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Families long for justice after civilian bloodshed in joint US-Afghan raid

An August 2014 operation targeting Taliban in Charkh, Afghanistan, leaves 15 villagers dead, four of them children

by **Jason Motlagh**
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Light was still faint on the morning of Aug. 3, 2014, when Mohammad Razeq saw the women crying by the dirt road that led to his house. Recognizing them from his village, he pulled his station wagon over to see what was wrong. Razeq's older brother, Mohammad Khan (In Afghanistan, brothers sometimes share the same Arabic first name), watched from the backseat as Razeq bent over and held up the bloodied body that lay at one of the woman's feet. *"As baray-e khud*a" (for God's sake), she wailed. The man was her husband and a Taliban militant; he was shot the previous night by an aircraft. An Afghan officer claims that the man tried to fire a rocket-propelled grenade at Afghan and U.S. forces.

While Razeq spoke with the distraught women, a group of Afghan soldiers emerged from the nearby thicket of buttonwood trees, as though springing a trap. Khan, a 53-year-old with an engineering degree, had relatives who were senior officers in the military during the pre-Taliban era. Judging from their camo-patterned fatigues, red berets and the U.S.-issue M-4 rifles they carried, he knew these were not ordinary army personnel.

Khan had gone to Charkh district, a Taliban stronghold about 50 miles south of Kabul, three days before to celebrate the Islamic holiday Eid al-Fitr with Razeq, his wife and their seven sons. Charkh was poor and hardscrabble, its residents caught between a government they did not trust and Taliban insurgents who gave the locals no choice but to cooperate with them. Razeq eked out a living as a taxi driver with a car Khan bought him, shuttling people from villages tucked in the surrounding hills to Pul-e-Alam, the capital of Logar province. After days of feasting and a stop at the local mosque for morning prayers, Razeq was taking Khan home. They did not get far.

The soldiers began to beat up Razeq with their rifle butts. When Khan ran over and begged them to stop, he received a blow to the back. The two brothers were bound at the wrists and blindfolded with a strip of shirt, then marched to the village of Dasht, several miles away.

When Khan's blindfold was removed, he was inside an earthen compound with 10-foot high walls that Afghan special forces commandeered from a local doctor to serve as a command post. He had lots of company: Groups of detainees were milling around the yard, and more kept arriving. His brother was taken to the courtyard on the other side of the wall, where Afghan commandos were stationed. Standing on the second-floor roof that overlooked both courtyards was a group of U.S. SEALs, a fact later confirmed by Afghan investigators and several eyewitnesses.

Khan later learned that he and Razeq had been caught up in a U.S.-Afghan special forces operation to clear Taliban from Charkh district. The op ended in tragedy: Over the course of a single day, the United Nations and local residents reported, at least 15 civilians were killed. Four of the dead were children.

While newsmaking incidents like the Oct. 3 U.S. bombing of a Doctors Without Borders hospital in Kunduz elicit international condemnation and multiple investigations, the deadly operation in Charkh has been forgotten by everyone, save its victims. More than a year after the fact, the Afghan government has prosecuted just one wrongful death case and defaulted on its promise to

secure justice for other alleged victims. There has been no investigation into the role of U.S. Special Forces during the operation.

The death of an 11-year-old

In the predawn hours of Aug. 3, 2014, helicopters touched down near Dasht bearing a company of 78 Afghan commandos, some Afghan intelligence officers and a team of U.S. Navy SEALs, Afghan commanders say. Also under cover of darkness, a 59-strong company of Afghan commandos backed by a unit of U.S. Army Special Forces began to sweep the badlands around Pengram, a larger village less than 4 miles away. The objective of the joint mission was straightforward enough: to kill Taliban militants who had made Charkh district a no-go zone for the national police.

Several hours into the operation and just over the ridge south of Dasht, Afghan commandos from Company 2 and U.S. Special Operations Forces were combing the craggy hillsides around the farming hamlet of Nawshahr for Taliban. In the middle of the night, some of the military forces swept into a private telecommunications tower that loomed above the village and locked a middle-aged security guard named Mohammad Ayub and a co-worker in the utility room. They remained there for the better part of the day.

Nawroz and his son Zewarshah at their home in Charkh, Aghanistan, in 2015. Nawroz had sent his sons out to collect grain on the morning of Aug. 3 only to have Zewarshah witness the death of his younger brother, Ayman, whose nickname was Sufi.Jason Motlagh

Coalition aircraft flew over the area during the night, scanning for Taliban fighters. Come sunup, Nawroz Khan, an aging farmer, thought it was safe enough to send his sons Yawar (rural Afghans often go by one name), Zewarshah and Ayman, nicknamed Sufi for his old-soul demeanor, outside to collect wheat. At roughly 7 a.m. they were shouldering their loads when a shot rang out from above. Zewarshah, 13, shouted, “Get down, Sufi,” and spun around to see Sufi, 11, sprawled on the ground, a chunk of his head sheared off. Fearing more shots, he dove into a furrow. “Sufi is dead,” he told Yawar, 15, who was hiding beneath some trees.

