



# Department of Justice

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**STATEMENT**

**OF**

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**BEFORE THE**

**SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL  
UNITED STATES SENATE**

**AT A HEARING ENTITLED**

**“COUNTERNARCOTICS EFFORTS IN AFGHANISTAN”**

**PRESENTED**

**JULY 20, 2011**

**Statement for the Record of  
Thomas M. Harrigan  
Assistant Administrator and Chief of Operations  
Drug Enforcement Administration**

**Before the  
Senate Caucus on International Narcotics Control  
United States Senate**

**Entitled  
“Counternarcotics Efforts in Afghanistan”**

**Presented  
July 20, 2011**

**DEA’s History in Afghanistan**

The Drug Enforcement Administration (DEA) maintained a presence in Afghanistan until the Soviet invasion in December 1979. The Kabul Country Office (CO) was reopened in 2003 with Temporary Duty (TDY) support and eventually increased to an authorized staffing level of 13 positions by 2006. Since fiscal year (FY) 2008, DEA, in conjunction with the inter-agency community, has expanded its presence from 13 to 81 positions serving two-year tours in Afghanistan. This increase was based on the U.S. Embassy in Afghanistan formal request for additional staffing and expanded mission for DEA, stemming from recommendations noted in the 2007 U.S. Counternarcotics Strategy for Afghanistan. As a result, the Southwest Asia Region was created to cover Pakistan and Afghanistan as DEA’s Eighth Foreign Region. Additionally, the Kabul CO is supported by DEA Special Agents/Pilots and Foreign-deployed Advisory Support Teams (FAST) serving 90 - 120 TDY tours per year.

**Overall Mission and Regional Strategy**

DEA, in its unique capacity as the world’s preeminent drug law enforcement agency, identifies, investigates, disrupts, and targets individuals and drug trafficking organizations (DTOs) responsible for the production and distribution of illegal drugs. DEA is mandated to enforce the provisions of the controlled substances and chemical diversion trafficking laws, regulations of the U.S., and to serve as the nation’s competent authority with regard to national compliance with provisions of international drug control treaties. Further, DEA, in coordination with foreign policy objectives, is the lead in coordinating all international drug investigations by providing clear, concise, and dynamic leadership in the national and international drug and chemical control effort.

In the July 2010 report *U.S. Counternarcotics Strategy in Afghanistan*, the Senate Caucus on International Narcotics Control recommended that “United States policy makers need to recognize that the Taliban operates as a drug cartel and that the drug trade in Afghanistan must be addressed with the same level of resolve as the insurgency – by utilizing every means

available” (page 7). The Caucus concluded that, “If the U.S. ignores the drug problem, we will fail in Afghanistan” (page 7).

DEA initiatives and programs in Afghanistan support this recommendation under two objectives. Our key objectives include:

- Working together with the Afghans to Identify, Investigate, Disrupt and Dismantle significant Drug Trafficking Organizations (DTOs).
- Developing Afghan Counternarcotics Capability and Capacity

## **DEA Operations in Afghanistan**

The July 2010 report by the Senate Caucus International Narcotics Control recommended that the “U.S. government country team in Afghanistan should take the necessary steps to increase the number of vetted Afghan personnel for counternarcotics missions” (page 7).

The Kabul CO is engaging the Afghan government and restoring its legitimacy by developing Ministry of Interior (MoI) specialized units of the CNP-A and working to break the nexus between narcotics and corruption in the Afghan government. DEA, with support from DoD and State, is developing the CNP-A through training and mentoring so it will be able to investigate arrest and assist in the prosecution of the highest level drug traffickers. Specifically, DEA was instrumental in the development of the NIU, the SIU, and TIU. For each of these three units, DEA provides leadership and guidance on developing and conducting investigations and operations, as well as, advice on organizational structure and inter-agency issues.

### Vetted Units

The NIU, a sub-unit of the CNP-A, was established as a specialized tactical enforcement arm of the CNP-A. The NIU is capable of safely conducting interdiction operations, seizures, and serving arrest and search warrants in a high-threat environment, much like a U.S. Special Weapons and Tactics (SWAT) team.

