

Withdrawn/Redacted Material

Obama Presidential Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	CLASSIFICATION	RESTRICTION(S)
001	Email	[FOIA Appeal DON-NAVY-2014-006026] - To: Cira, William - From: Fitzpatrick, John	3	06/12/2014		P3/b3; P5;
002	Letter	[Re: FOIA Appeal] - To: Office of the Judge Advocate General - From: Kevin Carroll	4	05/15/2014		P3/b3;
003	Letter	[Response] - To: Kevin Carroll	2	05/01/2014		P3/b3;
004	Letter	[Correspondence] - To: Naval Criminal Investigative Service - From: Kevin Carroll	2	04/14/2014		P3/b3;

COLLECTION TITLE:

Interagency Security Classification Appeals Panel (ISCAP) - Appeal Files

SERIES:

Unclassified and Closed Appeal Files

FOLDER TITLE:

Carroll, Kevin Briefing Book 132 April 30, 2014 2014-070

FRC ID:

53586

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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005	Letter	[Correspondence] - To: Kevin Carroll - From: G. E. Lattin	5	06/11/2014		P3/b3;
006	Email	[Fwd: FW: ISCAP # 2014-70]	2	05/28/2014		P3/b3; P5;
007	Letter	[Classification Challenge Appeal 2014-70] - To: John P. Fitzpatrick - From: Jodi Greene	1	05/27/2014		P3/b3;
008	Email	[ISCAP: Classification Challenge Material Request; ISCAP Appeal 2014-70] - To: DelGrosso, Bridget A. - From: William Carpenter	2	05/06/2014		P3/b3; P6/b6;

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009	Letter	[Correspondence] - To: Kevin Carroll - From: J. P. Duenas	1	05/06/2014		P3/b3;
010	Email	[Re: FW: Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Eduring Source of Instability in Now Zad] - To: ISCAP - From: William Carpenter	4	05/01/2014		P3/b3; P5;
011	Letter	[Re: Sarwar Jan] - To: John P. Fitzpatrick - From: Kevin Carroll	2	04/30/2014		P3/b3;
012	Letter	[Correspondence] - To: Bridget DelGrosso - From: Kevin Carroll	1	04/11/2014		P3/b3;

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013	Letter	[Correspondence]	8	01/31/2014		P3/b3;
014	Email	[FW: IMPORTANT! Sawar Jan is back! - From: Kevin Carroll]	3	12/12/2013		P3/b3; P6/b6;
015	Email	[Re: Sarwar Jan] - From: Kevin Carroll	2	12/12/2013		P3/b3; P6/b6;
016	Email	Sawar Jan Strikes Again	1	08/11/2012		P3/b3; P6/b6;
017	Email	[RE: FW: NEED GROUND TRUTH	1	08/26/2013		P3/b3; P6/b6;

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018	Letter	Notification of Board of Inquiry	2	08/30/2013		P3/b3;
019	Letter	[Correspondence] - To: Lynne M. Halbrooks - From: Peter King	2	09/09/2013		P3/b3;
020	Letter	[Correspondence] - From: Kevin Carroll	2	10/24/2013		P3/b3; P6/b6;
021	Letter	[Correspondence] - To: Peter King - From: Larry D. Turner	1	12/23/2013		P3/b3; P6/b6;

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022	Letter	[Classification Challenge] - To: Kevin Carroll - From: Original Classification Authority	1	01/07/2014		P3/b3; P6/b6;
023	List	Tab C References	2	03/25/2006		P3/b3;
024	Report	Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad	7	06/24/2014	Secret	P1/b1; P3/b3;

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Withdrawal Marker

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Email	[FOIA Appeal DON-NAVY-2014-006026] - To: Cira, William - From: Fitzpatrick, John	3	06/12/2014	P3/b3; P5;	10 USC 130b

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

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OA Num.:

NARA Num.:

FOIA IDs and Segments:

26-00000-F 2

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Quinn Emanuel

777 6th Street NW, 11th Floor, Washington, D.C. 20001 | TEL 202-538-8000 FAX 202-538-8100

WRITER'S DIRECT DIAL NO.
(202) 538-8204

WRITER'S INTERNET ADDRESS
kevincarroll@quinnemanuel.com

May 15, 2014

Office of the Judge Advocate General, Code 14
1322 Patterson Avenue, SE, Suite 3000
Washington Navy Yard
Washington, DC 20374-5066

Re: *FOIA appeal*

cc: [REDACTED] USMCR

[REDACTED]
P3/b(3)

[REDACTED]
10 USC 130b

Dear [REDACTED]

Thank you for your letter of May 1, 2014, which I received today upon returning from overseas.

By this letter, I hereby appeal the Naval Criminal Investigative Service's denial of my April 25, 2014 expedited Freedom of Information Act request.

As you know, I had requested all information or records retained by the Naval Criminal Investigative Service related to your criminal, counterintelligence and/or security investigations of (a) whether Afghan District Chief of Police Sarwar Jan committed sex crimes against juveniles while on Forward Operating Base Delhi in Garmsir District of Helmand Province in July and August 2012; (b) whether Jan used U.S. Government funds to procure his victims; (c) whether DoD personnel were aware of Jan's crimes; and (d) what actions, if any, were taken by military personnel aware of Jan's activities.

I made and I renew these requests pursuant to 5 U.S.C. § 552(a)(6)(B), and Secretary of the Navy Instruction 5720.42F ¶ 14 (a)(i).

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NW#: 67776

DocId: 34498399

I do not have a privacy release from Sarwar Jan; nor, unfortunately, is he yet deceased. Yet my client [REDACTED] is still entitled under federal law and naval regulation to NCIS records about Jan.

P3/b(3)

First, Sarwar Jan has no cognizable privacy interest under U.S. law. Section 552a(a)(2) of Title 5 of the U.S. Code states that the term "individual" as used in the Privacy Act, upon which the Freedom of Information Act is predicated, "means a citizen of the United States or an alien lawfully admitted for permanent residence." Jan is an Afghan citizen. He is also a Taliban associate, child sex predator, and arms and drugs dealer. Jan was arrested but released by Afghan authorities for his role in the murders of three U.S. Marines -- Staff Sergeant Scott Dickinson, Corporal Richard Rivera and Lance Corporal Greg Buckley -- on August 10, 2012.

Second, assuming *arguendo* that Jan had any privacy rights under U.S. law, the public interest in the disclosure of the material NCIS maintains about Jan still outweighs any Jan's privacy interest. The criminal activities of Sarwar Jan are already a matter of public record and extensive media discussion.

A representative selection of available open-source reporting on Jan follows:

- Bing West, *The Wrong War*, 277-78 (2012): Now the sixteen-year old was back, wearing a blue shirt like a policeman and living in the police station, refusing to acknowledge his family. "Chaff boy," Raaz, the interpreter, whispered to Jason. Many Afghans in positions of power kept boys outside their doors to fetch tea, run errands, and surrender their bodies ... Sarwar Jan served as chief of police during the three years that Now Zad was besieged. On his rare visits to town, the Taliban had never shot at him. He was a protege of Sher Mohamed Akhuadzada, the former governor of Helmand [who] left office after a stash of opium was found on his property. Karzai let him stay in Helmand, where he periodically threatened to align his drug army with the Taliban. In a political tug-of-war, the Marines were pushing to throw out the police chief, while Akhuadzada was working his Karzai connections to retain him. "Sarwar Jan has political power," said Jason. "His Noorzai tribe work with the Talibs," [an Afghan] said.
- Kevin Seiff, *Deadly insider attack that left 3 U.S. Marines dead was work of an Afghan teenager*, WASHINGTON POST, Aug. 17, 2012: Aynoddin ... was still in high school when he started work for Garmsir police chief Sarwar Jan in the southern province of Helmand. He spent his days cooking and cleaning up after Jan. Both Afghans and Americans knew him as the boss's "tea boy" ... three weeks after he arrived at a joint US-Afghan base called Delhi, the boy stole a Kalashnikov that was lying in an unlocked barracks, according to police officers on the base. He walked to a gym where four unarmed Marines were exercising and held down the trigger until no bullets were left. When he was finished, three Marines were dead and one was badly injured ... When U.S. officials discovered that an unvetted 15-year-old had been allowed access to the base — and the weapons strewn around it — they were furious. "These were jihadi-motivated executions," said a Western official in Afghanistan with knowledge of the incident. To suggest otherwise would be "profoundly distasteful and insulting to the Marines who died." Sarwar Jan said Aynoddin was "given" to him as a personal assistant by a local

elder and Afghan Local Police commander. Jan assumed the boy was a police officer, he said, even though he wasn't wearing a uniform ... Several Marines said they made it clear to Jan that it was not acceptable to bring underage boys on to the base. But they watched as the police chief disobeyed that rule, they said. For years, Marines and other US officials said they had heard local residents complain about Jan's poorly kept secret — that he invited boys to bases often shared with US troops and engaged in sexual misconduct. Officials say it was the primary reason he was dismissed from a previous posting in Now Zad, another district in Helmand.

- Joe Straw, *Marine slap for hero*, DAILY NEWS, Aug. 28, 2013: The Marines were asking about a shady police official, Sarwar Jan, whom they suspected of molesting local minors and who had access to their post. Brezler quickly e-mailed warnings about Jan's history of abuse and suspected ties to insurgents.
- Ashley Collman, *Support rallies for soldier who faces disciplinary hearing for sending classified information from his personal email which could have saved three lives*, DAILY MAIL, Oct. 27, 2013: Major Brezler found himself in hot water last summer when he responded to an email from troops in Helmand Province, Afghanistan who were inquiring about a local police chief named Sarwar Jan. Jan was being given access to the base in Delhi as part of the U.S. military's exit strategy from the country. Major Brezler had prior knowledge of Jan, and immediately replied to warn his fellow Marines about the dangerous police chief with ties to the Taliban.
- Dan Lamothe, *Meet the Most Crooked Cop in Afghanistan*, FOREIGN POLICY, Oct. 30, 2013: Afghan police chief Sarwar Jan was accused of sexually abusing teen boys on U.S. bases in Afghanistan when U.S. Marines pressed to have him removed from power in a violent district in 2010. Turns out that might only be the beginning of his crimes ... coalition forces also believe he extorted money from civilians, operated illegal security checkpoints and was working with the Taliban, selling the insurgent group weapons and police uniforms for cash.
- Ivan Watson, *Marine under fire*, CNN, Oct. 30, 2013: The suspected gunman was a teenage servant, known by the single Afghan name Aynuddin, who was working on the base for [Sarwar] Jan. Despite his earlier dismissal, Jan had been appointed to command the Afghan police in another district of Helmand Province, where FOB Delhi was located ... Before the shooting, Buckley Sr. said that his son had warned him over the phone about the Afghan police commander named Jan. "He told me that (Jan) was a bad person," the elder Buckley said. "They all knew that he was a bad guy. He was thrown out of two other bases prior to this for drug laundering, prostitution and ties to the Taliban," he said.
- Matthieu Aikins, *Friend or Foe*, MOTHER JONES, Nov.-Dec. 2013: Aynuddin arrived at the Garmsir police headquarters with the entourage of the newly appointed police chief, Sarwar Jan, several Afghan cops told me: The Marines had pushed Jan, a distant relative of Aynuddin's, out of at least one previous posting for his alleged corruption and suspected dealings with the Taliban, but he was well connected politically. He was also

rumored to be a sexual predator. "Some of the stuff with pedophilia and chai boys made the Marines sick to their stomachs," one Marine officer told me "His nickname was 'OJ,' because he was such a criminal. Afghan police at Garmsir told me that Aynuddin was always at Jan's side, fetching tea and anything else the commander required. At night, they said, he slept in Jan's room.

Third, a significant public benefit would result from the disclosure of the requested records. A December 17-19, 2013 Board of Inquiry recommended that [redacted] be separated from the Marine Corps Reserve, in sum and substance because of a document he emailed to FOB Delhi on July 24, 2012 which set forth the dangers Sarwar Jan posed to collocated Marines.

10 USC 130b

P3/b(3)

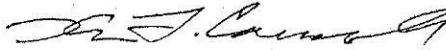
[redacted] Board of Inquiry has itself been the subject of extensive national media attention, as well as official inquiries by Senator Kirsten Gillibrand and Representatives Peter King, Michael Grimm, Michael Coffman, Paul Broun, Duncan Hunter, Steve Palazzo and Scot Rigell to both the Commandant of the Marine Corps and the Secretary of the Navy.

[redacted] is in the process of appealing the recommendation of his Board of Inquiry. It is essential to [redacted] right to due process in an adverse administrative proceeding that he and his appellate counsel fully understand the background and activities of Sarwar Jan.

[redacted] copied above, and I will send you a copy of his own privacy release presently.

Please contact me directly if I may be of any assistance. Thank you.

Respectfully,



Kevin Carroll

Enclosures: May 1, 2014 denial of FOIA request
April 25, 2014 FOIA request



DEPARTMENT OF THE NAVY
HEADQUARTERS
NAVAL CRIMINAL INVESTIGATIVE SERVICE
27130 TELEGRAPH ROAD
QUANTICO VA 22134-2253

5720 2014-005359
SER00LJF/14U0934
MAY 01 2014

Mr. Kevin Carroll
Quinn Emanuel Urquhart & Sullivan, LLP
777 6th Street, NW, 11th Floor
Washington, DC 20001

Dear Mr. Carroll:

This responds to your April 25, 2014 Freedom of Information Act (FOIA) request seeking information pertaining to "Sarwar Jan." We received your request on April 25, 2014.

You have requested records concerning a third party. Records pertaining to a third party generally cannot be released absent express authorization and consent of the third party, proof that the subject of your request is deceased, or a clear demonstration that the public interest in disclosure outweighs the personal privacy interest and that significant public benefit would result from the disclosure of the requested records. Since you have not furnished a release, death certificate, nor public justification for release, the Naval Criminal Investigative Service cannot acknowledge the existence of or release records concerning a third party. This would result in an unwarranted invasion of personal privacy.

We have not performed a search for records, and you must not assume that records concerning the third party exist. Should you obtain the written authorization and consent of the third party for release of the records, please submit a new request for the documents, accompanied by the written authorization. The authorization must be notarized or signed under penalty of perjury pursuant to 18 U.S.C. §1001.

You have the right to appeal this determination. Your appeal must be postmarked within 60 calendar days from the date of this letter and should be addressed to the Secretary of the Navy's designee: Office of the Judge Advocate General, (Code 14), 1322 Patterson Avenue, S.E., Suite 3000, Washington Navy Yard, D.C. 20374-5066. The envelope and letter must bear the annotation "FOIA Appeal." Please include a copy of your original request with your appeal letter.

P3/b(3)

Additionally, in regards to your previous request dated April 14, 2014 concerning your client, ~~----- (2014-004904)~~, our office has not received authorization from allowing us to release the Naval Criminal Investigative Service investigation to your office. Please be advised that if we do not receive your client's authorization within 30 days from the date of this letter, that request will be administratively closed. An April 16, 2014 conversation with a member of my staff pertains.

10 USC 130b

5720 2014-005359
SER00LJF/14U0934

If you have any questions regarding this matter, please contact our office at (571) 305-9092 or via electronic mail at ncistoia@navy.mil.

Sincerely,

[Redacted Signature]

LT, JAGC, USN.

