



Written by [Joe Wolverton, II, J.D.](#) on March 4, 2013

## U.S. Special Forces Ordered out of Afghan Province After Atrocity Allegations

On February 24, Afghan President [Hamid Karzai ordered the U.S. Special Forces to leave the Maidan Wardak province](#), a strategically vital region just miles from the capital city of Kabul. The units were given two weeks to get out of the off-limits area.

Citing atrocities allegedly committed by unidentified “armed individuals named as US special force [sic],” Karzai declared: “Afghan national security forces are duty bound to protect the life and property of people in Maidan Wardak province by effectively stopping and bringing to justice any groups that enter peoples’ homes in the name of special force and who engage in annoying, harassing and murdering innocent people.” It is assumed that these “groups” include members of the U.S. military who have spent blood, time, and treasure training the very troops that are now “duty bound” to exact justice upon them.



Such a declaration seems par for the course in Afghanistan. George W. Bush went to war against the Taliban, declaring that the military operations in that country were launched to [“attack the military capability of the Taliban regime.”](#) Then, after apparently loosening the Taliban’s grip on the government of Afghanistan, the United States invited their foes to the bargaining table, offering them a piece of the newly installed puppet regime.

Only now the puppet wants to cut the strings and become a real boy.

[A story published in a Cato Institute blog](#) quoted an unidentified source close to Karzai as saying that Afghan officials are tired of the United States “running roughshod around [their] country.”

Unfortunately, like his predecessor, President Obama has not wavered in his support for U.S. military interventionism in Afghanistan, where American troops continue dying and American money continues to be expended keeping the corrupt Karzai regime in power. Although [he announced a reduction in the number of U.S. armed forces deployed to Afghanistan](#), President Obama also promised to leave more than 30,000 troops to “to pursue the remnants of Al Qaeda and their affiliates.”

Perhaps President Karzai wants to have his cake and eat it, too, however. Perhaps he’s content to have a long-term U.S. military presence so long as he can appear to citizens of Afghanistan to be setting the terms of the agreement. Karzai may need to demonstrate to citizens — already wary of the increasingly unpopular presence of the U.S. military — that he is getting tough with Washington, particularly in light of recent charges that U.S. Special Forces soldiers tortured and killed a student once detained by



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Americans.

[Foreign Policy reports](#) that “a joint commission of Afghan and NATO officials will investigate over the coming weeks” Karzai’s allegations.

Although neither the accused nor the alleged victim(s) have been identified, the *New York Times* reckons that this pursuit of justice will allow Karzai to “assert his power in determining NATO’s role in country during the withdrawal period over the next two years.”

Of course, there is the chance that members of the American military and their Afghan trainees have committed crimes of the hue condemned by Karzai.

The Cato blog post covered this angle of the story.

For years, [there have been reports](#) that CIA-trained Afghan militias operating beyond the control of the Karzai administration have conducted so-called night raids and captured and killed a number of alleged Taliban commanders — “alleged” because information about those operations remains classified. Furthermore, and perhaps more importantly, Taliban-perpetrated violence in and around the province continues.

Amid increasing Afghan public anger over foreign misconduct and civilian casualties, the mere suspicion that American commandos condoned such lawless activities (an allegation U.S. officials deny) proved enough to encourage Karzai to expel from Wardak the very foreigners he relies on for his country’s security. As Presidential spokesman Aimal Faizi said of Karzai’s decision, “local people are blaming the U.S. Special Forces for every incident that is taking place there.”

Yochi J. Dreazen tells a [similar story in \*The Atlantic\*](#).

The militias the U.S. is working to set up throughout Afghanistan are equally unpopular with Karzai and many ordinary Afghans, who complain that the fighters have so little American oversight that they are free to routinely rob, rape, and sometimes kill civilians.

Karzai and many other Afghans note that militias played a bloody role in the country’s last civil war and could do so again if renewed strife breaks out when the U.S. leaves.

In truth, the American military command in Afghanistan hasn’t demonstrated the level of trustworthiness and fair-dealing one would expect from representatives of the occupying force. For example, last April negotiators from the United States and Afghanistan [signed an agreement](#) placing restrictions on the authority of U.S. Special Forces units to conduct night raids, particularly those raids in which those troops enter Afghan homes. As part of the new arrangement, U.S. commanders were required to obtain a warrant from an Afghan court before launching a night raid. Without the prior permission of the judicial panel, the U.S. was not to conduct a night raid involving Afghan homes. But after the deal was signed, U.S. military officials pointed out a couple of loopholes big enough to squeeze night raids through.

As [described by \*Wired\* magazine](#):

First, the restrictions only apply to missions where there’s a reasonable chance of taking Afghans prisoner or “search[ing] a residential house or compound,” Navy Capt. John Kirby, a Kabul-based military spokesman, told reporters on Monday. No other special-operations mission, or mission using conventional forces, requires an Afghan warrant. So if special operations forces are targeting an insurgent as he travels, or planning to ambush a Taliban camp not suspected of being located inside a civilian’s home, no warrants are required.



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But even raids on Afghan homes don't always require an Afghan warrant ahead of time.

"Under the Afghan constitution, specifically in Article 38, it does allow for what they call warrantless search and detention of individuals that are deemed an immediate threat," Kirby said. "Theoretically, these operations can still go forward without a warrant in advance. But it does have to be pursued as soon as practical afterward."

In other words, the U.S. believes night raids can go forward before Afghan judges approve them. Those situations are supposed to be the exception, not the rule, Kirby said.

Finally, there is another reason President Karzai might be anxious to banish the U.S. Special Forces from the Maidan Wardak region.

U.S. Special Forces might have completed its task of training and equipping Afghan forces a little too well. Afghan militia members are reportedly using their training to "routinely rob, rape, and sometimes kill civilians." The citizens are cowering and the militias are flexing their bulging, intimidating muscles. These highly trained, highly unmanageable militias can't be controlled by Karzai and he may recognize a potential threat to his power. Karzai might believe that by eliminating the American presence he can eventually eliminate the militia menace.

Regardless of the real reason behind Karzai's edict, Congress could respond by giving him everything he wants and more. Using its power over the purse, the House of Representatives could pass a bill defunding the Afghan operation and order the immediate withdrawal of all U.S. forces from Afghanistan.

What is more likely, however, is that President Obama will make some sort of empty concession and President Karzai will do likewise, leaving the Afghan civilian population and U.S. armed forces caught in the middle.

*Photo of U.S. Special Forces in Afghanistan: AP Images*

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