Khan knew something was wrong when Yawar turned up pale-faced and panting. “It was like experiencing the apocalypse,” Khan says. He dashed out and called to see if his son was OK.

Zewarshah was alive, too petrified to move; an aircraft was circling overhead. Each time Khan tried to retrieve his son, rounds punctured the ground: “We were shouting, ‘Hey, if you’re a soldier or whoever you are, don’t shoot,’ so I can pick up the boy. Nobody responded.”

He could see the tips of their guns poking out from the rocks above. “When I called out to them, they opened fire.” The shooting intensified as Taliban militants on the opposing slope fired in the direction of the antennas, says Ayub, the guard. U.S. forces intermittently ducked into the utility room for cover. Zewarshah swears that between the exchanges of gunfire, he heard the sound of a foreign language coming from the hill. He spent the next three hours clutching the grass in view of his younger brother’s corpse, beyond the reach of his father. Afghanistan" class="">

Farid Mohammed, who was killed in front of his mother on the morning of Aug. 3, 2015 in Charkh, Afghanistan.Courtesy of Farid Mohammed's family

Confusion was brewing on several fronts. Less than 2 miles south of Nawshahr, Amana was on her way into Pengram — where Afghan commandos and an ODA unit of Army Special Forces were deployed — with her son and husband to visit her nephew for Eid al-Fitr when gunfire erupted. One bullet ripped away her right index finger; her back and abdomen had deep gashes. She looked up to see her son, Farid Mohammed, slumped dead over the steering wheel. She screamed his name and passed out.

Amana’s nephew, Fazel Rahman, 26, says he had slept fitfully the previous night. A lean engineering student with wire-rimmed glasses and a trim goatee, Rahman was expecting his aunt and her family to arrive that morning from Baraki Barak, the former provincial capital, where they lived. He was just finishing breakfast when a message arrived that his relatives were hit.

According to Rahman, aircraft were streaking overhead to support the U.S. and Afghan ground forces when he set out. With gunfire raining down, it took him more than three hours to reach his aunt. She was lying on the ground and had lost a lot of blood. Her son’s body was still in the car, and her husband had gone to seek help.

“We could see clearly that they were firing at my aunt’s husband,” Rahman says. “They were firing, and the bullets were hitting around him as he was walking on the side of the road. He was bleeding. Blood was streaming through his clothes.”

Few dared to move through the streets as the day wore on. Soldiers, visible from a ruined mud brick building higher up the mountain, were firing at anything that moved, says Rahman. Rumors of more killings spread through the village, but no one could yet say how many.

"You are like animals"

In Dasht, Mohammad Khan and his fellow detainees were agitated. It had been a long day without food or water, and by late afternoon, several hundred men were packed into the yard. Every so often, he says, he heard groans from his brother on the other side of the wall.

Mansoor, the son of the doctor who owned the house, witnessed the brutality that Khan could hear but not see. Throughout the day, he says, Afghan commandos flogged three detainees. "They were beating him with a metal bar, with wood, with brick, with stone. Whatever they were able to find, they used it to beat him up." The black-bearded Mohammad Razeq was getting the worst of it because he was the oldest detainee. "They told him that he is the leader of the Taliban," Mansoor says.

Mohammad Razeq's body at his funeral in August 2014.

All the while, SEALs were positioned just a few yards away on the rooftops, in plain view of the abuse, according to Mansoor. The SEALs on the lower roof shouted for the Afghans to stop, he recalls, while the ones on the upper level were "laughing, and they were saying, 'Good, good,' and making thumbs-up gestures of approval," he says.

Night had fallen when a voice called out, asking, "Who is the brother of Razeq?" Khan was stunned by what he saw: Razeq's face was smashed and swollen, one of his eyes gouged; his leg was bent askew, and he was wet and smeared with feces from having been dunked in a toilet. That evening, he was pronounced dead by the doctor who owned the compound. It later emerged in court that Razeq was tortured on and off for more than eight hours by at least seven Afghan commandos, then smashed over the head repeatedly with a flak vest.

"You are like animals. You must be executed," Khan cried after the Afghan and U.S. troops as they prepared to leave. Around 10 p.m., the helicopters finally took off, the thump of giant rotors fading in the distance. Charkh residents tended to their dead and wounded.

An honest man

The following day, Pajhwok Afghan News reported that the International Security Assistance Force, the NATO-led security mission in Afghanistan, issued a statement claiming that 16 armed Taliban insurgents were killed in an operation led and planned by Afghan special forces, with limited support from international personnel. The Charkh district chief says that nearly a dozen Taliban and one Afghan soldier died in the offensive and acknowledged that some civilians also died. District residents countered in the press that 16 civilians were killed, yet no other news organizations — domestic or foreign — looked into the story.