P3/b(3)

10 USC 130b

Quinn Emanuel

777 6th Street NW, 11th Floor, Washington, D.C. 20001 | TEL 202-538-8000 FAX 202-538-8100

WRITER'S DIRECT DIAL NO.
(202) 538-8204

WRITER'S INTERNET ADDRESS
kevincafron@quinnemanuel.com

April 14, 2014

Naval Criminal Investigative Service
Headquarters (Code 00LJF)
27130 Telegraph Road
Quantico, VA 22134-2253

10 USC 130b

P3/b(3)

Dear sir or madam,

I am counsel to [REDACTED] I write pertinent to [REDACTED]
pending appeal of an adverse decision in a December 17-19, 2013 naval board of inquiry.

I hereby request under the Freedom of Information Act, 5 U.S.C. § 552, as applied by Secretary of the Navy Instruction 5720.42F 14 ¶ (a)(1), all information or records retained by the Naval Criminal Investigative Service related to your criminal, counterintelligence and/or security investigations of the August 10, 2012 homicides of Staff Sergeant Scott E. Dickinson, Corporal Richard E. Rivera, Jr., and Lance Corporal Gregory T. Buckley, Jr. at Forward Operating Base Delhi in Garmsir District, Helmand Province, Afghanistan.

I further request expedited processing of this request under Section 552(a)(6)(B), as NCIS' records may bear upon the due process rights of my client.

My law firm will pay reasonable fees for searching for, reviewing, or copying these records. Please notify me before processing if the expected amount exceeds \$1,500.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information.

LOS ANGELES | NEW YORK | SAN FRANCISCO | SEATTLE | WASHINGTON, D.C.
HOUSTON | DALLAS | PHOENIX | PORTLAND | SAN DIEGO | TAMPA | WASHINGTON, D.C.

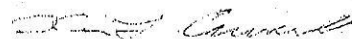
NW#: 67776

DocId: 34498399

If you have any questions about handling this request, please contact me at the address or telephone number below.

A hard copy of this request will follow by US mail.

Very respectfully,



Kevin T. Carroll



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374

IN REPLY REFER TO:

5720

Ser 14/223

June 11, 2014

Kevin T. Carroll
Quinn Emanuel Urquhart & Sullivan, LLP
777 6th St, NW 11th Fl
Washington, DC 20001

Dear Mr. Carroll:

SUBJECT: FREEDOM OF INFORMATION ACT APPEAL DON-NAVY-2014-006026

This letter responds to your Freedom of Information Act (FOIA) appeal, received by our office on May 16, 2014. On behalf of your client, Major Jason Brezler, USMCR, you appeal the decision of the Naval Criminal Investigative Service (NCIS), declining to disclose any investigative files relating to Afghan District Chief of Police Sarwar Jan.

For the reasons stated below, your appeal is denied.

On May 1, 2014, you were notified that NCIS had not performed a search for the requested records, as they concerned a third party, and acknowledgment or disclosure of records related to that individual "would result in an unwarranted invasion of personal privacy."

Your appeal presented three primary arguments. First, that "Sarwar Jan has no cognizable privacy interest under U.S. law." Second, assuming *arguendo* that Jan had a cognizable privacy interest, that "[t]he criminal activities of Sarwar Jan are already a matter of public record and extensive media discussion." Third, you contend, "[i]t is essential to Major Brezler's right to due process in an adverse administrative proceeding that he and his appellate counsel fully understand the background and activities of Sarwar Jan."

1. Sarwar Jan's Privacy Interest

An agency may invoke Exemption 6 or Exemption 7(C) to protect the personal privacy of any person, regardless of his citizenship status. The Privacy Act of 1974 limits its rights to United States citizens and aliens lawfully admitted for permanent residence. The FOIA, however, places no distinction

between foreign nationals and United States citizens when it comes to protecting personal privacy information in records requested under the FOIA. See Shaw v. Department of State, 559 F. Supp. 1053, 1067 (D.D.C. 1983) ("the Act makes no exception for the privacy interests of those with criminal records or aliens"). See also Hemenway v. Hughes, 601 F. Supp. 1002, 1005-08 (D.D.C. 1985) (Citizenship information of foreign press correspondence was protected under Exemption 6).

Accordingly, I find that Sanwar Jan does have a privacy interest protected by the FOIA.

2. Public Interest in Alleged Misconduct by Sanwar Jan

FOIA exemption (b) (6) allows the Government to withhold information about individuals when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. This requires a balancing of personal privacy interests against the public interest served by disclosure. The public interest is determined by whether the release of the information will shed light on the agency's performance of its statutory duties.

Exemption 7(C) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b) (7) (C). Whereas Exemption 6 routinely requires an identification and balancing of the relevant privacy and public interests, Exemption 7(C) can be more "categorized" in its application. See United States DOJ v. Reporters Comm. for Freedom of Press, 489 U.S. 749 (1989). The "'strong interest' of individuals, whether they be suspects, witnesses, or investigators, 'in not being associated unwarrantedly with alleged criminal activity'" has been repeatedly recognized. Fitzgibbon v. CIA, 911 F.2d 755, 767 (D.C. Cir. 1990) (quoting Stern v. FBI, 737 F.2d 84, 9192 (D.C. Cir. 1984)); see also Neely v. FBI, 208 F.3d 461, 464-66 (4th Cir. 2000) (finding that FBI Special Agents and third-party suspects have "substantial interest[s] in nondisclosure of their identities and their connection[s] to particular investigations").

Persons named in an investigation have a privacy interest in not being stigmatized by association with a law enforcement investigation. This strong interest of the individual in non-

disclosure of connection with law enforcement investigations must be weighed against the public interest in such a disclosure.

You allege misconduct by an Afghan official. Courts have held that no public interest exists in federal records that pertain to alleged misconduct by non-federal officials. See Landano v. United States Dep't of Justice, 956 F.2d 422, 430 (3d Cir. N.J. 1992) (discerning "no FOIA-recognized public interest in discovering wrongdoing by a state agency"); Garcia v. United States DOJ, 181 F. Supp. 2d 356, 374 (S.D.N.Y. 2002) ("The discovery of wrongdoing at a state as opposed to a federal agency . . . is not the goal of FOIA."); LaRouche v. United States DOJ, 2001 U.S. Dist. LEXIS 25416 at *20, (D.D.C. July 5, 2001) ("The possible disclosures of state government misconduct is not information that falls within a public interest FOIA [was] intended to protect."). Thus, there is no FOIA-recognized public interest in the alleged misconduct of an Afghan official. Without a recognizable public interest, there is no need to balance the interest of Sanwar Jan and the American public, as "something, even a modest privacy interest, outweighs nothing every time." Nat'l Ass'n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989) (Exemption 6).

Arguing the public benefit for a release of such information you list news outlets that have previously reported on the misconduct you allege. In Reporters Committee, the Supreme Court found that substantial privacy interests can exist in personal information such as is contained in "rap sheets," even though the information has been made available to the general public at some place and point in time. United States DOJ v. Reporters Comm. for Freedom of Press, 489 U.S. 749 (1989). Applying a "practical obscurity" standard, the Court observed that if such items of information actually "were 'freely available,' there would be no reason to invoke the FOIA to obtain access to [them]."
Id. at 174. While there may be public discussion of the allegations discussed in your appeal, that dialogue is not enough to overcome the privacy interest of those named in any related investigations, even when the allegations involve serious acts of misconduct.

The law is clear that third parties named in an investigation have a privacy interest in not being stigmatized by association with a law enforcement investigation. Because there is no public interest recognized by FOIA in the alleged

misconduct of an Afghan official, nor does media reporting on those allegations dilute the individual's privacy interest in any NCIS investigation, I must find that the privacy interest of Sanwar Jan outweighs the public interest in the disclosures you seek.

3. [REDACTED] Right to Due Process

10 USC 130b

P3/b(3)

Finally, you contend there is a public benefit to the release of the requested information, as "[i]t is essential to [REDACTED] right to due process in an adverse administrative proceeding that he and his counsel fully understand the background and activities of Sarwar Jan."

Courts have consistently refused to recognize a public interest in disclosure of information sought to assist someone in challenging their conviction. See, e.g., Peltier v. FBI, 563 F.3d 754, 764 (8th Cir. 2009) (holding that "a prisoner may not override legitimate privacy interests recognized in Exemption 7(C) simply by pointing to the public's interest in fair criminal trials or the even-handed administration of justice"); Thomas v. United States DOJ, 260 F. App'x 677, 679 (5th Cir. 2007) (finding no public interest as plaintiff was "seek[ing] to learn about prosecutorial misconduct, not the [agency's] misconduct"). A FOIA requester's private need for information in connection with litigation plays no part in determining whether disclosure is warranted. See Massey v. United States DOJ, 3 F.3d at 625 ("[The] mere possibility that information may aid an individual in the pursuit of litigation does not give rise to a public interest."); Joslin v. U.S. Dep't of Labor, No. 88-1999, slip op. at 8 (10th Cir. Oct. 20, 1989) (finding no public interest in release of documents sought for use in private tort litigation); Rogers v. Davis, No. 08-177, 2009 WL 213034, at *2-4 (E.D. Mo. Jan. 28, 2009) (finding no public interest in documents sought for use in employment discrimination action against agency).

Although the requested information may benefit [REDACTED] in appealing the recommendation of his Board of Inquiry, that does not give rise to a public interest.

4. Conclusion

For the reasons stated above, I find that NCIS properly declined to produce or acknowledge the requested information as

5720

Ser 14/223

June 11, 2014

there is no public interest that outweighs the subject's privacy interests.

As the Secretary of the Navy's designee, I am responsible for denying your appeal. You may seek judicial review. Should you have further questions or concerns, my point of contact is

[REDACTED] JAGC, USN. He may be reached at [REDACTED]

P3/b(3)

10 USC 130b

Sincerely,



G. E. LATTIN

Director

General Litigation Division

Copy to:

NCIS

DNS-36

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Obama Presidential Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)	(b)(3) STATUTE(S)
Email	[Fwd: FW: ISCAP # 2014-70]	2	05/28/2014	P3/b3; P5;	10 USC 130b

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Interagency Security Classification Appeals Panel (ISCAP) - Appeal Files

SERIES:

Unclassified and Closed Appeal Files

FOLDER TITLE:

Carroll, Kevin Briefing Book 132 April 30, 2014 2014-070

FRC ID:

53586

OA Num.:

NARA Num.:

FOIA IDs and Segments:

26-00000-F 2

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.



THE DEPUTY UNDER SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

5510
DUSN/0090

27 MAY 2014

Mr. John P. Fitzpatrick
Executive Secretary
Interagency Security Classification
Appeals Panel
700 Pennsylvania Avenue N.W.
Room 100
Washington, DC 20408

SUBJECT: CLASSIFICATION CHALLENGE APPEAL, REFERENCE:
INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL
NUMBER 2014-70

The requested documents regarding the subject, Classification Challenge Appeal will be forwarded electronically to the point of contact cited in your letter. The Classification Challenge Appeal was received by my office on February 6, 2014. Our assessment determined that an appeal of the classification determination submitted to my office by Mr. Kevin Carroll properly resides with U.S. Central Command, the Original Classification Authority of the information in question. On May 6, 2014 a letter was faxed to Mr. Carroll to advise him of this information, which is within 90 days of the date of receipt of his appeal.

My point of contact for this appeal is Mr. Joseph P. Duenas. He can be reached at

P3/b(3)

10 USC 130b

Sincerely,


Jodi Greene
Acting



Fwd: ISCAP: Classification Challenge Material Request; ISCAP Appeal 2014-070

William Carpenter <william.carpenter@nara.gov>

Wed, May 7, 2014 at 2:25 PM

Reply-To: ISCAP@nara.gov

To: ISCAP <ISCAP@nara.gov>

Sent on May 6, 2014:

----- Forwarded message -----

From: **ISCAP** <iscap@nara.gov>

Date: Tue, May 6, 2014 at 10:18 AM

Subject: ISCAP: Classification Challenge Material Request; ISCAP Appeal 2014-070

To: "DelGrosso, Bridget A CIV DepUnSecNav" [REDACTED]

10 USC 130b

Cc: "Carpenter, William" <william.carpenter@nara.gov>, "Daley, David CIV WHS/ESD" [REDACTED]

P3/b(3)

Ms. DelGrosso:

The Interagency Security Classification Appeals Panel (ISCAP) has received a classification challenge appeal from Kevin Carroll, an attorney, for a document entitled, "Sarwar Jan: Abdul Rahman's Top Lieutenant and an Enduring Source of Instability in Now Zad." Mr. Carroll's appeal letter to the ISCAP is attached.

Also attached is a materials request letter from John Fitzpatrick, the Executive Secretary of the ISCAP, to Jodi Greene, the Acting Deputy Under Secretary of the Navy for Plans, Policy, Oversight and Integration and the designated senior agency official for classified national security information in the Department of the Navy.

Please pass the attached letter to Ms. Greene and provide the requested materials to the ISCAP Staff as soon as you can.

Copied on this message is David Daley, the ISCAP Liaison for DoD. You may provide the responsive materials to him, who can pass them to the ISCAP Staff, or you may send them directly to me at:

SIPR: [REDACTED]

JWICS: [REDACTED]

P6/b(6)

Please contact me if you have any questions about this appeal.

Thank you,

-Bill Carpenter

William C. Carpenter

Senior Program Analyst, Interagency Security Classification Appeals Panel

Information Security Oversight Office

National Archives and Records Administration

202-357-5466

NW#: 67776

DocId: 34498399

--

William C. Carpenter
Senior Program Analyst, Interagency Security Classification Appeals Panel
Information Security Oversight Office
National Archives and Records Administration
700 Pennsylvania Ave., NW
Washington, DC 20408
202-357-5466

--

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To unsubscribe from this group and stop receiving emails from it, send an email to
ISCAP+unsubscribe@nara.gov.
For more options, visit <https://groups.google.com/a/nara.gov/d/optout>.

2 attachments



2014-070 Carroll (No Reference Number).pdf
1912K



2014-070 Carroll Greene Material Request.pdf
767K



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

6 May 2014

BY FACSIMILE

Kevin Carroll, Esq.
Quinn Emanuel
777 6th Street NW, 11th Floor
Washington, DC 20001

Dear Mr. Carroll:

10 USC 130b

We have been notified of your appeal of the Department of the Navy's failure to provide a final decision on a challenge to the security classification of information for your client, [REDACTED]

[REDACTED] The security classification decision was made by [REDACTED] U.S. Marine Corps Forces, Central Command. We were notified of your appeal by the Interagency Security Classification Appeals Panel.

P3/b(3)

Your challenge was received by the Office of the Deputy Under Secretary of the Navy (Policy, Plans, Oversight and Integration) on February 6, 2014. The information described in your appeal was information originally classified by the United States Central Command and was classified using U.S. Central Command classification guidance. The initial review and affirmation of that classification determination was made by an Original Classification Authority (OCA) delegated such authority from U.S. Central Command. Our assessment is that an appeal of that classification determination properly rests within the U.S. Central Command chain of command and not within the Office of Deputy Under Secretary of the Navy for Plans, Policy, Oversight & Integration, the Department of the Navy's (DON) Senior Agency Official (SAO) for such matters within the DON. The OCA making the CENTCOM determination is not within the DON's chain of command for security classification purposes for the DON SAO to review and determine whether the information should remain classified in whole or in part.

We will provide such information as we may have to the ISCAP.