With the high threat of violence, it is imperative to have a professional cadre of law enforcement personnel specially trained and equipped to safely make arrests and serve search warrants stemming from criminal investigations. The NIU actively supports the SIU with a full range of capabilities, from providing security for undercover officers meeting with drug traffickers, to air mobile operations targeting clandestine drug labs and storage sites. All enforcement operations are conducted under Afghan law, which enhances the legitimacy of the Afghan government, utilizing search and arrest warrants.

DEA also helped establish an Afghan SIU which is a specialized, counternarcotics investigative unit within the CNP-A. The SIU mission is to identify significant DTOs operating in Afghanistan and dismantle them through the Afghan criminal justice system. These hand-picked members of the unit are fully vetted by means of polygraphs, background checks, and urinalysis.

In 2007, the first SIU officers graduated from the DEA SIU Training Course in Quantico, Virginia. After the SIU training, these Afghan Officers returned to Afghanistan to work with

DEA on active investigations of consolidated, priority, and high value organizations. SIU officers handle informants, conduct undercover operations, seize evidence, and make arrests. DEA agents and intelligence analysts are assigned to work hand-in-hand with the SIU on a daily basis. Major national, regional, and international drug trafficking organizations are targeted for investigation and prosecution, especially those supporting terrorism and the insurgency. DEA's SIU program, which is used in a dozen countries, has proven to be highly successful throughout the world. The SIU has a subunit of financial investigators called the SIU- Financial Investigation Team (SUI-FIT) which is mentored by the DEA-led Afghanistan Threat Finance Cell (ATFC); Treasury and DOD are co-deputy leads of the ATFC.

DEA, in coordination with DoD, continues to implement an Afghan Judicialized Telecommunications Intercept Program (JWIP) that provides admissible evidence in courts of law in Afghanistan, the United States, and other nations. TIU officers are selected from the SIU based on their technical aptitude for working wire intercepts and conducting analysis. Additionally, vetted civilian translators work with the TIU and provide monitoring and linguistic support. The installation of a U.S./DEA-sponsored wire intercept system was approved by President Karzai. Since its inception in December 2008, the JWIP has intercepted over 15 million telephone calls based on judicial wiretaps from over 2,600 target lines.

This judicial intercept program is used by the SIU to develop prosecutable cases against High Value Targets (HVT). The TIU enables the SIU to target the command and control nodes of major drug trafficking organizations. All intercepts conducted by the TIU are reviewed by prosecutors and authorized by judges making the intercepts admissible in Afghan and U.S. courts. This is critical as the rule of law is advanced in Afghanistan.

The NIU, SIU, and TIU are approaching their optimal strength level. The NIU has an authorized strength of 538 and an actual strength of 441, while the SIU has an authorized strength of 85 and currently includes 77 personnel. The TIU includes 9 officers selected from the SIU and is supported by 200 vetted Afghan civilian linguists that support the TIU. Additionally, there are operational bases in Kabul, Konduz, Kandahar, Helmand, and Herat. These programs, based on funding, resources, time, and personnel constraints are approaching their authorized strength..

#### Afghanistan Threat Finance Cell (ATFC)

In January 2009, the National Security Council (NSC) approved the establishment of the ATFC. The ATFC is an inter-agency, civil-military organization mandated to identify and disrupt the financial and material support networks that fuel the insurgency and other terrorist organizations. The NSC decided that the ATFC would be led by DEA because of the prominent role the narcotics trade plays in financing the insurgency. The DEA director is supported by two co-deputies. The NSC assigned these positions to the Department of the Treasury and the DoD. DoD tasked Central Command to support the ATFC and to provide a senior officer to fill the deputy position.

The ATFC is authorized to have 67 personnel. Currently, it has 56 individuals assigned from DEA, Treasury, the Department of Homeland Security (DHS), State and a variety of Department of Defense (DoD) civilian agencies and uniform services. It has two major intelligence centers,

one at Bagram Air Field (BAF) and one at ISAF Headquarters, as well as liaison teams assigned to various military commands in Regional Commands East, South, and Southwest. Recently, the Royal Canadian Mounted Police (RCMP) assigned a detective to work in the ATFC's law enforcement element and with the United Kingdom's (UK) Serious Organized Crime Agency (SOCA). The Australian Federal Police (AFP) has been invited to join the same component. The ATFC has a close working relationship with the UK-based Joint Narcotics Analysis Cell (JNAC) and has conducted intelligence exchanges with this organization.

