that nothing was seized from the Accused on the DOC. Additionally, the defense argued that CF reporting is not evidence, and the biometric testing was conducted in violation of Afghan law, making the results invalid. Therefore, the defense concluded that, since there was no physical or forensic evidence against the Accused, there was no basis for a conviction under Articles 14 and 19.

Accused: The Accused denied all allegations. He stated that he was a student and had no connection with the TB. When asked by the Court how his fingerprint was found on an IED, the Accused was unable to provide an answer.

Lessons Learned: The fingerprint match on an IED, supported by the Paladin PSP was the reason for the conviction in this case. Mitigating for sentencing purposes was the fact that the IED was found in a cache and not found emplaced by a road or set to detonate somewhere. The Judges specifically inquired as to where the IED was found, and Judge Amin questioned whether or not the IED was found emplaced by a road.

ODP: No

Advisors: Terry J. Bard, INL JA; Parwiz Masoodi, INL ALC

*2-Judge Panel