If you have any questions, please contact me at [REDACTED]

Sincerely,

J.P. Duenas

Assistant General Counsel
(Intelligence)

NW#: 67776

DocId: 34498399

Interagency Security Classification Appeals Panel

MEMBERS

DEPARTMENT OF DEFENSE
Michael Higgins
DEPARTMENT OF JUSTICE
Mark A. Bradley
DEPARTMENT OF STATE
Margaret P. Grafeld
OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE
Corin Stone
NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION
Sheryl J. Shenberger
NATIONAL SECURITY STAFF
John W. Ficklin, Chair

c/o Information Security Oversight Office
700 Pennsylvania Avenue, N.W., Room 100
Washington, D.C. 20408
Telephone: (202) 357-5250
Fax: (202) 357-5907
E-mail: iscap@nara.gov

EXECUTIVE SECRETARY

John P. Fitzpatrick
Director
INFORMATION SECURITY
OVERSIGHT OFFICE

COPY

May 5, 2014

Reference: ISCAP No. 2014-070

Mr. Kevin Carroll
Quinn Emmanuel Trial Lawyers
777 6th Street NW, 11th Floor
Washington, DC 20001

Dear Mr. Carroll:

Please be advised that on April 30, 2014, the Interagency Security Classification Appeals Panel (ISCAP) received your correspondence dated April 30, 2014, lodging a classification challenge appeal under section 5.3(b)(1) of Executive Order 13526, "Classified National Security Information." As Executive Secretary, I have requested copies of the pertinent material and related correspondence from the Department of the Navy. Following receipt of this material and pending our determination that the classification challenge appeal meets the requirements of the Order and the ISCAP bylaws, your appeal will be placed on the ISCAP docket.

Copies of the Order, its Implementing Directive, and the ISCAP Bylaws 32 C.F.R. Part 2001 and 2003 respectively, are available to you on the Information Security Oversight Office (ISOO) website www.archives.gov/isoo/policy-documents. If you have any questions regarding your challenge, please contact William C. Carpenter or me at (202) 357-5250 and reference ISCAP No. 2014-070.

Sincerely,


JOHN P. FITZPATRICK
Executive Secretary

NW#: 67776

DocId: 34498399

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)	(b)(3) STATUTE(S)
Email	[Fwd: FW: ISCAP # 2014-70]	2	05/28/2014	P3/b3; P5;	

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FOLDER TITLE:

Carroll, Kevin Briefing Book 132 April 30, 2014 2014-070

FRC ID:

53586

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26-00000-F 2

OA Num.:

NARA Num.:

RESTRICTION CODES

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Freedom of Information Act - [5 U.S.C. 552(b)]

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

Interagency Security Classification Appeals Panel

MEMBERS

DEPARTMENT OF DEFENSE
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DEPARTMENT OF JUSTICE
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Margaret P. Grafeld
NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION
Sheryl J. Shenberger
NATIONAL SECURITY STAFF
Mary I. Roman
OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE
Corin Stone

c/o Information Security Oversight Office
700 Pennsylvania Avenue, N.W., Room 100
Washington, D.C. 20408
Telephone: (202) 357-5250
Fax: (202) 357-5907
E-mail: iscap@nara.gov

EXECUTIVE SECRETARY

John P. Fitzpatrick
Director
INFORMATION SECURITY
OVERSIGHT OFFICE

May 5, 2014

Reference: ISCAP No. 2014-070

Ms. Jodi Greene
Acting Deputy Under Secretary of the Navy, Plans,
Policy, Oversight and Integration
Security Directorate
Department of the Navy
Room 4E572, 1000 Navy Pentagon
Washington, DC 20350-1000

Dear Ms. Greene:

The Interagency Security Classification Appeals Panel (ISCAP) has received a classification challenge appeal under section 5.3(b)(1) of Executive Order 13526, "Classified National Security Information," from Mr. Kevin Carroll of Quinn Emmanuel Trial Lawyers. Specifically, by the enclosed correspondence dated April 30, 2014, Mr. Carroll has appealed the Department of the Navy's failure to provide a final decision on his internal agency classification challenge appeal under section 1.8 of the Order. Please be advised that his request now falls under the jurisdiction of the ISCAP pursuant to 32 C.F.R. Part 2003, section 2003.11, the ISCAP Bylaws.

Please provide copies of the pertinent material and related correspondence regarding this classification challenge appeal to the ISCAP staff as soon as possible and within 30 days of the date of this letter. If you wish to discuss this appeal, please contact William Carpenter, or me at (202) 357-5250 and reference ISCAP No. 2014-070.

Sincerely,


JOHN P. FITZPATRICK
Executive Secretary

- 2 -

Enclosures

cc: Mr. John W. Ficklin, Senior Director, Records and Access Management,
National Security Council Staff, Chair of the ISCAP

Mr. Michael Higgins
Deputy Under Secretary of Defense for Intelligence and Security

Mr. Mark M. Langerman
Chief, DoD Office of Security Review

CONFIDENTIAL

4th Street NW, 4th Floor, Washington, D.C. 20001 TEL: 202-438-8000 FAX: 202-438-8100

WRITER'S DIRECT DIAL NO.
(202) 538-8204

WRITER'S INTERNET ADDRESS
kevincarroll@quinnemanuel.com

April 30, 2014

John P. Fitzpatrick
Executive Secretary
Interagency Security Classification Appeals
Panel
c/o Information Security Oversight Office
The National Archives Building
700 Pennsylvania Avenue, NW, Room 503
Washington, DC 20408

Re: *Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad*

Dear Mr. Fitzpatrick:

10 USC 130b

I am counsel to [REDACTED] USMCR, and an authorized holder of classified information.

P3/b(3)

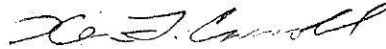
I write pertinent to [REDACTED] pending appeal of an adverse decision in a December 17-19, 2013 Board of Inquiry, and pursuant 32 C.F.R. § 2001.14, to request that in accordance with Executive Order 13526, the Interagency Security Classification Appeals Panel declassify the document *Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad* in its entirety. In the alternative, I request that the Panel declassify only the text of this document, minus its endnotes.

As you know, under Section 2001.14(3), the Department of the Navy had ninety days to respond to my January 31, 2014 appeal of [REDACTED] January 7, 2014 denial of my October 24, 2013 challenge of the classification of the document. Despite the attached follow-up correspondence and several telephone calls from my firm to the Navy, as of today no such response has been received.

My October 24th challenge and January 31st appeal are also attached. Please incorporate them by reference to this request to the Panel, as if they are fully set forth herein.

Please do not hesitate to contact me directly if I may be of any assistance to you. A hardcopy of this letter is to follow by U.S. mail. Thank you.

Very respectfully,



Kevin T. Carroll

QUINN-EMANUEL

6th Street N.W., 11th Floor, Washington, D.C. 20004, TEL: 202 538-2000 FAX: 202 538-2000

WRITER'S DIRECT DIAL NO.
(202) 538-8204

WRITER'S INTERNET ADDRESS
kevin.carroll@quinnemanuel.com

April 11, 2014

Department of the Navy
Office of Plans, Policy, Oversight and
Integration
Attention: Security
Bridget DelGrosso
1000 Navy Pentagon
Room 4E572
Washington, DC 20350-1000

Dear Ms. DelGrosso:

10 USC 130b

I am counsel to [REDACTED] USMCR, and an authorized holder of classified information.

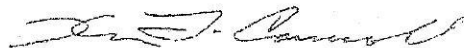
P3/b(3)

I write, pertinent to [REDACTED] pending appeal of an adverse decision in a December 17-19, 2013 Board of Inquiry, to request that the Department of the Navy please answer my January 31, 2014 challenge of [REDACTED] January 7, 2014 denial of my October 24, 2013 challenge of the classification of the document *Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad*.

As you know, per 32 C.F.R. § 2001.14(b)(3), the Department was required to provide an initial written response to my challenge within 60 days of its receipt of the same.

Thank you for your assistance in this matter.

Very respectfully,



Kevin T. Carroll

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Service: **Get by LEXSTAT®**TOC: Code of Federal Regulations > / ... / > SUBPART B-- CLASSIFICATION > **§ 2001.14 Classification challenges.**Citation: **32 C.F.R. § 2001.14****32 CFR 2001.14**

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*** This section is current through the April 24, 2014 ***
*** issue of the Federal Register ***

TITLE 32 -- NATIONAL DEFENSE
SUBTITLE B -- OTHER REGULATIONS RELATING TO NATIONAL DEFENSE
CHAPTER XX -- INFORMATION SECURITY OVERSIGHT OFFICE, NATIONAL ARCHIVES AND
RECORDS ADMINISTRATION
PART 2001--CLASSIFIED NATIONAL SECURITY INFORMATION
SUBPART B--CLASSIFICATION

[Go to the CFR Archive Directory](#)**32 CFR 2001.14****§ 2001.14 Classification challenges.**

(a) Challenging classification. Authorized holders, including authorized holders outside the classifying agency, who want to challenge the classification status of information shall present such challenges to an original classification authority with jurisdiction over the information. An authorized holder is any individual who has been granted access to specific classified information in accordance with the provisions of the Order to include the special conditions set forth in section 4.1(h) of the Order. A formal challenge under this provision must be in writing, but need not be any more specific than to question why information is or is not classified, or is classified at a certain level.

(b) Agency procedures. (1) Because the Order encourages authorized holders to challenge classification as a means for promoting proper and thoughtful classification actions, agencies shall ensure that no retribution is taken against any authorized holders bringing such a challenge in good faith.

(2) Agencies shall establish a system for processing, tracking and recording formal classification challenges made by authorized holders. Agencies shall consider classification challenges separately from Freedom of Information Act or other access requests, and shall not process such challenges in turn with pending access requests.

(3) The agency shall provide an initial written response to a challenge within 60 days. If the agency is unable to respond to the challenge within 60 days, the agency must acknowledge the challenge in writing, and provide a date by which the agency will respond. The acknowledgment must include a statement that if no agency response is received within 120 days, the challenger has the right to forward the challenge to the Interagency Security Classification Appeals Panel (Panel) for a decision. The challenger may also forward the challenge to the Panel if an agency has not responded to an internal appeal within 90 days of the agency's receipt of the appeal. Agency responses to those challenges it denies shall include the challenger's appeal rights to the Panel.

(4) Whenever an agency receives a classification challenge to information that has been the subject of a challenge within the past two years, or that is the subject of pending litigation, the agency is not required to process the challenge beyond informing the challenger of this fact and of the challenger's appeal rights, if any.

(c) Additional considerations. (1) Challengers and agencies shall attempt to keep all challenges, appeals and responses unclassified. However, classified information contained in a challenge, an agency response, or an appeal shall be handled and protected in accordance with the Order and this Directive. Information being challenged for classification shall remain classified unless and until a final decision is made to declassify it.

(2) The classification challenge provision is not intended to prevent an authorized holder from informally questioning the classification status of particular information. Such informal inquiries should be encouraged as a means of holding down the number of formal challenges and to ensure the integrity of the classification process.

HISTORY:

[Directive No. 1, 60 FR 53492, 53494, Oct. 13, 1995; 68 FR 55168, 55170, Sept. 22, 2003; 75 FR 37254, June 28, 2010]

AUTHORITY:

AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

Sections 5.1(a) and (b), E.O. 13526, (75 FR 707, January 5, 2010).

NOTES:

[EFFECTIVE DATE NOTE: 75 FR 37254, June 28, 2010, revised Part 2001, effective June 25, 2010.]

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§ 2001.14 Classification challenges.

Citation: 32 C.F.R. § 2001.14

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Date/Time: Wednesday, April 30, 2014 - 1:54 PM EDT

quinn emanuel

LLP

777 6th Street NW, 11th Floor, Washington, D.C. 20001 | TEL 202-538-8000 FAX 202-538-8100

WRITER'S DIRECT DIAL NO.
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WRITER'S INTERNET ADDRESS
kevincarroll@quinnemanuel.com

January 31, 2014

VIA EXPRESS MAIL

Department of the Navy
Office of Plans, Policy, Oversight and Integration
Attention: Security
1000 Navy Pentagon
Room 4E572
Washington, DC 20350-1000

Re: *Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad*

Dear Sir or Madam:

10 USC 130b

I am an authorized holder of classified information, and I represent [REDACTED]

[REDACTED] USMCR. Pursuant to 32 C.F.R. § 2001.14, I hereby challenge [REDACTED]

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[REDACTED] January 7, 2014 denial of my October 24, 2013 challenge of the classification of the document *Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad*. I request that the Department of the Navy declassify this entire document in accordance with Executive Order 13526. In the alternative, I request that the Department of the Navy declassify only the text of this document, minus its endnotes.

NW#: 67776

DocId: 34498399

The document includes information already in the public record about Sarwar Jan, who was involved in arms and drug trafficking, kidnapping and child sex abuse, and the facilitation of Taliban terror attacks on Coalition Forces. A representative example includes the following:

- Bing West, *The Wrong War*, 277-78 (2012): Now the sixteen-year old was back, wearing a blue shirt like a policeman and living in the police station, refusing to acknowledge his family. "Chai boy," Raaz, the interpreter, whispered to Jason. Many Afghans in positions of power kept boys outside their doors to fetch tea, run errands, and surrender their bodies ... Sarwar Jan served as chief of police during the three years that Now Zad was besieged. On his rare visits to town, the Taliban had never shot at him. He was a protégé of Sher Mohamed Akhmadzada, the former governor of Helmand [who] left office after a stash of opium was found on his property. Karzai let him stay in Helmand, where he periodically threatened to align his drug army with the Taliban. In a political tug-of-war, the Marines were pushing to throw out the police chief, while Akhmadzada was working his Karzai connections to retain him. "Sarwar Jan has political power," said Jason. "His Noorzai tribe work with the Talibs," [an Afghan] said.
- Kevin Seiff, *Deadly insider attack that left 3 U.S. Marines dead was work of an Afghan teenager*, WASHINGTON POST, Aug. 17, 2012: Aynoddin ... was still in high school when he started work for Garmsir police chief Sarwar Jan in the southern province of Helmand. He spent his days cooking and cleaning up after Jan. Both Afghans and Americans knew him as the boss's "tea boy" ... three weeks after he arrived at a joint US-Afghan base called Delhi, the boy stole a Kalashnikov that was lying in an unlocked barracks, according to police officers on the base. He walked to a gym where four unarmed Marines were exercising and held down the trigger until no bullets were left. When he was finished, three Marines were dead and one was badly injured ...

When U.S. officials discovered that an unvetted 15-year-old had been allowed access to the base -- and the weapons strewn around it -- they were furious. "These were jihad-motivated executions," said a Western official in Afghanistan with knowledge of the incident. To suggest otherwise would be "profoundly distasteful and insulting to the Marines who died."

Sarwar Jan said Aynoddin was "given" to him as a personal assistant by a local elder and Afghan Local Police commander. Jan assumed the boy was a police officer, he said, even though he wasn't wearing a uniform ...

Several Marines said they made it clear to Jan that it was not acceptable to bring underage boys on to the base. But they watched as the police chief disobeyed that rule, they said. For years, Marines and other US officials said they had heard local residents complain about Jan's poorly kept secret -- that he invited boys to bases often shared with US troops and engaged in sexual misconduct. Officials say it was the primary reason he was dismissed from a previous posting in Now Zad, another district in Helmand.