The ATFC has ten components, two of which are classified. The other eight components consist of Law Enforcement, Investigative Support, Document/Media Exploitation (DOMEX) Analysis, Banks and Hawalas, Strategic Analysis and Assessments, External Insurgency Finance, Haqqani Network Analysis, and Regional Analysis.

The ATFC is unique because it is not just an intelligence fusion cell; instead, by utilizing its multi-agency law enforcement personnel and its close working relationship with the vetted Afghan SIU-FIT and the Central Bank's Financial Transactions and Reports Analysis Center for Afghanistan (FINTRACA), it has become a major hub for terrorist and illicit finance intelligence collection, analysis and dissemination that is made available not solely for law enforcement, but for the intelligence, military and diplomatic communities as well. The ATFC has produced hundreds of intelligence information reports (IIR) and has developed an Intellipedia site that is visited about 1,000 times each week by individuals from a variety of agencies.

The threat finance networks in Afghanistan consist of mutually-beneficial relationships between the insurgency, narcotics traffickers, unscrupulous members of the financial and commercial sectors, and corrupt public officials. These relationships create the networks that the ATFC targets. This has led the ATFC to build military target packages, provide information for designations pursuant to the Foreign Narcotics Kingpin Designation Act and counterterrorism authorities (the ATFC routinely has eight Treasury personnel assigned to it, including two to three Office of Foreign Asset Control (OFAC) sanctions investigators) work with contractors and U.S. Agency for International Development (USAID) to ensure that United States contract money does not end up with the insurgency, and develop high-level corruption investigations with the SIU-FIT.

In the area of transition, the ATFC, in conjunction with Afghan authorities, has developed a list of core competencies for Afghan financial investigators and a robust training program for the SIU-FIT with courses taught by ATFC personnel, Afghan Central Bank officials, and the European Union Police (EUPOL) in Afghanistan. It is expected that identifying these competencies and developing a robust training regimen will lead to the development of a cadre of Afghan financial investigators who can work independently of foreign mentorship. In fact, the SIU-FIT is already conducting investigations without ATFC involvement, but with the ATFC leadership – at the Afghans' request – reviewing the work periodically.

### Investigative Efforts

The July 2010 report from the Senate Caucus on International Narcotics Control also recommended that “Proactive drug investigations are a significant weapon against corruption.

Whenever possible, U.S. law enforcement personnel assigned to assist the Afghan police in drug investigations should expand those cases to include targeting Afghan officials” (page 8).

DEA’s efforts are aligned with the overall 2010 U.S. Counternarcotics Strategy for Afghanistan which emphasizes actions against DTOs linked to and supporting the insurgency, to include corrupt government officials who are financed by the drug trade and empower Criminal Patronage Networks responsible for undermining the rule of law. Of primary importance, is the targeting of corruption that is made possible by large-scale drug trafficking. Also of importance is focusing on the flow of illegal funds and money laundering throughout the region and the world, as it relates to drug trafficking and corruption in Afghanistan.

DEA has unique capabilities to successfully pursue these objectives as we work hand-in-hand with our well-trained and trusted Afghan partners in the Sensitive Investigative Unit (SIU) and National Interdiction Unit (NIU) in order to bring these individuals to justice in Afghan or U.S. courts. Of note, is the ability to prosecute high-level traffickers in the United States under Title 21 U.S.C. 959 (U.S. nexus) and 21 U.S.C. 960a (narco-related terrorism).

DEA has spent decades developing ties to the nations bordering Afghanistan (with the exception of Iran) including Pakistan, as well as the entire Central Asia region. In addition, recent high-level engagement with Russia offers the potential for significant exchanges of intelligence and multi-lateral investigations. These relationships allow DEA to develop a regional strategy to deal with not only the production and trafficking of illicit drugs in Afghanistan, but the related drug trafficking networks operating in the region. As mentioned earlier, embedded in this strategy is the targeting of the flow of illicit money and money laundering enterprises. In order to focus on this significant aspect, DEA not only leads the Afghanistan Threat Finance Cell (ATFC), but also has developed a core group of Afghan investigators in the vetted SIU-FIT.-to conduct all of its investigations with the ATFC.

