Report: Afghan security forces committed 75 rights abuses, including child sex assault

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<https://www.nbcnews.com/news/military/report-afghans-committed-75-rights-abuses-including-child-sex-assault-n840081>

The Afghan military and police were involved in at least 75 gross human rights violations from 2010 to 2016, including murder, torture and child sexual assault, but the U.S. government continued funding them anyway, according to a newly declassified report.

The report from the Special Inspector General for Afghanistan Reconstruction (SIGAR), which was [first released to Congress](https://www.nbcnews.com/news/us-news/watchdog-pentagon-should-declassify-report-afghan-military-sex-abuse-n788296) last year [but made public Tuesday](https://www.nbcnews.com/news/military/rep-jones-pentagon-must-release-info-afghan-sex-abuse-boys-n825366), says that at least seven of the violations were child sexual assault, but also says "the full extent of [child sexual assault](https://www.nbcnews.com/news/us-news/sex-abuse-victims-face-gymnastics-doctor-larry-nassar-sentencing-n837981)committed by Afghan security forces may never be known."

[In a 2015 article](https://www.nytimes.com/2015/09/21/world/asia/us-soldiers-told-to-ignore-afghan-allies-abuse-of-boys.html), The New York Times referred to sexual abuse of young boys by Afghan security forces as "rampant." The report was prepared by [SIGAR](https://www.nbcnews.com/news/world/afghan-reconstruction-watchdog-sigar-publishes-gallery-greed-over-fraud-n717851) after nearly 100 members of Congress, in response to the Times article, asked that the inspector general investigate the alleged sexual abuse.

Twenty-two of the 75 violations in the SIGAR report were classified and could not be revealed, and 46 involved other gross violations of human rights, including extrajudicial killings and torture of prisoners. The violations occurred from 2010 to August 2016.

The SIGAR investigation found that the U.S. military knew about these human rights abuses, but used a legal loophole to keep supporting the Afghan units involved.

The so-called Leahy Laws forbid the Pentagon and State Department from providing assistance to a foreign military or police unit if there is credible evidence the unit has committed a gross violation of human rights.

Faced with evidence that Afghan units had committed such violations, the Pentagon invoked the "notwithstanding clause" in the DOD Appropriations Act, which allows it to continue most funding for these units "notwithstanding" human rights abuses if that funding is deemed a security necessity.

"This type of abuse, appallingly, is a common practice," said Sen. Patrick Leahy, D-Vt., for whom the Leahy Laws are named. "In fact, it is a virtual certainty that it is grossly underreported. The report also revealed that DOD circumvented the [Defense] Leahy Law by using 'notwithstanding' authority without notifying Congress, even providing aid to Afghan units implicated in child abuse. That is inexcusable."

The SIGAR report recommended that Congress prohibit the Defense Department from invoking the notwithstanding clause to justify funding in Afghanistan.

In a 2017 response to the report, the Pentagon disagreed that the notwithstanding clause should not apply to Afghan security forces. But in November the Senate Appropriations Committee, of which Leahy is ranking member, removed the clause from the 2018 Defense Appropriations Act.

The SIGAR report found that on Dec. 3, 2015, the undersecretary of defense for policy approved continued funding for 12 Afghan security force units implicated in 14 human rights violations in 2013, citing the notwithstanding clause. The Pentagon used the same clause in 2016 to continue supporting eight of the nine Afghan units implicated in gross human rights abuse.

The report says that DOD officials said they do not believe the 75 human rights violations counted "represent all child sexual assault and other gross violation of human rights incidents in Afghanistan."

"While DOD and State have taken steps to identify and investigate child sexual assault," says the report, "the full extent of child sexual assault committed by members of the Afghan security forces may never be known."

Twenty-four of the 37 individuals and organizations SIGAR spoke with for the report said they "were aware of child sexual assault incidents or related exploitation." SIGAR also interviewed 16 current and former service members who served in Afghanistan to inquire whether they had seen evidence of child sexual assault by Afghan military and police. Four of the service members had direct knowledge of children being sexually assaulted, but none of the four had reported it at the time.

Numerous witnesses reported seeing and hearing evidence of abuse but did not report it, with one witness even saying the service members "talked and laughed about it happening, but did not take action to address it."

Service members and nongovernmental organizations were often reluctant to share information about alleged abuses with the U.S. government or did not know how to report allegations, SIGAR found.

In November, the commander of Resolute Support and U.S. Forces Afghanistan, Gen. John Nicholson, announced new procedures for troops to recognize and report violations. Nicholson was the first commander to hire a special adviser focused on protecting Afghan children from abuse.

Since FY 2002, the U.S. has appropriated more than $71 billion to the Afghan security forces.

With the American footprint in Afghanistan now under 10,000, down from a peak of 100,000 in 2010, the U.S. will have to rely on the Afghan government to document abuses going forward, said the SIGAR report.

"DOD may have missed the window of opportunity" to collect information about abuse while the U.S. had a large footprint, the report said.