- Joc Straw, *Marine slap for hero*, DAILY NEWS, August 28, 2013: "The Marines were asking about a shady police official, Sarwar Jan, whom they suspected of molesting local minors and who had access to their post. Brezler quickly e-mailed warnings about Jan's history of abuse and suspected ties to insurgents.
- Ashley Collman, *Support rallies for soldier who faces disciplinary hearing for sending classified information from his personal email which could have saved three lives*, DAILY MAIL, Oct. 27, 2013: Major Brezler found himself in hot water last summer when he responded to an email from troops in Helmand Province, Afghanistan who were inquiring about a local police chief named Sarwar Jan. Jan was being given access to the base in Delhi as part of the U.S. military's exit strategy from the country. Major Brezler had prior knowledge of Jan, and immediately replied to warn his fellow Marines about the dangerous police chief with ties to the Taliban.
- Dan Lamothe, *Meet the Most Crooked Cop in Afghanistan*, FOREIGN POLICY, Oct. 30, 2013: Afghan police chief Sarwar Jan was accused of sexually abusing teen boys on U.S. bases in Afghanistan when U.S. Marines pressed to have him removed from power in a violent district in 2010. Turns out that might only be the beginning of his crimes ... coalition forces also believe he extorted money from civilians, operated illegal security checkpoints and was working with the Taliban, selling the insurgent group weapons and police uniforms for cash.
- Ivan Watson, *Marine under fire*, CNN, Oct. 30, 2013: The suspected gunman was a teenage servant, known by the single Afghan name Aynuddin, who was working on the base for [Sarwar] Jan. Despite his earlier dismissal, Jan had been appointed to command the Afghan police in another district of Helmand Province, where FOB Delhi was located ... Before the shooting, Buckley Sr. said that his son had warned him over the phone about the Afghan police commander named Jan. "He told me that (Jan) was a bad person," the elder Buckley said. "They all knew that he was a bad guy. He was thrown out of two other bases prior to this for drug laundering, prostitution and ties to the Taliban," he said.
- Matthieu Aikins, *Friend or Foe*, MOTHER JONES, Nov.-Dec. 2013: Aynuddin arrived at the Garmsir police headquarters with the entourage of the newly appointed police chief, Sarwar Jan, several Afghan cops told me. The Marines had pushed Jan, a distant relative of Aynuddin's, out of at least one previous posting for his alleged corruption and suspected dealings with the Taliban, but he was well connected politically. He was also rumored to be a sexual predator. "Some of the stuff with pedophilia and chai boys made the Marines sick to their stomachs," one Marine officer told me "His nickname was 'OJ,' because he was such a criminal. Afghan police at Garmsir told me that Aynuddin was always at Jan's side, fetching tea and anything else the commander required. At night, they said, he slept in Jan's room.

As demonstrated by these publications, despite having actual and contemporaneous knowledge of Jan's background, the Marines reentered into a relationship with him in July 2012. The fact that the Marines knew about Jan's background is further demonstrated by the

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acknowledged receipt of the document in question by the operations officer of the Third Battalion, Eighth Marines on July 24, 2012.

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--- [redacted] refusal to declassify the document, combined with the information in the public domain about Sarwar Jan, leads to a reasonable inference that Marine officials are refusing to declassify this document to prevent embarrassment to the Corps as an organization, and to individual officers. Upon information and belief, Regional Command Southwest commander [redacted] knew of Jan's background and activities between July 24 and August 10, 2012 and yet Marines under his command granted Jan and his men unfettered access to Marine Corps facilities. The continued classification of the document may conceal violations of the law during this period—trustworthy and credible witnesses allege that Jan sexually abused minors on FOB Delhi.

Per a letter of the Department of Defense Inspector General of December 23, 2013 these matters are now the subject of inspector general and criminal investigations.

In refusing to declassify the document, [redacted] cited Paragraphs 1.4(b) and (d) of E.O. 13526.¹ The Executive Order reads, in pertinent part, that information "shall not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security . . . and it pertains to," *inter alia*, "foreign government information" or the "foreign relations or foreign activities of the United States, including confidential sources."

As to Paragraph 1.4(b), I do not have a copy of the classified document at hand, but per my notes of October 15, 2013 the document did not include the words "foreign government

¹ General Neller also referred to information security and classification guides, which (1) are classified, (2) not publicly accessible, and (3) may not be referenced in this letter.

information" or the abbreviation "FGL." This nomenclature would be appropriate if the information contained therein was supplied to U.S. Intelligence by a liaison service.

As to Paragraph 1.4(d), inasmuch as the document pertains to the foreign relations or activities of the U.S., our Government's relationship with Jan may be embarrassing to members of our Government or military, but it is not a matter of national security.

Some human intelligence reports are admittedly referenced in the endnotes. However no human sources are named or described. As an experienced human intelligence operations officer, I doubt any sources could be identified by reading the text of the document and cross-referencing its endnotes. As such, I reiterate my request that the entire document be declassified.

I firmly believe, however, that no confidential source could be exposed in *any* way by revealing the text of the document divorced from its endnotes. Should the Department of the Navy find it appropriate to exercise an excess of caution, in the alternative I modify my request of October 24 and ask merely that the Department of the Navy please declassify the text of the document minus its endnotes.

II. Apparent conflict of interest

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Per my October 24, 2012 letter I believed the proper adjudicator of this classification challenge was the Marine Corps' Director of Intelligence, [REDACTED]

[REDACTED] Instead, Headquarters Marine Corps referred the matter to [REDACTED] of Marine Forces Central Command. Yet [REDACTED] has a conflict of interest regarding [REDACTED] case. [REDACTED]

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In response to an email from [REDACTED] on August 26, 2012, [REDACTED] asked for a conference of generals to discuss a MARINE CORPS TIMES article published the previous day, entitled *Marine who warned of insider attack threat facing career's end*. The

article discussed the receipt of an unobserved adverse fitness report by [redacted] my client, on account of his sending the document about Jan to Marines in Afghanistan at the request of a colleague. [redacted] wrote his colleagues, "We need to talk. Today ..."

This email was also sent to [redacted] the commander in Helmand in July and August 2012, who reportedly knew of Sarwar Jan's background and activities but fatally did not keep Jan, his associates, and their sex abuse victims off of FOB Delhi. It was also sent to [redacted] On August 28 [redacted] assumed command of Marine Forces Reserve. On August 29 [redacted] complained to the Inspector General regarding Jan's activities. And on August 30 [redacted] referred [redacted] to a Board of Inquiry.²

Only the participants in the conversation [redacted] arranged between himself and [redacted] and [redacted] know what took place on that call. But [redacted] referral to a Board of Inquiry by [redacted] four days later gives rise to at least an appearance that [redacted] and perhaps [redacted] had something to do with it. And [redacted] referral to the Board is now under preliminary investigation by the DoD Inspector General as a case of whistleblower retaliation.

Under these circumstances, [redacted] certainly should not be the official who decides the classification of the document in question.

III. Best interests of the Department of the Navy

Since 2008 at least 84 so-called "insider" or "green on blue" attacks such as that which occurred on FOB Delhi have claimed the lives of 140 Coalition Forces personnel and wounded 157 more. Insider attacks accounted for fully fifteen percent of Coalition Forces deaths in 2012.

² On December 19, 2013 that Board recommended [redacted] be honorably separated from the Marine Corps, in part on the basis of his emailing the document in question to Marines in Afghanistan. [redacted] plans to appeal the Board's recommendation.

See Bill Roggio, *ISAF soldier killed in latest insider attack in eastern Afghanistan*, LONG WAR JOURNAL, Oct. 13, 2013.

The size of the U.S. force in Afghanistan will shrink rapidly this year, perhaps all the way to zero. See Thom Shanker, *Military Plans Reflect Afghanistan Uncertainty*, NEW YORK TIMES, Jan. 29, 2014 (stating that allied planners have drawn up plans to deploy a force this summer that is "small enough to withdraw if no deal for an enduring presence is reached"). As such our naval and other forces will increasingly rely upon the Afghans, for tasks such as perimeter and route security, as the number of U.S. combat troops in theater dwindles.

It is important for Marines and sailors to recognize the true character of the Afghan officials with whom they are forced to serve. Unfortunately many Afghan security officials such as Sarwar Jan work with the Taliban, engage in narcotics trafficking, and abuse human rights.

Junior and non-commissioned officers and enlisted personnel serving in austere tactical environments often lack access to secure communications and therefore classified information. Yet they are the Marines and sailors most at risk of being the victims of insider attacks.

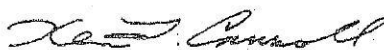
Intelligence should not be a self-licking ice cream cone. Information is collected and retained not for its own value, but to disseminate it to servicemembers who need it. And their need is most acute when the information pertains to life-and-death matters of force protection.

To ameliorate the dangers our servicemembers will face in Afghanistan this coming year, derogatory information on Afghan security forces members should be disseminated to our troops on an unclassified basis whenever possible. Releasing the Sarwar Jan document would send an important and positive signal to the Fleet: that concern for force protection should be now paramount in Marines and sailors' dealings with the Afghans.

Again, I request that the Department of the Navy make an independent and disinterested determination of the proper classification of the document on Sarwar Jan. And I hope and trust you will agree that at the very least its text, minus endnotes, be declassified.

Thank you.

Very respectfully,



Kevin T. Carroll

P3/b(3)
P6/b(6)

Enclosures: Jul. 24, 2012 emails of [redacted]
Aug. 26, 2013 email of [redacted] *et al.*
Aug. 30, 2013 letter of [redacted]
Oct. 24, 2013 letter of [redacted] counsel to [redacted]
Dec. 23, 2013 letter of the Department of Defense Inspector General to Representative Peter T. King
Jan. 7, 2014 letter of [redacted] counsel

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P6/b(6)

[redacted]
From: Kevin Carroll
Sent: Thursday, December 12, 2013 7:44 PM
To: [redacted]
Subject: FW: IMPORTANT! Sawar Jan is back!

From: [redacted]
Date: July 24, 2012, 1:35:59 PM EDT
To: "Jason C. Brezler" [redacted]
Subject: Re: IMPORTANT! Sawar Jan is back!

Can you send me what he sent you? This is what I just sent to him.

[redacted]
Let's not over react here. I asked Jason to help you out. He is a get the mission done guy, just like us. There is nothing mission sensitive in that doc and it is definitely over classified. I asked him to get you whatever he had on SJ to ensure we do not endanger LN's or Marines. Jason is one of the best officers I have ever worked with. I do not want to see him screwed over because I asked for his help. If you had not asked me he would not have been involved. If you have a sat phone give me a call [redacted]
Thanks,
[redacted]

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P3/b(3)

On 7/24/12, [redacted] wrote:

I had it on a hard drive from NZD and it was my only way to get it to you.

[redacted] said that you need it.

I'm in Oklahoma going to grad school and it was my only way to get it to you.

Jason

From: [redacted]
[redacted]
To: Jason C. Brezler [redacted]
Sent: Tuesday, July 24, 2012 12:18 PM

Subject: RE: IMPORTANT! Sawar Jan is back!

P3/b(3)

Hey man, you just sent me SECRET NO FORN from a NIPR Yahoo address?

VR/

10 USC 130b

-----Original Message-----

From:

Sent: Tuesday, July 24, 2012 18:11

To:

Cc:

Subject: Re: IMPORTANT! Sawar Jan is back!

Let me know that you got his.

s/t

P6/b(6)

From:

To:

Sent: Tuesday, July 24, 2012 9:24 AM

Subject: IMPORTANT! Sawar Jan is back!

[REDACTED] P3/b(3)

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[REDACTED] -----
I just got an email from one of my friends in Afghanistan. He just met Sawar Jan. He is looking for anything we have on him. Do you still have that paper [REDACTED] wrote on this guy and Now Zad? It could be very helpful. Anything you can think of that would be useful please send to [REDACTED] This dude is a top notch officer who I have known for a while and did a RIP with on my last tour.

P3/b(3)
P6/b(6)

Thanks brother, [REDACTED]
[REDACTED]

P6/b(6)

[redacted]
From: Kevin Carroll
Sent: Thursday, December 12, 2013 7:43 PM
To: [redacted]
Subject: FW: Sarwar Jan

-----Original Message-----

From: [redacted]
Sent: Tuesday, July 24, 2012 11:17 AM
To: [redacted]
Subject: RE: Sarwar Jan

[redacted]
Dude! [redacted] just sent me SECRET/NO FORN shit over NIPR! From a Yahoo account! I am going to have to report this to our ORSEC guy. Dammit, I know he was just trying to help but shit, he can't have this stuff on there.

VR/

P3/b(3)
P6/b(6)

P3/b(3)

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-----Original Message-----

From: [redacted]
Sent: Tuesday, July 24, 2012 18:15
To: [redacted]
Subject: RE: Sarwar Jan

[redacted]
I sent this request out to [redacted] my CAG officer for Now Zad. He has some of the detailed reports we submitted on this guy. The short version is, he is extremely corrupt, only serves himself, has a proven record of failure, and is only out to serve himself. I fired him from his position as the Now Zad DCOP in 2010. He was beating people in town who did not pay his illegal taxes. He was taken to trial in Lash but only received a slap on the wrist. He did lose his position in Now Zad which was the best I could do at the time. My interference in the Afghan legal and political world was frowned upon to say the least. A little more background on the question will help me give you a better answer. I know this man very well and worked with him daily for nearly 5 months. His corruption crossed the line into hurting the average civilian he was tasked to protect so he was fired. He has sold out to the TB several times before. I would not trust him with anything.

Let me know what you are up to [redacted]
[redacted]

Hope this helps,

[Redacted]

-----Original Message-----

From: [Redacted]
Sent: Monday, July 23, 2012 5:55
To: [Redacted]
Subject: Sarwar Jan

[Redacted]

Do you remember the Now Zad DCDP, Sarwar Jan? If yes, tell me about him. He just showed up.

VR/



FOIA(b)(3)
FOIA(b)(6)
P3/b(3)
P6/b(6)

10 USC 130b

[REDACTED]
From: Kevin Carroll
Sent: Thursday, December 12, 2013 7:42 PM
To: [REDACTED]
Subject: FW: Sawar Jan strikes again

----- Forwarded Message -----

From: [REDACTED]
To: [REDACTED]
Sent: Saturday, August 11, 2012 7:32 AM
Subject: Sawar Jan strikes again

P6/b(6)

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P3/b(3)

Tragic story for you: Sawar Jan was recently named the DCOP of Garmsir. He brought 9 – yes, count it NINE – chai boys (excuse me, personal servants) with him. One of them decided to go nuts and killed a bunch of Marines yesterday, tried to get another policeman to join him in jihad when he was taken out by another cop.

This week has absolutely sucked in Helmand. This, after three Marines (SF) were killed in upper Sangin when they were invited to dinner at the police commander's home.

P6/b(6)

P3/b(3)

CTR

From: [redacted]
Sent: Monday, August 26, 2013 8:20 AM
To: [redacted]
Cc: [redacted]

Subject: [redacted] (b)(1) [U] RE: FW: NEED GROUND TRUTH

Categories: UNCLASSIFIED

UNCLASSIFIED//

10 USC 130b

OK.
We need to talk.
Today . . . coordinate with the COS.
V/R Neller

P3/b(3)
P6/b(6)

-----Original Message-----

From: [redacted] latCOB [redacted]
Sent: Monday, August 26, 2013 8:00 AM
To: [redacted]
Subject: RE: [U] FW: NEED GROUND TRUTH

General,

I think the Commandant is referring to this article from MC Times in today's Daily Media Report.

S/F

Marine Corps Times
August 25, 2013

Marine who warned of insider attack threat facing career's end Used unsecured network in effort to save lives By Dan Lamothe

Marine Corps Times August 25, 2013. Article available in open source.



UNITED STATES MARINE CORPS
MARINE FORCES RESERVE
2000 OPELOUSAS AVENUE
NEW ORLEANS, LA 70114

IN REPLY REFER TO:
1920
SJA/dww
30 Aug 13

From: Commander, Marine Forces Reserve
To: [REDACTED] USMCR

Subj: NOTIFICATION OF BOARD OF INQUIRY

P3/b(3)

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Ref: (a) SECNAVINST 1920.6C
(b) MCO P5800.16A
(c) NCIS case 04AUG12-CRAF-0072-5FMA/T (SECRET)
(d) JPAS person summary ico [REDACTED] of 30 Aug 13

Encl: (1) Rights of the Respondent
(2) Acknowledgement of Notice

1. Pursuant to references (a) and (b), I have been designated as the Show Cause Authority for Marine Forces Reserve. In that capacity, I have reviewed references (c) and (d) and determined there is sufficient cause to refer your case to a Board of Inquiry (BOI).