Further, all intelligence and evidence collected is “Law Enforcement Sensitive” so it can be disseminated to Afghan law enforcement and military personnel, International Security Assistance Forces (ISAF), our international partners, and the U.S. military on a “need-to-know” basis in an expeditious manner. Even the judicial intercept program is controlled and managed by the Afghans. Because of this, all evidence obtained through the judicial intercept program can be presented at trial in Afghan and U.S. courts, as these intercepts are approved by an Afghan prosecutor and authorized by an Afghan judge.

### Capacity Building

DEA is to developing the capability and capacity of our host-nation counterparts in order to transfer responsibility to the Ministry of Interior specialized units of Counter Narcotics Police-Afghanistan (CNP-A). DEA’s capacity-building efforts are primarily focused on three specialized units of the CNP-A: the SIU, the NIU, and the Technical Investigative Unit (TIU). An excellent relationship between DEA, the DoD, and the Department of State (State) has focused capacity building efforts on these three units by combining training, equipment, and infrastructure with mentoring and operational interaction with DEA enforcement and intelligence

groups, and training teams. These specialized units have developed to the point where they are operationally capable.

### Foreign-deployed Advisory Support Teams (FAST)

In April 2005, DEA established its highly successful FAST program. One of five 10-man FAST trained by U.S. Special Forces rotate to Afghanistan every 120 days. This allows for interoperability with U.S. Special Forces and NATO's ISAF. FAST is the enforcement arm of DEA's Drug Flow Attack Strategy (DFAS).

FAST serves as a key tool for the agency to augment its workforce and capabilities in Afghanistan and to partner with the NIU to identify, target, disrupt, and dismantle DTOs. Together, the Kabul CO and FAST assist in operations targeting narcotics traffickers, money launderers, and the Taliban/insurgent forces in Afghanistan, which has resulted in unprecedented achievements.

DEA utilizes five investigative and intelligence support teams that conduct joint law enforcement operations with Afghan counterparts in the NIU of the CNP-A and directly augment the Kabul CO. FAST has attained a high-level of operational capability through its unique relationships and interoperability with the U.S. Military. This relationship with the U.S. Military has advanced DEA's capability to investigate high-level terrorist organizations, which use drug revenues to fund their activities, inside the war-zone of Afghanistan.

### Special Operations Division (SOD)

SOD operations directly support Afghan law enforcement activities, including SIU and TIU efforts directed against identified HVTs. While coordinating cases with SOD, Afghan vetted units learn the investigative techniques required to identify, investigate, and take down extensive drug trafficking organizations. The long-term development, establishment, and maintenance of high-level Confidential Sources (CS), is one of the primary objectives of SOD's enforcement groups. The KCO and their Afghan partners in the vetted units work together to identify, recruit, and direct these CSs. These CSs are then used proactively to target the most significant drug traffickers, money launderers, terrorists, and narco-terrorists in the region.

DEA's SOD also directs regional investigations with the goal of indictment, extradition of fugitives to the United States, and prosecution utilizing the extra-territorial statutes Title 21 U.S.C. 959, which prohibits the manufacture or distribution controlled substances with the knowledge that those substances are destined for the United States; and Title 21 U.S.C. 960a, which targets narco-terrorists who aid and support terrorists or foreign terrorist organizations. SOD has assigned a Special Agent to the Kabul CO from its Counter-Narcoterrorism Operations Center (CNTOC) that provides operational coordination with the intelligence community on all of DEA's narco-terrorism related investigations.

CNTOC has personnel assigned to provide direct support to the Kabul CO and its Afghan counterparts on its investigations and coordinate the investigations with Afghanistan's neighboring countries. This close coordination and real time response to Kabul CO

investigations allows the office to have the greatest possible impact on complex investigations of international DTOs.

Finally, the SOD Bilateral Investigations Unit (960) Group has been responsible for the transfer of five international drug traffickers from Afghanistan to face criminal charges in the United States. These five individuals have pled guilty, been convicted or are currently facing prosecution in the United States. SOD has also provided the Kabul CO with intelligence on numerous occasions relating to possible attacks on U.S./Coalition Forces in Afghanistan. The Kabul CO, in turn provided this information to the proper authorities in Afghanistan for force protection purposes.