2. You are hereby notified that I will convene a BOI to make a recommendation on your retention in the U.S. Marine Corps Reserve. The specific reasons for separation that the BOI will consider are Substandard Performance of Duty and Misconduct, or Moral or Professional Dereliction as evidenced by the following:

a. Failure to demonstrate acceptable qualities of leadership required of an officer of your grade;

b. Failure to achieve or maintain acceptable standards of proficiency required of an officer in the member's grade and;

c. Commission of a military or civilian offense which could be punished by confinement of 6 months or more;

3. The BOI will make the following determinations, by majority vote, based on evidence presented at the hearing:

a. A finding on the reasons for involuntary separation. This finding is based on a preponderance of the evidence standard; and

b. One of the following:

(1) If the BOI finds that one or more of the reasons for separation are supported by sufficient evidence to warrant separation for cause, it may recommend your separation; or,

Subj: NOTIFICATION OF BOARD OF INQUIRY

(2) If the BOI finds that the reasons for separation are not supported by sufficient evidence to warrant separation for cause, your case will be closed.

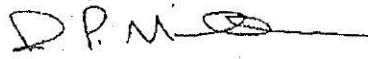
4. If the BOI recommends your separation, the BOI will additionally make a recommendation regarding characterization of service.

5. You have thirty (30) days to prepare your case. As the respondent, you are entitled to exercise the rights set forth in enclosure (1). Your failure to invoke any of these rights will not be considered a bar to the BOI proceedings.

6. This letter is the notice required by reference (a). You will be notified of the names of the board members and of the date and location of the hearing by separate correspondence.

7. Within five (5) working days of receipt of this notification, you are directed to complete enclosure (2) and return it to: Office of the Staff Judge Advocate, Marine Forces Reserve, 2000 Opelousas Ave, New Orleans, LA 70114, by mail.

8. A military defense counsel will be detailed to your case. To obtain military defense counsel, contact the Marine Forces Reserve Senior Defense Counsel, [redacted] at phone number [redacted]


R. P. MILLS

[redacted]
[redacted]
[redacted]
10 USC 130b

P3/b(3)

PETER L. KING
Member of Congress
Second District, New York

333 CANNON HOUSE, OFFICE BUILDING
WASHINGTON, DC 20515-3202
(202) 225-7896

1003 PARK BOULEVARD
MANHATTAN, NY 10162
(816) 541-4225

For Suffolk County:
(816) 541-4225

peteking@mail.house.gov
www.peteking.house.gov
Twitter: @RepPeterKing



Congress of the United States
House of Representatives
Washington, DC 20515-3202

September 9, 2013

COMMITTEE ON HOMELAND SECURITY
COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT

Subcommittee on Terrorism, Homeland Security, and
Emergency Preparedness

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

FINANCIAL SERVICES COMMITTEE

Subcommittee on Capital Markets

Subcommittee on Credit, Insurance, and Banking

Lynne M. Halbrooks, Esq.
Acting Inspector General
United States Department of Defense
4800 Mark Center Drive
Alexandria, Virginia 22350

Dear Inspector General Halbrooks:

P3/b(3)

[redacted] of the United States Marine Corps Reserve approached me earlier this year with his long-standing and previously expressed concerns about Sarwar Jan, the local police chief in Garmsir District, Helmand Province, Afghanistan.

[redacted] suspected that Jan had committed sex crimes against juveniles at U.S. Department of Defense facilities in Afghanistan. On August 10, 2012 one of Jan's subordinates and sex crime victims killed three U.S. Marines, including my constituent Lance Corporal Greg Buckley, Jr.

Further and in addition to the whistleblower retaliation complaint filed with your office by [redacted] on August 29, 2013, I write to ask the Office of the Inspector General to also investigate the following:

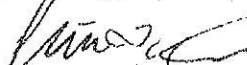
10 USC 130b

- Did Sarwar Jan commit sex crimes against juveniles while on U.S. DoD facilities? Did Jan use U.S. Government funds to procure his victims?
- Were DoD personnel aware of Jan's crimes? What actions, if any, were taken by these personnel?
- Why was Jan reportedly dismissed as district police chief? Why was he reappointed?
- What actions, if any, were taken in response to [redacted] August 2012 warnings to forward-deployed Marines, about the dangers Jan's activities posed to co-located U.S. personnel?
- What was Jan's relationship, if any, with the U.S. Government, to include the U.S. Intelligence Community?

- If Jan had a relationship with the U.S.I.C., did his sex crimes and/or his subordinate's murder of three Marines constitute significant intelligence failures, required to be reported to Congress under 50 U.S.C. §§ 3092(a)(1) or 3093(b)(1)?
- Where is Jan now, and what is he doing?

If you have any questions regarding this letter, please contact Ms. Mandy Bowers on my committee staff at 202-226-8417. Thank you.

Sincerely,


PETER T. KING
Member of Congress

©1994 Peter A. Levine Systems, P.O. Box 708, Washington, D.C. 20004-0708. All rights reserved.

[REDACTED]
 Commandant Marine Corps Intelligence Department
 3000 Marine Corps Pentagon
 Washington, DC 20350-3000
 Via facsimile: (703) 614-5888
 Via email to the attention of: [REDACTED]

10 USC 130b

Sir, I am a United States citizen, an authorized holder of classified information, and an attorney acting on behalf of [redacted] of the United States Marine Corps Reserve. I write you in your capacity as Director of Intelligence of the United States Marine Corps.

Pursuant to Executive Order 13526 of December 29, 2009, *Classified National Security Information*, and 32 C.F.R. § 2001.14, *Classification Challenges*, I hereby challenge the classification of the contents of and attachments to my client [REDACTED] July 25, 2012 email exchange with the assistant operations officer of the 3rd Battalion of the 8th Marine Regiment in Helmand Province, Afghanistan, [REDACTED]. Their correspondence concerned Afghan National Police Garmsir District Chief Sarwar Jan.

As you know, "information may only be classified under E.O. 13526 if 'unauthorized disclosure of the information reasonably could be expected to result in damage to the national security.'" *Judicial Watch, Inc. v. Department of the Navy*, 2013 U.S. Dist. LEXIS 134945 at *6 (D.D.C. Sep. 19, 2013) (citing E.O. 13526 ¶ 1.1(a)(4).)

I have had the opportunity to review these emails and attachments in a secure setting. I believe the public disclosure of these messages' contents would cause no harm to U.S. national security, and that the information therefore was and should now be unclassified.

The information is not an operational file, nor does it pertain to the Executive Office of the President. See E.O. 13526 ¶ 3.5(a)(2) and (b). The information is not itself the subject of pending litigation, but rather is key evidence in a pending administrative proceeding. See E.O. 13526 ¶ 3.5(c).

The senior noncommissioned officer who investigated the alleged spillage caused by the sending of this information on the behalf of the First Marine Expeditionary Force in Afghanistan, [REDACTED] USMC, recommended at the time that the contents of these emails be declassified. The original classification authority of the document, Ms. Larissa Mihalisko, also believes that this information should no longer remain classified.

In E.O. 13526, President Obama ordered that no information shall continue to be maintained as classified, or fail to be declassified, in order to conceal violations of the law, or prevent embarrassment to a person, organization, or agency. See E.O. 13526 ¶ 1.7 (1)-(2).

The "classified" information in question pertains to serious criminal activities by an Afghan security official. I believe it is now being described as classified only to prevent embarrassment to whomever decided to allow Sarwar Jan and his associates continued armed and unescorted access to Forward Operating Base Dehli between [redacted] warnings and August 10, 2012 murders there of Staff Sergeant Scott Dickinson, Corporal Richard Rivera, and Lance Corporal Greg Buckley.

Again, I challenge the classification of this information under Section 2001.14(a), and request its immediate declassification in advance of [redacted] Board of Inquiry, currently scheduled to begin on November 21, 2013.

P3/b(3)

A copy of this letter will be sent via United States mail. Please acknowledge your receipt of this communication. Thank you.

10 USC 130b

Sincerely,



Kevin Carroll, Esq.

Social Security Number
Date and place of birth:

[redacted]

P6/b(6)

cc: The Honorable James Clapper, Director of National Intelligence
The Public Interest Declassification Board

[redacted] USMC



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

DEC 23 2013

The Honorable Peter King
U.S. House of Representatives
339 Cannon House Office Building
Washington, D.C. 20515-3202

Dear Representative King:

10 USC 130b

This is in response to your letter dated September 9, 2013, regarding a reprisal complaint submitted by [redacted] USMCR, and U. S. Government involvement with Sarwar Jan.

P3/b(3)

[redacted] submitted a reprisal complaint to the DoD Hotline on August 29, 2013. Officials within the Whistleblower Reprisal Investigations Directorate (WRI) reviewed the complaint and declined to investigate because [redacted] was not in a military status, as required by DoDD 7050.06, when he made his communication. However, [redacted] recently submitted new information not previously considered. WRI officials are evaluating the new information as possible evidence of reprisal and will advise [redacted] of their determination at the time it is made.

We have referred items #1 and #2 in your letter to the Army Criminal Investigation Command (CID) for action as they involve allegations of criminal activity. We referred item #4 in your letter to the U.S. Marine Corps Inspector General for action. We will notify your office of the results of these inquiries once they are complete.

The remaining items in your letter are not appropriate for a DoD response. We recommend that you contact the U.S. State Department and the Inspector General of the Intelligence Community regarding these specific matters.

Should you have any questions regarding this matter, please contact me at [redacted]

P6/b(6)

Sincerely,

Larry D. Turner

Larry D. Turner
Acting Assistant Inspector General
Communications and Congressional Liaison



UNITED STATES MARINE CORPS
U.S. MARINE CORPS FORCES, CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

IN REPLY, PLEASE REFER TO:
5510
SECURITY
7 Jan 14

From: Original Classification Authority, U.S. Marine Corps Forces,
Central Command
To: Mr. Kevin Carroll, Esquire, Quinn Emmanuel Trial Lawyers
Via: Commander, U.S. Marine Forces Reserve

Subj: CLASSIFICATION CHALLENGE ICO [REDACTED] USMCR

Ref: (a) Executive Order 13526
(b) CENTCOM 380-1, Information Security
(c) CENTCOM 380-14, Security Classification Guide
(d) Combined Joint Task Force-101, Security
Classification Marking Guide dated 1 November, 2008
(e) (U) Sarwar Jan: Abdul Rahman Jan's Top Lieutenant
and an Enduring Source of Instability in Now Zad

P3/b(3)

1. This memorandum is in response to the Quinn Emmanuel Classification Challenge in case of the subject-named Board of Inquiry. This command received the Questioned Document on 13 November 2013, and in compliance with the sixty-day response timeline, hereby submits an official response.

2. I am a Secret Original Classification Authority. I have reviewed the Questioned Document identified in reference (e), and in accordance with references (a)-(d), I hereby deny the request for complete declassification of the Questioned Document. Classification Challenges exist to question protections afforded to classified documents. The document, is properly classified at the SECRET//NOFORN level in accordance with Section 1.4.b,d of reference (a), Tab A of reference (d), and appendixes B, and E of reference (c).

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3. Appeal options are available by contacting (in writing) the Department of the Navy, Office of Security Review, Office of Plans, Policy, Operation and Investigation (Code PPOI). Your appeal must include date of original request, date of denial and justification for higher echelon appeal.

P3/b(3)
P6/b(6)

4. Any questions concerning this matter can be directed to [REDACTED]

[REDACTED]

Robert B. Neller
ROBERT B. NELLER

Copy to:
File

Classification Challenge - Sarwar Jan: Abdul Rahman Jan's Top Lieutenant and an Enduring Source of Instability in Now Zad

ISCAP <ISCAP@nara.gov>
To: kevin.carroll@quinnemanuel.com
Cc: ISCAP <ISCAP@nara.gov>

Thu, May 1, 2014 at 12:48 PM

Mr. Carroll,

The Interagency Security Classification Appeals Panel has received your classification challenge. You should receive an initial response to your challenge shortly.

Best regards,
Meredith Wagner
ISCAP Staff

HEADQUARTERS UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

REGULATION
Number 380-14

15 March 2014

Security
CLASSIFICATION GUIDE

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*This regulation supersedes CCR 380-14, 15 Jun 12. (See "Summary of Changes" on page 8-1.)

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CHAPTER 1 GENERAL

1-1. (U) PURPOSE. This guide establishes the basic policies for proper marking, classification, downgrading, and declassification of information related to the operations, facilities, communications, data collection and processing, warning, and other information pertaining to United States Central Command (USCENTCOM), its components and units assigned to or operating in the USCENTCOM Area of Responsibility (AOR).

1-2. (U) APPLICABILITY. This guide applies to Headquarters, USCENTCOM, its components, and those government agencies (civilian contractors and military personnel) involved in the activities of USCENTCOM, and any units or subordinate commands operating in the USCENTCOM AOR.

1-3. (U) AUTHORITY. The Original Classification Authority (OCA) for this guide is Commander, USCENTCOM. This classification guide reflects changes required by Executive Order (EO) 13526 dated January 2010, Classified National Security Information, the Information Security Oversight Office (ISOO) Implementing Directive (32 CFR Parts 2001 and 2003), subsequent ISOO Notices, Intelligence Community Directive (ICD) 710 Classification and Control Markings System dated 11 September 2009, ICD 208 Writing for Maximum Utility dated 17 December 2008, the Controlled Access Program Coordination Office's (CAPCO) Authorized Classification and Control Markings Register dated 31 May 2011, and the CAPCO Intelligence Community Classification and Control Markings Implementation Manual dated 30 December 2011; and Department of Defense (DoD) Regulation 5200.01, Volumes 1-4, Information Security Program, February 24, 2012. Changes in classification markings are required in accordance with EO 13526 and ICD 710, Classification and Control Markings System which are implemented through the Director of National Intelligence's CAPCO Authorized Classification and Control Classification Markings Register and the CAPCO Intelligence Community Classification and Control Markings Implementation Manual. The classification authority for information covered under this guide shall be cited as shown below, along with the appropriate declassification instructions.

Classified By: Joe Carver, Director

Derived From: Department of Good Works SCG dated June 27, 2010

Declassify On: 20151231 (This date is dependent upon the guidance found in appendices A-W of this guide)

1-4. (U) OFFICE OF PRIMARY RESPONSIBILITY (OPR). The USCENTCOM Special Security Office (SSO) issues this guide. Address inquiries concerning content and interpretation, as well as any recommendations for changes to:

USCENTCOM Special Security Office
7115 South Boundary Blvd
MacDill AFB, FL 33621-5101

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1-5. (U) INDIVIDUAL RESPONSIBILITIES. Individuals are responsible for ensuring information is properly protected and classified appropriately. Over classification of information hinders the timely sharing of information and mission accomplishment. Originators of information must ensure all documents are properly marked and written for release.

Classification and control requirements apply to information regardless of the medium (e.g., text, images, graphics, and electronic documents (including web pages, e-mails, cables disseminated via message-handling systems, wikis, and blogs). Portion markings shall be used on all classified information unless a waiver has been obtained in accordance with guidance from the ISOO; heads of Intelligence Community elements may submit requests for waivers to markings, formats, or authorized abbreviations in writing to CAPCO for Director of ODNI/ONCIX/SEC/SSD consideration. Classified information must have: (1) The highest classification level of information contained in the document and applicable control markings on the top and bottom (header and footer; banner line) of each page or slide; (2) classification portion marks; (3) the classification authority block; and (4) Date of origin of the document. Originators shall include a point of contact and contact instructions at the end of all classified products to expedite decisions on information sharing. Unclassified information with control markings must have: (1) The highest classification level of information contained in the document and applicable control markings on the top and bottom (header and footer; banner line) of each page or slide and (2) classification portion marks.

1-6. (U) CLASSIFICATION CHALLENGES. If at any time, any of the security classification guidance undergoes a challenge, the items of information shall continue to be protected at the level prescribed by this guide until an OCA has made a final determination. Requestors of information and authorized holders of information shall seek to resolve issues at the lowest possible level. Classification challenges should follow the procedures provided in Section 1.8 of EO 13526, as well as implementing procedures established in accordance with this Executive Order and Director of National Intelligence (DNI) guidance.

CHAPTER 2 TYPES OF INFORMATION

2-1. (U) U.S. classification markings (TOP SECRET, SECRET, CONFIDENTIAL) are used in the header and footer (top and bottom) of each page and each product. The classification must be spelled out in full and may not be abbreviated in the banner line. A product may have only one classification on the top and bottom.

a. (U) FOR OFFICIAL USE ONLY (FOUO) is unclassified DoD information that has not been given a security classification pursuant to the criteria of EO 13526, but which may be withheld from the public because disclosure would cause a foreseeable harm to an interest protected by one or more Freedom of Information Act (FOIA) Exemptions in DoD 5400.7-R (2 Jan 2008).

b. (U) The fact that information is marked does not necessarily prohibit its public release: withholding the information must serve a legitimate government purpose or fit into one of the FOIA exemptions. If the information does not meet either of these restrictions, then it should be appropriately reclassified.

2-2. (U) CLASSIFIED INFORMATION. Classified information is information that has been determined by an OCA or through derivative classification to pose a risk to national security if not protected properly. The U.S. government recognizes three levels of classification.

a. (U) TOP SECRET - Assigned when the unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security that the OCA is able to describe.

b. (U) SECRET - Assigned when the unauthorized disclosure could reasonably be expected to cause serious damage to the national security that the OCA is able to describe.

c. (U) CONFIDENTIAL - Assigned when the unauthorized disclosure could reasonably be expected to cause damage to the national security that the OCA is able to describe.

2-3. (U) SENSITIVE COMPARTMENTED INFORMATION (SCI). SCI is information and materials requiring special community controls indicating restricted handling within present and future community intelligence collection programs and their end products. These special community controls are formal systems of restricted access established to protect the sensitive aspects of sources, methods and analytical procedures of foreign intelligence programs. The Chief, SSO is the office responsible for indoctrination in SCI and ensuring compliance with all applicable regulations and directives.

2-4. (U) SPECIAL ACCESS PROGRAM (SAP) INFORMATION. SAP involves activities that fall within the statutory authority and responsibility of the DNI. Within these provisions, only those programs that require, as a condition of access, the signing of a nondisclosure statement are considered SAPs. SAPs are given the status of SCI compartments and sub compartments in terms of the minimum required security levels necessary for their protection. Within

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USCENTCOM the Director of Operations is responsible for the administration and indoctrination of personnel deemed eligible.

2-5. (U) NORTH ATLANTIC TREATY ORGANIZATION (NATO) AND FOREIGN GOVERNMENT INFORMATION (FGI)

a. (U) NATO Information. NATO classified information will be safeguarded in accordance with (IAW) U.S. Security Authority for NATO Instruction I-70. USCENTCOM Command & Control, Communications & Computer Systems Directorate (CCJ6) is responsible for ensuring compliance with network handling instructions for NATO material. SSO will indoctrinate those personnel requiring NATO access.

b. (U) FGI. Under E.O. 13526, and ISOO Implementing Directive (32 CFR Parts 2001 and 2003), Foreign Government Information is defined as (1) Information provided to the U.S. government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence; or (2) Information produced by the U.S. pursuant to or as a result of a joint arrangement with a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the arrangement, or both, are to be held in confidence; or (3) Information received and treated as "Foreign Government Information" under the terms of a predecessor order. During the course of exercises and operations, USCENTCOM receives information from foreign governments. This material is required to be protected at the equivalent level of U.S. classification. U.S. personnel receiving FGI must be cleared to the appropriate level of the information received. FGI markings are used on U.S. products to denote the presence of foreign-owned or foreign-produced information in both the portion markings and on the top and bottom of the page or product. Use FGI plus the trigraphic country codes listed in ISO 3166 or the tetragraphic codes for international organizations or groups of countries as listed in the CAPCO Register APPENDIX A and APPENDIX B, unless the very fact that the information is derived from a foreign government must be concealed. Documents containing FGI shall keep the FGI segregated from U.S. classified portions. Release or disclosure of FGI back to the source country is not implied and must be approved by the responsible agency. Documents containing FGI from more than one country and/or international organization shall keep the FGI from each individual country or international organization segregated in separate portions. The release or disclosure of FGI to any third-country entity must have the prior consent of the originating government if required by a treaty, agreement, bilateral exchange, or other obligation. (See the ISOO Directive 32 CFR 2001.23D-E and the CAPCO Implementation Manual for marking guidance.) Unclassified FGI is withheld from public release until approved for release by the source country.

2-6. (U) FOCAL POINT INFORMATION. Focal Point Information is a Joint Chiefs of Staff program. The system uses unique code words to Protect Operationally Sensitive Information and alert responsible personnel to deliver the traffic to specifically authorized personnel only. Each Focal Point Program has its own Security Classification Guide that has been specifically written to provide unique guidance on handling, storage and disclosure of the information. CCR 380-14 is not the final authority for Alternate Compensatory Control Measures (ACCM) information;

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personnel needing access to or having questions concerning Focal Point should contact CCJ3 for indoctrination.

2-7. (U) CRITICAL NUCLEAR WEAPON DESIGN INFORMATION (CNWDI). The USCENTCOM SSO is responsible for indoctrination of personnel in CNWDI. These personnel must have a need to know, verified by an O-6 or above and have a final SECRET or TOP SECRET clearance.

2-8. (U) OPERATIONS SECURITY (OPSEC) INFORMATION. OPSEC is governed by USCENTCOM Regulation (CCR) 530-1, Operations Security; Joint Pub (JP) 3-13.3, Joint Doctrine for Operations Security and Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3213.01C; Joint Operations Security. CCJ3 is the CENTCOM OPR for OPSEC. OPSEC is the process of identifying and analyzing critical information pertinent to the military operation or activity and executing measures to eliminate or reduce vulnerabilities to a manageable level. OPSEC indicators result from friendly detectable actions or from open-source information. OPSEC generally is NOT classified but is a program designed to minimize indicators.

2-9. (U) JOPES TPFDD INFORMATION. The Joint Operations Planning and Execution System (JOPES) Time-Phased Force and Deployment Data (TPFDD) is designated as SECRET.

a. (U) Access to JOPES is limited to authorized U.S. personnel only possessing a FINAL SECRET clearance. Access to JOPES by coalition personnel is not authorized. The release of certain JOPES TPFDD information is permitted as approved by CCJ3 and coordinated with CCJ3-S and the command Foreign Disclosure Office (CCJ2-FDO).

b. (U) Release of JOPES force movement information must be coordinated with CCJ3-S, the OPR for JOPES at USCENTCOM as well as CCJ2-FDO.

c. (U) Service Feeder Systems and Transportation Management Systems provide data to JOPES from an unclassified source. This information, though originating from an "unclassified" environment does not necessary imply that the data is unclassified and can be freely shared across many venues to include the Internet. It still requires certain safeguards. Once feeder data is imported into JOPES, that data becomes classified to the level that is associated with the JOPES TPFDD.

d. (U) Although individual data elements by themselves may not be classified, the data in aggregation could portray the scope of operations, force deployments, location centers, etc. The data by itself may be unclassified, but when used in context associated with an operation, that information becomes classified to the level associated with the JOPES TPFDD.

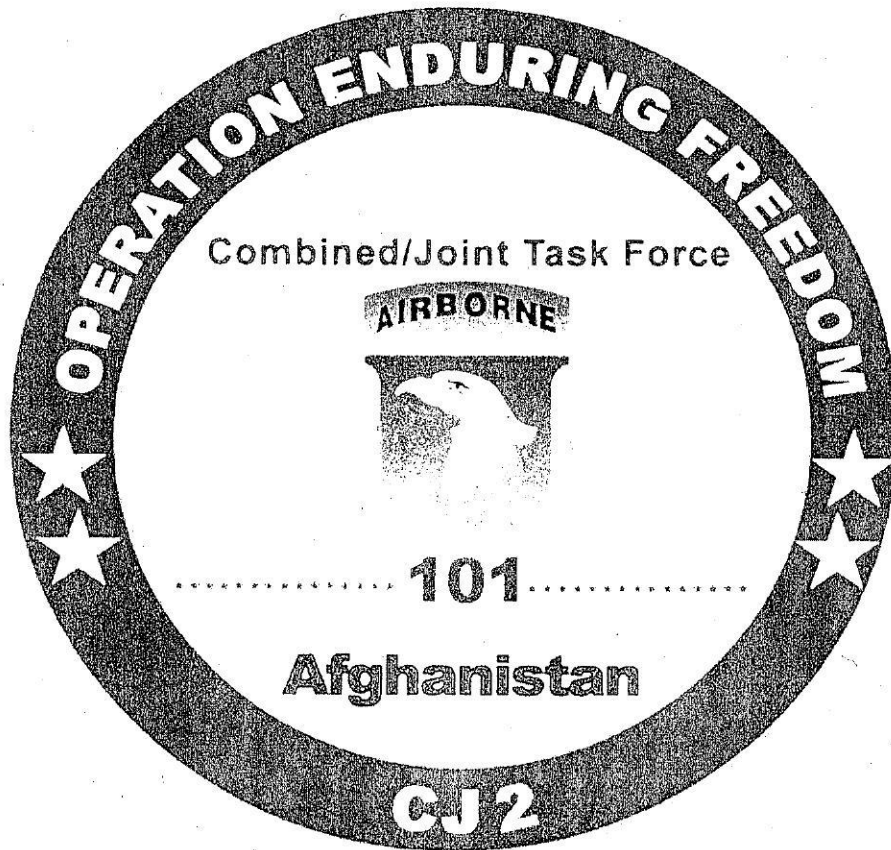
e. (U) JOPES information is SECRET but certain data elements may be declassified for purposes of transportation planning upon execution; the data elements which may be declassified are limited to those data elements specifically required to schedule airlift, sealift, or ground movement as appropriate.

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f. (U) JOPES classification guidance is governed by existing CJCSI 3122 Series, JOPES Volumes I-III and applies to all Contingency Planning, Crisis Action Planning, and Exercise TPFDDs supporting USCENTCOM. Security guidance for all JOPES and like data/information is governed by Appendix J and no other locations within this document.

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CJTF-101

Security Classification and Marking Guide

Version 1
1 NOVEMBER 2008
PRODUCED BY:
CJ2, FDO
Bagram Airbase, Afghanistan

CLASSIFICATION: UNCLASSIFIED//FOUO

1. Purpose. This guide establishes the basic policies for proper classification, downgrading, and declassification of information related to the operations, facilities, communications, data collection and processing, warning, and other information pertaining to Combined Joint Task Force 101 (CJTF-101) and its components during normal periods and deployments for exercises and operations.
2. Applicability. This guide applies to the CJTF-101, its components; and those Government agencies, civilian contractors, and personnel involved in the activities of CJTF-101.
3. Authority. The Original Classification Authority (OCA) for this guide is Major General Jeffrey J. Schloesser, Commander, CJTF-101. This classification guide reflects changes required by Executive Order (EO) 13292 dated 28 March 2003, "Further Amendment to Executive Order 12958, as Amended, Classified National Security Information", and the Information Security Oversight Office (ISOO) Directive 1, 22 September 2003. Changes in classification markings are required in accordance with EO 12958, as amended. The classification authority for information covered under this guide shall be cited as shown below, along with the appropriate declassification instructions.

DERIVED FROM: CJTF-101 Security Classification Guide, Dated: 1 November 2008
DECLASSIFY ON: See 10c below.

4. Effective Date. This guide is effective upon receipt.
5. Conflict/Changes. If this security classification guidance imposes impractical controls, or if changes are deemed appropriate, the U.S. government activity or civilian contractor organization concerned should forward recommendations and supporting rationale to the CJTF-101 FDO. Submission of such recommendations will not constitute authority to reclassify information and will not become an official change unless published as an update to this guide with the concurrence of the OPR.
6. Use and Reproduction of this Guide. This guide shall be used to determine the levels of the security classification to be assigned to information, systems, programs, plans, or projects associated with CJTF-101. It may be necessary to consult separate classification guides to determine the degrees of security classification with respect to individual systems/subsystems, programs, plans, or projects that are CJTF-101 related. Reproduction of this guide is permissible.
7. Disclosure of Unclassified Information. DOD considers disclosure as the transfer of military information through approved channels to an authorized representative. When certain details of information are unclassified, it does not authorize automatic public disclosure. Proposed disclosure of unclassified information shall be processed through the Public Affairs Office (PAO) and/or the Command Information Management Branch

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(CJ6-PB), as appropriate. The term "disclosure" includes, but is not limited to, any technical data, articles, speeches, photographs, brochures, advertisements, presentations, and displays.

8. Disclosure of Classified Information.

a. To Other Government Agencies. Classified information regarding CJTF-101 may be disclosed to other DOD components, Federal agencies, or U.S. industrial facilities, only to properly cleared persons on a need-to-know basis in accordance with DOD 5200.1-R and USCENTCOM Regulation 380-1. It is the responsibility of the individual disclosing the information to verify the recipient's appropriate security clearance and need to-know.

b. To Foreign Nationals. Classified information pertaining to CJTF-101 related matters will not be disclosed to foreign nationals, foreign governments, or international organizations without proper authorization per the National Disclosure Policy and USCENTCOM Regulation 380-5, upon coordination with CJ2-FDO, the appropriate Director/Chief of Special Staff, and their designated Foreign Disclosure Representative.

c. Limitations. This guide should not be construed to allow the disclosure of proprietary information owned by private firms or citizens (i.e. patents, copyrights or trade secrets) to other contractors engaged in projects at CJTF-101 unless approved by the owner of such proprietary information.

9. Declassification and Downgrading. Information meeting the classification requirements of this guide shall remain classified as long as required by national security considerations. EO 12958, as amended provides uniform instructions for declassifying and downgrading national security information, including information relating to defense against transnational terrorism. These instructions are provided for each specific topic of information and they are not intended to be transcribed verbatim. They should be used to determine a specific date or event for declassification or downgrading. Specific declassification authority is not required to remark documents downgraded or declassified in accordance with instructions provided in this guide.

10. Organization of the Classification Guide (APPENDIX A).

a. Information Revealing. The "INFORMATION REVEALING" column states precisely the elements of information to be protected.

b. Classification. The "CLASSIFICATION" column states which classification level applies to each element of information listed under the "INFORMATION REVEALING" column. The markings listed below are accompanied by descriptive extracts from DoD 5200.1-R:

- (1) TOP SECRET. Applied to information, the unauthorized disclosure of which reasonably could be expected to cause **exceptionally grave damage** to the national security that the original classification authority is able to identify or describe.