### Aviation

DEA's Aviation Division currently operates two King Air 350 aircraft in Afghanistan, for transport and surveillance missions. The aircraft are operated by two TDY Special Agent pilots and two contract pilots; with a Supervisory Special Agent/Pilot based in Kabul.

### Regional Training Team (RTT)

In 2006, DEA embarked on a detailed training plan to train the three specialized units of the CNP-A; the NIU, SIU, and TIU. The training conducted to date has been highly successful and progress has been made in building the capacity of the NIU, SIU, and TIU to conduct investigations and interdiction operations. DEA's Office of International Training is actively engaged in the training of the NIU, SIU, and TIU with a RTT.

The RTT consists of 20 DoD contract trainers focused on specialized and advanced counter-narcotics training under the supervision of International Training. The RTT employs a Concept of Operations that is progressive and offers a 'building block' course of instruction. This begins with a Basic Course and progresses to specialty courses such as Undercover Operations, Operational Planning, Surveillance, Technical Training, Investigative Techniques, Intelligence Analysis, and Leadership.

In addition to DEA and contract instructors, the RTT has trained Afghan members of the NIU as part of a plan to develop an indigenous instructor cadre. The RTT implemented a "Train the Trainer" program to develop these instructors. Currently, the NIU has 10 officers devoted to the training cadre and the SIU has identified three trainers. The NIU is now capable of conducting 60 percent of the NIU basic training course and 40 percent of NIU sustainment training. DEA is hopeful that soon, the Afghan training cadre, comprised of NIU, SIU, and CNP-A, will be capable of conducting all NIU basic, sustainment and advanced training; 80 percent of SIU advanced training and 100 percent of SIU sustainment training, and 50 to 70 percent of CNP-A sustainment training. The goal of reducing U.S. trainers from its current level of one Supervisory Special Agent and 17 contract trainers to one DEA Special Agent responsible for coordination and oversight of the program will be achieved in concert with U.S. Afghanistan transition plans and strategies.

## **Interagency Cooperation**

### Northern Route Working Group (NRWG)

The NRWG is a multi-lateral initiative that includes drug law enforcement agencies from Afghanistan, Tajikistan, Russia, and Kyrgyzstan, along with their respective DEA counterparts. The goal of the NRWG is to increase regional drug law enforcement cooperation in general, and specifically target transnational drug trafficking organizations responsible for the flow of illicit narcotics throughout the region. The first tangible result of this regional cooperation occurred in October 2010, when Russian Federal Drug Control Service (FSKN) officers participated in a joint counternarcotics operation with the Afghan SIU, NIU, DEA, and military enablers; which resulted in the seizure and destruction of approximately 932 kilograms of brown heroin and 156 kilograms of opium.

### Major Crimes Task Force (MCTF)

The Major Crime Task Force is an FBI and Afghanistan Minister of Interior and National Directorate of Security (NDS) led initiative targeting corruption, kidnapping, and organized crime. Currently, DEA has two Special Agents assigned to coordinate with the MCTF. All electronic intercepts of the MCTF are conducted by the TIU.

### Interagency Operations Coordination Center (IOCC)

The IOCC's mission is to provide Counter-Narcotics (CN) network analysis and targeting support to U.S. and UK-mentored Afghan agencies and deconflict CN targets and operations, as well as support law enforcement agencies. Its objectives are to assist the CNP-A to arrest and pursue significant traffickers and key associates within the Afghan judicial framework. The IOCC is led by a director and deputy director, with those positions rotating annually between senior managers of DEA and SOCA. The two primary action arms that the IOCC supports are the DEA-mentored NIU and the UK-mentored Afghan Special Narcotics Force (ASNF).

## **DEA Successes in Afghanistan**

### Operation KAHFA KARDAN

From May 15 to June 15, 2011, the Kabul CO, FAST, NIU, and ISAF conducted Operation KAHFA KARDAN, a 30-day sustained counter narcotics surge targeting networks operating within ISAF Regional Commands South (Kandahar) and Southwest (Helmand). Following the targeted operations, Afghan judicial and classified military exploitation will be focused on disruption and dismantlement of drug trafficking organizations, illumination of threat finance leads, and a better understanding of criminal patronage networks. KAHFA KARDAN has brought counter narcotic efforts to the forefront of ISAF resource allocation for intelligence collection and prioritization.

During the course of this operation, DEA and members of the NIU participated in approximately 90 enforcement operations that resulted in 18 arrests by NIU officers. These missions

compliment on-going Kabul CO investigations by targeting DTOs that operate throughout the targeted areas. Operation KAFHA KARDAN resulted in the following seizures:

- 127 kilograms (kgs) of heroin
- 12,766 kgs opium
- 10 kgs morphine
- 15,911 kgs hashish
- 2,888 kgs marijuana
- 25,666 kgs precursor chemicals
- 4,741 kgs of Ammonium Nitrate
- 50 pounds of homemade explosive devices (HME)
- numerous weapons and various other explosive devices

### Haji BAGHCHO

Haji BAGHCHO was a major Afghan drug trafficker with a base of operations in Nangarhar Province, Afghanistan and the North West Frontier Province, Pakistan. On November 8, 2006, evidence was presented to a federal grand jury in the U.S. District Court for the District of Columbia and a true bill was returned charging BAGHCHO with violation of Title 21 U.S.C. 959 and Title 21 U.S.C. 963.

During late 2006, BAGHCHO relocated to the North West Frontier Province near the Federal Administered Tribal Area (FATA) of Pakistan to avoid capture and prosecution. On March 10, 2009, the DEA Islamabad CO learned that BAGHCHO had been detained by Pakistan authorities on unrelated matters, in the vicinity of Peshawar, Pakistan. On May 14, 2009, BAGHCHO, a citizen of Afghanistan, was transferred to the custody of the GIRoA. The GIRoA subsequently authorized the extradition of BAGHCHO to the United States. On June 24, 2009, BAGHCHO landed at Andrews Air Base in Maryland. On June 25, 2009, he was arraigned in U.S. District Court for the District of Columbia. BAGHCHO's trial is tentatively set for October 2011.

### Khan MOHAMMED

Khan MOHAMMED, an Afghan national, was arrested on October 29, 2006, near Jalalabad, Nangarhar Province, Afghanistan. MOHAMMED waived extradition and was brought from Afghanistan to the United States in November 2007. MOHAMMED was convicted on May 15, 2008, on charges of distribution of heroin, intending and knowing that the heroin will be unlawfully imported into the United States; aiding and abetting; and forfeiture (Titles 21 U.S.C. 959, 18 U.S.C. 2, and 21 U.S.C. 843). In addition, Mohammed was charged with violation of Title 21 U.S.C. 960(a) (Narco-Terrorism).

His conviction represented the first time a defendant had been convicted in U.S. federal court of narco-terrorism since the statute was enacted in March 2006. On December 22, 2008, Mohammed was sentenced in U.S. District Court for the District of Columbia to two life terms in prison on drug and narco-terrorism charges.

## Haji Bashir NOORZAI

On April 25, 2005, Haji Bashir NOORZAI was arrested in New York for conspiring to import \$50 million worth of Afghan heroin into the United States and other countries. On January 6, 2005, a sealed indictment was returned in the U.S. District Court of the Southern District of New York (SDNY) charging NOORZAI with conspiracy to import hundreds of kilograms of heroin from Afghanistan and Pakistan into the United States between 1990 and 2004.

On September 9, 2008, jury selection commenced for NOORZAI's trial in the SDNY followed by the trial. On September 23, 2008, NOORZAI (designated Foreign Narcotics Kingpin) was found guilty in SDNY for violations of Title 21 U.S.C. 959 (Conspiracy to manufacture/distribute with knowledge of destination-USA). The guilty verdict is a significant landmark regarding the United States ability to impact narco-terrorist organizations that operate even in the most difficult judicial environments.