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- (2) SECRET. Applied to information, the unauthorized disclosure of which reasonably could be expected to cause **serious damage** to the national security that the original classification authority is able to identify or describe.
- (3) CONFIDENTIAL. Applied to information, the unauthorized disclosure of which reasonably could be expected to cause **damage** to the national security that the original classification authority is able to identify or describe.
- (4) UNCLASSIFIED. Some UNCLASSIFIED information may be assigned FOR OFFICIAL USE ONLY (FOUO) status in the "REMARKS" column. FOUO is not a security classification, but a handling caveat. DOD 5400.7-R, DOD Freedom of Information Act Program, contains guidelines for properly marking, handling, and safeguarding FOUO information.

c. Declassification/Exemption. As of 22 September 2003, the use of X1, X2, X3, X4, X5, X6, X7, and X8 was no longer allowed as declassification markings. The "DECLASSIFY ON" column specifies the date or event for declassification or the 10-year automatic declassification exemption category as described in DOD 5200.1-R. If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, unless the original classification authority determines that the sensitivity of the information requires that it shall be marked for declassification for up to 25 years from the date of the original decision. When deciding how to complete the "Declassify on" line, an original classification authority will have the following choices:

- (1) A date or event less than 10 years.
- (2) A date 10 years from the date of the document.
- (3) A date up to 25 years from the date of the document.

d. Comments. The "COMMENTS" column contains any other pertinent information for each element of information, as appropriate, to include downgrading instruction, FOUO designations, etc.

11. PROPONENT. The proponent of this regulation is the Director of Intelligence, CJ2. Users are invited to send comments and suggested improvements to the CJTF-101 FDO at SIPR: [REDACTED]

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TAB A: CLASSIFICATION GUIDE MATRIX

NOTE: REL TO countries or coalitions will vary depending on sources and methods.

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INFORMATION REVEALING	CLASSIFICATION	DECLASSIFICATION	COMMENTS
A. MISSION/PLANS/OPERATIONS			
1. SIGACTS	SECRET//REL TO or UNCLASSIFIED	Declassify 10 years from date info is classified	UNCLASSIFIED after the info has been sanitized of specific unit, friendly casualties, battle damage, and other sensitive Information. May be marked DISPLAY ONLY TO AFG based on "Need to Know"
2. SIGACTs with details of CF battle damage	SECRET//REL TO	Declassify 10 years from date info is classified	
3. SIGACTs with details of CF casualties	SECRET//REL TO	Declassify 10 years from date info is classified	
4. SIGACTs related to <u>fact of and type</u> of terrorist/ insurgent attack (including IED) at specific location on specific date	SECRET//REL TO	Declassify 24 hours after event	UNCLASSIFIED only after the info has been sanitized of specific unit, CF casualties, battle damage, and other sensitive information. DO NOT declassify details of attacks such as insurgent tactics and their effectiveness
5. SIGACTs related to the fact of discovery of IED	SECRET//REL TO	Declassify 24 hours after event	Details on how IED was discovered CANNOT be automatically declassified. DO NOT reveal details of Coalition Forces IED countermeasures
6. Products derived from SIGACTs which show aggregate, rough statistics on attacks (total number and total casualties), not broken down by location or type	UNCLASSIFIED		
7. Products derived from SIGACTs which show aggregate, rough statistics on attacks (total number and total casualties) broken down by location or by type	SECRET//REL TO	Declassify 10 years from date info is classified	Includes statistics on effectiveness by type or location and sectarian violence

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8. Tactical unit situation reports (SITREPs)	SECRET//REL TO	Declassify 10 years from date info is classified	May be marked FOR DISPLAY ONLY TO AFG based on "Need to Know"
9. Patrol reports from GCTF tactical units			May be shared with AFG based on "Need to Know"
10. Unannotated photographs within SIGACT/SITREP/Patrol reports			May be classified if they reveal CF casualties, battle damage, and other sensitive information.
11. Operational code word(s) when identified with mission operations	SECRET//REL TO	Declassify Upon completion of movement or termination of operations	Code words/mission Nicknames are UNCLASSIFIED when not associated with mission details
12. Concept of operations	SECRET//REL TO	Declassify 10 years from date info is classified	When written for combined AFG and CJTF operations mark as DISPLAY ONLY TO AFG (See Note 1)
13. Specific CJTF goals, aims or intentions	SECRET//REL TO	Declassify 10 years from date info is classified	When written for combined AFG and CJTF-101 operations mark as DISPLAY ONLY TO AFG (See Note 1)
14. Movement of ammunition, aircraft, personnel, units, or communications equipment	SECRET//REL TO	Declassify upon completion of movement or termination of operations	When written for combined AFG and CJTF operations mark as DISPLAY ONLY TO AFG (See Note 1)
15. Date and time mission/operation begins	SECRET//REL TO	Declassify 10 years from date info is classified	When written for combined AFG and CJTF-101 operations mark as DISPLAY ONLY TO AFG (See Note 1)
16. Time lines/schedules	SECRET//REL TO	Declassify 10 years from date info is classified	When written for combined AFG and CJTF-101 operations mark as DISPLAY ONLY TO AFG (See Note 1)
17. Specific locations, grids, or geo-coords to be used	SECRET//REL TO	Declassify 10 years from date info is classified or upon departure from theater	May be UNCLASSIFIED when using six digit grids, depending on graphics added to map

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18. Implementing conditions and decision points	SECRET//REL TO	Declassify 10 years from date info is classified	
19. Rules of engagement	SECRET//REL TO	Declassify 10 years from date info is classified or upon execution of	
20. Operational Capabilities /shortfalls	SECRET//REL TO	Declassify 10 years from date info is classified	
21. Operation readiness (alert) time (i.e. emplacement, loading, firing, QRF dispatch times, etc.	SECRET//REL TO	Declassify 10 years from date info is classified	
22. Specific operational information	UNCLASSIFIED or SECRET//REL TO	Declassify 10 years from date info is classified	UNCLASSIFIED if the info: 1) describes a past event and is expressed in generic terms 2) provides no indicators of potential future ops 3) does not provide specific locations, unit data, TTPs, capabilities, or source info 4) does not embarrass any Coalition members, 5) does not violate any of the above if released over time or in compilation
23. Overall force structure with total personnel strength figures and percentage of personnel fills	UNCLASSIFIED or CONFIDENTIAL//REL TO or SECRET//REL TO	Declassify 10 years from date info is classified	Strength of all deployed forces is CONFIDENTIAL; individual strength is
24. Techniques, limitations, and effectiveness of Psychological ops	SECRET//REL TO	Declassify 10 years from date info is classified	

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25. Supporting Intel and Counter-Intel plans /operations	SECRET//REL TO	Declassify 10 years from date info is classified	
26. Fratricide issues			Public release authority Rests with component Commanders
27. Accident and safety data			Should only be distribute to CJTF and non-Coalition Countries only with a Strict "Need to Know"

B. TARGETING

1. Targeting methodology and target selection process	SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"
2. Target	SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"
3. Specific details of Coalition targeting plans	SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"
4. Command relationships, agreements and MOU.	UNCLASSIFIED		UNCLASSIFIED unless classified IAW "Specific details of Coalition plans" above

C. SECURITY/FORCE PROTECTION

1. Details of overall force protection (FP) posture and measures at Coalition installations	SECRET//REL TO	Declassify 6 months after termination of site usage	
2. Force Protection threat analysis	SECRET//REL TO	Declassified upon completion of particular mission	

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3. Access controls and ingress/egress requirements at Coalition installations			OPSEC remains in effect
4. Vulnerabilities and ready Counter measures at Coalition installations	SECRET//REL TO	Declassify 6 months after termination of site usage	
5. Manning issues or weaknesses	SECRET//REL TO	Declassify 10 years from date info is classified	
6. Rear area counteractions and countermeasures	SECRET//REL TO	Declassify 10 years from date info is classified	
7. Detailed terrorist threat levels/conditions	SECRET//REL TO	Declassify 10 years from date info is classified	
8. Terrorist threat Levels/ conditions without any details or supportive comments	UNCLASSIFIED		
9. Daily signs, countersigns and running passwords	SECRET//REL TO	Declassify 10 years from date info is classified	
10. Personnel access	SECRET//REL TO	Declassify 10 years from date info is classified	
D. INTELLIGENCE SUPPORT ACTIVITIES			
1. Analysis produced by CJTF intelligence analysts	Derived from classification of the specific intelligence	Declassify 10 years from date info is classified	May require higher classification if derived from non-CJTF releasable products or collection assets
2. Priority Intelligence Requirements (PIRs)	SECRET//REL TO	Declassify 10 years from date info is classified	

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3. Commanders Critical Information Requirements (CCIRs)	SECRET//REL TO	Declassify 10 years from date info is classified	May be more restrictive based on "Need to Know." When written for combined AFG and CJTF operations mark as DISPLAY ONLY TO AFG (See Note 1)
4. Intel architecture/ location/ capabilities of CJTF collection assets; NOT theater- or national-Level assets	SECRET//REL TO	Declassify 10 years from date info is classified	
5. Intelligence information obtained from CI/HUMINT sources	SECRET//REL TO	Declassify 10 years from date info is classified	Only if source is not identified
6. Collateral intelligence information obtained from tactical SIGINT	SECRET//REL TO	Declassify 10 years from date info is classified	May be REL TO USA, ISAF, NATO if sanitized of sources and methods (See Note 1)
7. Intelligence information obtained from detainee interrogation reports	SECRET//REL TO	Declassify 10 to 25 years from date info is classified depending on sensitivity of info	May be REL TO USA, ISAF, NATO if sanitized of interrogation methods (See Note 1)
8. CJTF collection sources and methods; NOT theater or national assets	SECRET//REL TO	Declassify 10 years from date info is classified	May be more restrictive based on "Need to Know." Not to be disclosed or released to AFG
9. CJTF Counter-intelligence activities	SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"
10. Number and effectiveness of tips from AFG citizens	SECRET//REL TO	Declassify 10 years from date info is classified	
11. Known and/or potential hostile countermeasures to CJTF Intelligence collection activities (i.e. terrorist acts, sabotage, mines, demonstrations, etc.)	SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"; Releasable as UNCLASSIFIED after sanitization of sources/ methods in cases of imminent threat

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12. Hostile intelligence operations, sources and methods	SECRET//REL	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"
13. Order of battle, command and control, structure, total number, type, location, strength, etc of ACM, TB, foreign fighters and/or terrorists	SECRET//REL TO	Declassify 10 years from date info is classified	Depending upon collection Method, individual locations Etc; may be releasable on "Need to Know" basis after Sanitization of sources and methods
14. ACM, TB, and/or terrorist plans and intentions	Derived from classification of the specific intelligence	Declassify 10 years from date info is classified	May require higher classification if derived from non-CJTF releasable products or collection assets
15. Organized crime, smuggling, and black market activity within the CJTF-101 area of operations	CONFIDENTIAL//REL TO OR SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"; Classify at SECRET level if CJTF intelligence sources/methods are revealed
16. Denial and deception planning and operations	SECRET//REL TO	Declassify 10 years from date info is classified	
17. Assessments on operations, activities or personalities of Afghanistan governmental officials or ministries	SECRET//REL TO	Declassify 10 to 25 years from date info is classified depending on sensitivity of information	
18. Derogatory information on operations, activities or personalities on Non- Governmental Organizations	CONFIDENTIAL// REL TO	Declassify 10 to 25 years from date info is classified depending on sensitivity of information	May be more restrictive based on "Need to Know." Classify at SECRET level if CJTF intelligence sources and methods are revealed
19. Loss of original CJTF classified material	CONFIDENTIAL REL TO OR SECRET//REL TO	Declassify 10 years from date info is classified	

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20. Damage assessments Conducted pursuant to the loss or compromise of original CJTF classified information	CONFIDENTIAL REL TO OR SECRET//REL TO	Declassify 10 years from date info is classified	May require a higher classification depending on classification of content lost
21. Theater-derived imagery and UAV footage	SECRET//REL TO	Declassify 10 years from date info is classified	
22. Full Motion Video (FMV) feeds from Tactical Level UAV (IGNAT, SCAN EAGLE, ROVER, JLENS, PTDS, etc)			Unclassified only when not part of the Collection Coordination and Intelligence Requirement Management (CCIRM) process
23. Theater UAV FMV from systems within the CCIRM process	SECRET//REL	Declassify 10 years from date info is classified	Once the operation is complete, and the UAV telemetric data blacked out, the theater UAV FMV may be UNCLASSIFIED//FOUO upon command disposition

E. WEATHER

1. CJTF weather forecasts & special analysis	SECRET//REL TO or UNCLASSIFIED	Declassify one week from date info is classified	UNCLASSIFIED when separated from specialized analysis (e.g., effects on operations, etc.)
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F. MEDICAL OPERATIONS

1. Concept of medical operations	CONFIDENTIAL//REL TO	Declassify 10 years from date info is classified	
2. Operational capacities, shortfalls or vulnerabilities	SECRET//REL TO	Declassify 10 years from date info is classified	
3. MEDEVAC procedures, general locations of hospitals, clinics, aid stations			

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4. Division Medical SITREPS			
G. COMMUNICATIONS			
1. Communication systems architecture (voice and data) in support of operations	CONFIDENTIAL REL TO	Declassify 10 years from date info is classified	
2. Authentication codes and systems	CONFIDENTIAL REL TO	Declassify 10 years from date info is classified	May require higher classification depending upon the system
3. CJTF Signals Operating Instructions (SOI)	CONFIDENTIAL REL TO	Declassify 10 years from date info is classified	May require higher classification depending upon the system
4. CJTF communication vulnerabilities, effectiveness and sustainability	CONFIDENTIAL REL TO	Declassify one week from date info is classified	
5. Attempted penetrations of Coalition automated information systems	CONFIDENTIAL REL TO	Declassify 10 years from date info is classified	May be SECRET depending upon system. Releasable only to CJTF participants with a strict "Need to Know"
6. Means of CJTF COMSEC distribution	SECRET//REL TO	Declassify 10 years from date info is classified	Releasable only to CJTF Participants with a strict "Need to Know"
H. LOGISTICS DATA			
1. Movement of sensitive or critical supplies/personnel	CONFIDENTIAL//REL TO	Declassify 10 years from date info is classified	
2. Specific logistics requirements	CONFIDENTIAL//REL TO	Declassify 10 years from date info is classified	
3. Detailed logistics or sustainment needs based on classified plans or Vulnerabilities	CONFIDENTIAL//REL TO	Declassify 10 years from date info is classified	

I. PUBLIC AFFAIRS			
1. Concept of theater media operations			
2. Requirements for media registration			
3. Specific location & travel itineraries of visiting VIPS	CONFIDENTIAL//REL TO	Declassify six months after completion of	Releasable on a "Need to Know" basis
J. CIVIL MILITARY OPERATIONS			
1. Overall Theater CONOPS and specific task support to CMO elements	CONFIDENTIAL//REL TO	Declassify 10 years from date info is classified	May be more restrictive based on "Need to Know." When written for combined ASF and CJTF operations mark as REL TO USA, ISAF, NATO (See Note 1)
2. Project reports			May require SECRET classification if containing force protection issues, vulnerabilities, or assessments on local leadership
K. DEPLOYMENT/REDEPLOYMENTS			
1. Units names and strengths	SECRET//REL TO	Declassify Upon completion of movement	
2. Land/Air/Sea transport support required for operation	SECRET//REL TO	Declassify Upon completion of movement	
3. Routes of travel	SECRET//REL TO	Declassify Upon completion of movement	
4. Rights and privileges at host nation ports/ APODs/SPODs	CONFIDENTIAL//REL TO	Declassify Upon completion of movement	

L. OPERATIONAL GRAPHICS

1. CF Operational graphics revealing intelligence collection assets	SECRET//REL TO	Declassify 10 years from date info is classified	
2. CF Operational graphics revealing information from specific intelligence sources	Derived from classification of the specific intelligence	Derived from intelligence source	
3. CF Operational graphics revealing restrictions on weapons and ordnance use,	SECRET//REL TO	Declassify 10 years from date original info is classified	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
4. CF Operational graphics revealing routes, boundaries or locations for future operations	SECRET//REL TO	Declassify upon completion of movement or operation	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
5. CF Operational graphics revealing aviation flight paths	SECRET//REL TO	Declassify 10 years from date original info is classified	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
6. CF Operational graphics revealing safe houses or temporary operating bases	SECRET//REL TO	Declassify 10 years from date info is classified or upon termination of site use	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
7. CF Operational graphics revealing location or readiness of QRF	SECRET//REL TO	Declassify 10 years from date original info is classified	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
8. CF Operational graphics revealing cordon & search or AIF interdiction operations	SECRET//REL TO	Declassify 10 years from date original info is classified	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)

9. CJTF Operational graphics revealing cordon & search or AIF interdiction operations	SECRET//REL TO	Declassify 10 years from date info is classified	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
10. CJTF Operational graphics revealing targets of interest or future tactical operations	SECRET//REL TO	Declassify 10 years from date info is classified	When written for combined AFG and ISAF operations mark as DISPLAY ONLY TO AFG (See Note 1)
11. CJTF Operational graphics revealing operational vulnerabilities	SECRET//REL TO	Declassify 10 years from date info is classified	
12. CJTF Operational graphics revealing non-public force protection and security measures	SECRET//REL TO	Declassify 10 years from date info is classified	

M. MISCELLANEOUS

1. Daily personnel statistics	SECRET//REL TO	Declassify one month from date of information	Approximate numbers of deployed personnel may be released by Public Affairs for official use
2. Coalition fixed security zones, AOs, and	UNCLASSIFIED		Must not contain derivative information from classified FRAGOs
3. Locations, boundaries, and associated danger areas of Coalition training areas and ranges	CONFIDENTIAL//REL TO	Declassify 10 years from date original info is classified	Must not contain derivative information from classified FRAGOs
4. Graphic representation of main or alternate supply routes	SECRET//REL TO	Declassify 10 years from date original info is classified or upon termination of use	Includes imagery and Map overlays; imagery may be marked DISPLAY ONLY TO AFG
5. Transportation networks to include roads and railroads when not annotated as main or alternate supply routes			

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6. Demographic, sectarian and political boundaries to include beladiyabs, Hayys and Muhallas			
7. Afghani facilities, locations and public buildings when not annotated as specific targets of operations			
8. Locations of MEDCAP, DENTCAP, construction projects, distribution points, & other humanitarian assistance mission details	UNCLASSIFIED		Only releasable after approval by Public Affairs
9. Times, locations of public meeting sites with local officials	UNCLASSIFIED		Must not contain derivative information from classified FRAGOs
10. Location, itineraries, and travel modes of key CF and friendly military and/or civilian leaders	CONFIDENTIAL// REL TO	Declassify one year from date info is classified or upon completion of travel	
11. Photographs of friendly positions, camps, personnel and equipment for personal or documentary purposes	UNCLASSIFIED		Photographs may not reveal friendly security measures or capabilities
12. Photographs from news media			Photographers must display appropriate credentials and have approval from Public Affairs
13. Photographs taken internal to CJTF-101 buildings and facilities, except SCIFs			Procedures must be taken to ensure area sanitization prior to photographs being taken

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14. Commercial satellite imagery (including CIB01 and NGA-supplied commercial) hard and processed soft copy	Classification and/or distribution based on original source: (e.g. or		See note 2 and 4 below
15. Commercial raw imagery data over Afghanistan	Reviewed on a case by case basis		See note 3-4 below
16. Locations of Coalition and Iraqi military and police facilities and embassies			Must not contain derivative classified information from FRAGOs

1. All disclosure/release to AFG decisions by the originator must be reported to and logged by an FDO/FDR. For further guidance on release/disclosure to AFG, see Tab B of this classification guidance.
2. All customers of Commercial imagery are required to agree to the LIMDIS handling instructions and sign the LIMDIS acknowledgment form at the receipt of their RFI.
3. Commercial raw digital data releases shall be reviewed on a case by case basis with NGA and FDO concurrence.
4. Users are reminded that the classification of these products may change with the addition of operational graphics.

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Tab B TERMS

These terms are UNCLASSIFIED

Access: The ability or opportunity to gain knowledge of classified information.

Classification: The act or process by which information is determined to be classified information.

Classification guide: A documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

Declassification: The authorized change in the status of information from classified information to unclassified information.

Declassification authority: (1) the official who authorized the original classification, if that official is still serving in the same position; (2) the originator's current successor in function; (3) a supervisory official of either; or (4) officials delegated declassification authority in writing by the agency head or the senior agency official.

Derivative classification: The use (paraphrasing, restating, incorporating) of information that is already classified in a new product. The newly developed material must have classification markings consistent with those applied to the source information. Derivative classification includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.

Disclosure: Oral or visual transmission of classified military intelligence via approved, secure, government-to-government channels where the classified material itself remains under positive U.S. control.

Document: Any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

Downgrading: A determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

Foreign Disclosure: Foreign disclosure is the transfer of classified military information (CMI) or controlled unclassified information (CUI) through approved channels to an authorized representative of a foreign government or international organization.

Foreign Disclosure Officer (FDO): An FDO is an official specifically designated in writing who may disclose or deny classified military information IAW NDP-1, provided the information is originated by the official's department or agency and the official is responsible for the information to be disclosed.

Foreign Disclosure Representative (FDR): An FDR is a person who understands the basics of foreign disclosure, but DOES NOT have written authority to release information.

Multiple sources: Two or more source documents, classification guides, or a combination of both.

Need-to-know: A determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.

Original Classification Authority (OCA): An OCA is an individual authorized in writing, either by the President, the Vice President in the performance of executive duties, or by agency heads or other officials designated by the President, to classify information in the first instance.

Release: Physical transfer of classified military information (hardcopy or electronic) via approved, secure government-to-government channels into the custody of a foreign recipient.

Sanitization: The process of editing or otherwise altering intelligence information or reports to protect sensitive intelligence sources and methods, capabilities, and analytical procedures in order to permit wider dissemination.

Source document: An existing document that contains classified information that is incorporated, paraphrased, restated, or generated in new form into a new document.

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50 USC 3024(m)(1)

Tab C REFERENCES
These terms are UNCLASSIFIED

Combined Forces Command – Afghanistan, Security Classification and Marking Guide
Dated: 25 March 2006

CJTF-76 Operation Enduring Freedom Classification Guidance
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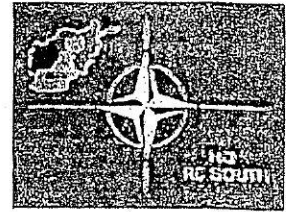
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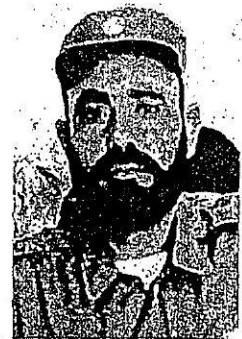
2d Marine Expeditionary Brigade, Afghanistan
MCIA Cultural Intelligence Team (MCIT)



(U) Sarwar Jan: Abdul Rahman Jan's Top Lieutenant
and an Enduring Source of Instability in Now Zad

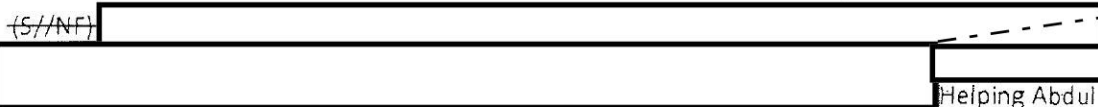
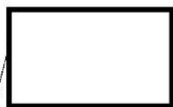
(U) Executive Summary

(S//REL USA NATO ISAF) A close look at Sarwar Jan, a long-time associate of former Helmand ANP chief and Nurzai tribal leader Abdul Rahman Jan, highlights the challenges posed by key figures from Sher Mohammad Akhundzada's tenure as governor of Helmand. While some of these individuals can be co-opted and used to stabilize previously unstable areas of Helmand, a review of all reporting on Sarwar Jan strongly indicates that he is not among them. This analysis is intended to provide a baseline assessment of Sarwar Jan's activities to date in order to highlight the challenge that he poses to establishing sustainable governance and security in Now Zad district.



(S) Sarwar Jan

(U) Biography



(S//NF) [Redacted] Helping Abdul Rahman Jan to raise a 200-man militia, Sarwar Jan aided his patron in the capture of first Gereshk and then Lashkar Gah. Sarwar Jan was rewarded for his service with a position of authority as the ANP chief in Now Zad district when Abdul Rahman Jan became provincial ANP chief.¹⁵ [Redacted]

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(S//NF) [REDACTED]

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Given Sarwar Jan's close association with Abdul Rahman Jan, it is likely that he served the middleman between his patron in Nad-e Ali and Dad Mohammad Khan in Sangin.²⁷

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(S//NF) Mullah Dadullah Lang:^{32 33 34 35} A member of the Kakar tribe who is variously described as originating from northern Helmand or southern Uruzgan, Mullah Dadullah served as a member of HII during the Afghan Jihad and likely participated in Mullah Nasim's legendary siege at Deh Rawood. Joining the Taliban shortly after the movement's formation in 1994, he quickly rose to the rank of Kabul Corps Commander and was one of several Taliban commanders deployed north of Kabul following the 9/11 attacks.

(S//NF) After the fall of the Taliban in Afghanistan, Mullah Dadullah retreated to Quetta with the rest of the Taliban senior leadership and quickly became part of a three-man triumvirate consisted of himself, Taliban Defense Mullah Obaidallah and Kandahar Corps commander Mullah Osmani that oversaw the day-to-day coordination of the Taliban insurgency throughout RC South from 2002-2007. Within this capacity, Mullah Dadullah held the offices of Operational Commander for Southern Afghanistan, Emir of the Taliban Shura Council for Quetta and Kandahar, and membership on the joint al-Qa'ida-Taliban Shura Council. Due to his propensity for leading his fighters from the front and natural charisma, Mullah Dadullah was extremely popular among rank-and-file Taliban fighters and his death in May 2007 was a major blow to Taliban morale in Helmand. As a result of his extensive ties to al-Qa'ida leadership, Mullah Dadullah regularly appeared in propaganda produced by the group's al-Sahab Media Center and was a major proponent of suicide bombings from 2005 onwards.

(S//NF) Sarwar Jan's actions during the Taliban seizure of Now Zad in February 2006 are similarly concerning. Though sympathetic accounts state that he simply returned to Nad-e Ali following the Taliban capture of Now Zad, here again the truth is more complicated.³⁶

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This is consistent with reporting indicating that many of Sarwar Jan's associates within the ANP sided with the Taliban during their seizure of Now Zad and likely explains the reason why the district center fell without any serious resistance.⁴²

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Given Sarwar Jan's lack of ideological enthusiasm for the Taliban, it appears that these actions were motivated by a combination of opportunism, tribal ties to Nurzai elements of the Now Zad Taliban, and an attempt to play both sides against the middle in the fighting between the Coalition and the Taliban.⁴⁶ While self-serving opportunism among the ANP is by no means a phenomenon unique to Sarwar Jan, seldom has it taken the form of direct ANP complicity in attacks against Coalition forces.

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[REDACTED] While a charitable interpretation of these events would be that Sarwar Jan recognized the futility of resisting the Taliban, such a view is at odds with his earlier cooperation with the group to conduct attacks against GIROA in Nad-e Ali and Lashkar Gah. No matter which view of these events is accurate however, the fact remains that the Taliban could never have established themselves in Marjeh to their current degree were it not for Sarwar Jan and his actions.

~~(S//NF)~~ Sarwar Jan intended to reacquire his former position of Now Zad district ANP chief. With the Taliban seizure of Marjeh, Sarwar Jan returned to Lashkar Gah where he sought and eventually obtained the attention of provincial ANP chief Colonel Sherzad.⁶⁸ Based on his past experience in the district and Colonel Sherzad's desire to fill the position with a fellow Nurzai tribesman, Sarwar Jan was able to resume his old position and returned to Now Zad with a number of his former associates.^{69 70} Once established back in Now Zad however, Sarwar Jan appears to have resumed his old pattern of behavior, working with his ANP associates Mabuk and Toor Jan to provide weapons and vehicles to the Taliban for profit.⁷¹ Other reported abuses on Sarwar Jan's part includes the extortion of individuals involved in cash for work programs and detaining Now Zad residents to force them to pay him for their release.⁷² More to the point, his past and current abusive behavior towards the population led to a net increase in manpower for the Taliban in the district during Operation KAREH COBRA I, with local Taliban led by Qani Agha wanting to continue the fight in the district due largely to Sarwar Jan's presence as the public face of the ANP in the district.⁷³ While Sarwar Jan appears to have maintained a constituency among former residents of the Now Zad district center, the general attitude towards his return in the broader district has been one of terror that could easily translate into renewed support for the Taliban.^{74 75}

~~(S//REL USA NATO ISAF)~~ As a result of growing awareness on the part of ANP Operations Officer, Lieutenant Colonel Ibrahim, and Helmand Special Police OIC, Colonel Kareem, of Sarwar Jan's illicit and abusive activities in Now Zad, he was relieved his duties along with his associates Hajji Mohammad and Hajji Baran in late January 2010.^{76 77 78 79} While a major concern on the part of the remaining ANP was that Sarwar Jan and his associates would seek to contest his removal through violence, this does not appear to have occurred to date.⁸⁰ A testimony to Sarwar Jan's negative reputation in the district can be seen in the fact that atmospheric reporting in the district began to improve almost immediately following his removal. Based on his past behavior however, Sarwar Jan is unlikely to accept defeat and may well attempt to leverage his connections to Abdul Rahman Jan to attempt to regain his former position in Now Zad.

(U) MCIT Assessment

~~(S//REL USA NATO ISAF)~~ Because reporting has long highlighted the role of various ANP officers misusing their official positions for personal gain, it is important to distinguish between what might best be thought of as "ordinary" corruption common within developing security services

and truly egregious cases that have the potential to actively undermine security gains in the MEB-A AO. In the case of Sarwar Jan, he is a clear case of the latter, having repeatedly misused and betrayed the authority entrusted through his position in the ANP in both Now Zad and Marjeh in ways that have actively benefited the Taliban. While he is certainly not an ideological sympathizer of the insurgency, his actions have had such a net negative effect on Now Zad and Nad-e Ali that it might be worth asking the question of how much worse the situation in either district could have been if he were. That his current removal as head of the district ANP has already led to net gains for GIROA among the population is testimony enough to how he was regarded by the population of the district.

~~(S//REL USA NATO ISAF)~~ In contrast to his patron Abdul Rahman Jan, Sarwar Jan does not hold any tribal influence or authority beyond himself and a small clique of corrupt Nurzai associates, many of whom have already defected to the Taliban. As a result, while engagement and dialogue with Abdul Rahman Jan might well result in an increased legitimacy or authority for Coalition forces or GIROA among the Nurzai in Nad-e Ali, no similar benefits can be derived from the same with Sarwar Jan. His removal as ANP chief for Now Zad represents a step forward for the legitimacy of GIROA and greater transparency among the ANP in the district.

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