## Haji Baz MOHAMMAD

MOHAMMAD was indicted on December 4, 2003, by a Federal Grand Jury in the SDNY for violations of Title 21 U.S.C. Sections 952, 960, 963, 841, and 846. MOHAMMAD and his associates were responsible for producing and facilitating the shipping of multi-hundred kilogram quantities of Southwest Asian heroin from Pakistan and Afghanistan to cells in Germany and the United States since the 1980s. On January 18, 2005, Haji Baz MOHAMMAD was arrested in a joint operation by the CNP-A NIU and the Kabul CO in Kandahar, Afghanistan. MOHAMMAD was subsequently transferred to the Afghan MoI Detention Center in Kabul, where he remained in Afghan custody until Afghan authorities transferred him to U.S. custody for purposes of prosecution in the United States.

On October 21, 2005, MOHAMMAD, escorted by United States Marshals Service (USMS) and DEA personnel, landed in White Plains, New York. Special Agents from DEA New York Field Division (FD) processed him and then transported him to the Metropolitan Correctional Center (MCC). On October 24, 2005, MOHAMMAD appeared before the Honorable Denny Chin of the U.S. District Court for the SDNY, who ordered him detained.

On October 5, 2007, MOHAMMAD was sentenced to 188 months in prison for violating Title 21 U.S.C. 846 (Conspiracy to distribute heroin). The prison sentence took effect as of January 18, 2005. Also included in the sentence was five years supervised probation once released from prison.

## **Future Challenges and Transition**

### Funding Issues

DEA's total Civilian Uplift presence consists of 81 positions, including 54 Special Agents. As part of the FY 2009 supplemental State transferred \$91,590,000 to DEA primarily for use in FY 10. In FY 2011, State has committed to providing up to \$50.8 million to DEA to support deployment of Civilian Uplift staff performing Afghanistan activities. DEA requires no further

State funds for FY 2011.

DEA remains dedicated to sustaining our presence in Afghanistan because of this area's strategic importance to the national security of the United States. Outgoing Ambassador Karl W. Eikenberry has stated, "DEA's mission in Afghanistan has led the way in rule of law efforts designed to impact the insurgency where it hurts them the most – raising funds and tackling corruption. DEA's mission combines growing indigenous law enforcement capacity with real-time mission effects." Like Ambassador Eikenberry, DEA is justifiably proud of its capacity building work. We look forward to continuing to work with our interagency partners, including the Departments State, Defense, and Treasury, to build upon our successes.

### Airlift Capability

The July 2010 report to the Senate Caucus on International Narcotics recommended that "flight time on U.S. government helicopters need to be prioritized in order to properly support counternarcotics operations. DoD, State, and DEA need to establish protocols under a joint Memorandum of Understanding (MOU) for the tasking of air assets so that the proper operational temp is sustained" (page 8).

Of the \$91,590,000 provided to DEA by the State Department, in FY 2009, DEA received \$33 million was from the Diplomatic and Consular Program account to purchase helicopters. DEA transferred this funding back to the State Department to help purchase S-61 helicopters, which will be primarily used by DEA, but also available for other Mission Afghanistan needs. These air assets will provide capabilities for DEA's mission that will be necessary when the DoD draws down and significant military airlift support is no longer available. The projected delivery date for the two DEA S-61 helicopters is in late FY 2014. This should be sufficient air support with the advancements in the development of the Air Interdiction Unit (AIU) MI-17s coupled with support from the State/INL Air Wing Huey II helicopters.

### Extradition or other Lawful Transfer of Significant Traffickers to the U.S.

In the July 2010 report by the Senate Caucus on International Narcotics Control, it was found that "The current Afghan judicial system is not capable of handling the prosecution and incarceration of high level drug traffickers" (page 8).

For some time now, the Government of Afghanistan has had a draft extradition law in review by their parliamentary system. There does not appear to be any motivation in their Government to move forward with this law. This draft extradition law (i.e., Afghan domestic law) has several fundamental flaws which are not complimentary to DEA's mission. The Embassy and international community have worked with the Afghans to develop a more meaningful law but to date no serious moves by the Afghans to amend the law have occurred.

Although the United States has had a number of successes in obtaining the transfer of significant traffickers from Afghanistan, significant challenges will remain unless and until Afghanistan enacts a comprehensive and effective extradition law that meets the concerns that have been raised by the Embassy and international community.