In early August, Mohammad Khan pressed his case with Gov. Mohammad Niaz Amiri in Pul-e-Alam, the provincial capital. Soon after that, Afghan authorities held a gathering for aggrieved family members at the governor's office. Those in attendance included Tahir Safi, a presidential adviser assigned to investigate the case; Col. Abdul Sattar Faizi, who oversaw the Aug. 3 operation from the base in Pul-e-Alam; several army and police commanders; and local and tribal elders. Safi read a letter of condolence from President Hamid Karzai and pledged that he would "investigate this until you are satisfied with the answers." But victims' family members told Al Jazeera that no government investigator contacted them about their loved ones' deaths.

Government officials met with family members of those who were killed on Aug. 3, 2014 in the provincial capital of Pul-e-Alam. A presidential representative promised to follow up, but the family members say they were never contacted. Zenat Radio

When Khan followed up with the governor several days later, he saw his documents lying untouched on a table. Amiri said the case was above his authority and he could do no more, but Khan was no pushover. Armed with a relentless drive for justice and a stack of photographs and papers, he traveled to Kabul to press his case with the attorney general, independent rights groups and the army command.

His efforts paid off when Wali Mohammad, the deputy commander of the intelligence office of the army's special operations division, was assigned to conduct a full investigation into Razeq's

death. A veteran officer, Mohammad has led numerous inquiries into cases of wrongdoing by Afghan soldiers. After weeks of interviews, six commandos from Company 2 who were on the ground in Dasht were court-martialed.

In court, the defendants' lawyer argued that when they seized Razeq by the side of the road, he received a phone call from a Taliban commander denouncing him for not doing enough to help the fallen fighter. On arriving at the command post in Dasht, the soldiers said, they learned that an Afghan commando was killed in a Taliban ambush about a half hour before, which Ghulam Ali, the commander of Company 2, says provoked them to abuse Razeq. But Mohammad found no evidence that Razeq was Taliban. He was on no government blacklists and carried no weapons; neighbors roundly attested to his innocence.

"He was an honest man," says Mohammad. "Of that I am sure."

An April 2014 picture of a street in Charkh, taken from the dashboard of an Afghan National Army vehicle.Tyler Hicks / The New York Times / Redux

Four of the six commandos were convicted for Razeq's murder, including Ali, who was sentenced to 18 years in prison; two received 15-year sentences. It's rare for justice to be meted out in such cases, and Mohammad attributes this outcome to Khan's determination.

Now serving time in the notorious Pul-e-Charkhi prison on the outskirts of Kabul, Ali says he's the fall guy for a systemic breakdown. He maintains that his men told him that Razeq was a Taliban fighter, on the basis of an incoming phone call. Ali says he was busy coordinating two teams in the field when Razeq was being beaten and tried to save him when he saw the detainee's condition. (Mansoor counters that Ali threatened the few people who tried to intervene on Razeq's behalf, telling them to "shut up or he'd beat them too.") Ali remains adamant that members of the SEAL team stationed in the compound "witnessed everything."

By his account, Afghan officers with Company 3 in Pengram were the ones who lost control. When he returned to the base after the operation, Ali says, officers who were on the ground there told him that civilians were killed in Pengram after Afghan forces came under Taliban attack. "In an attempt to get personnel out of the area, the commando forces or their [U.S.] advisers started shooting at those they could see" out of panic, Ali says via phone from Pul-e-Charkhi.

Faizi, the battalion commander who oversaw the Afghan forces during the operation, confirmed that a team of SEALs was on the ground in Dasht and an ODA unit of Army Special Forces was in Pengram. The commander of Company 3, Abdul Shafiq, says the Taliban initiated a gunbattle in the town after sunrise that roiled throughout the day and tied his men down. He says his men killed no civilians. When pressed about the meeting he attended with victims' relatives in Pul-e-Alam, Faizi dismisses their testimonies as an attempt to get money from the government to pay for their Hajj.

A testament to tenacity

The shootings in Charkh and the murder of Mohammad Razeq coincided with a troubling trend: public announcements by top Afghan officers that sanctioned extrajudicial killings. In August 2014, the police chief of Kandahar province said he was "extremely grateful" to his men for killing all detainees after an operation in a hostile district, "not giving a chance to the judges or prosecutors to take money from them and release [them]." That month, the security commander of northern Baghlan province issued a standing order to kill militants detained on the battlefield rather than transfer them to a corrupt justice system. He cited the case of a known militant released from prison a month before who went on to kidnap two government employees.

According to Graeme Smith, a Kabul-based analyst formerly with the International Crisis Group, these statements underscore a climate of growing impunity by Afghan security forces since President Ashraf Ghani took over in late 2014. In particular, supervision of Afghan and U.S. special operations forces fighting to defend the state has become much more "hands off," which "raises real concerns about visibility," he says. "If something goes bang, do we hear about it, especially if it's something screwed up?" A recent International Crisis Group report cites a case in Kandahar in which local officials said the bodies of 51 Taliban allegedly killed by Afghan forces in a gunbattle bore signs of being killed outside combat.

According to an Afghan military investigator, that four Afghan commandos were convicted for the death of Mohammad Razeq was due to the determination of his brother, Mohammad Khan, pictured here in 2015. Jason Motlagh

In February the United Nations' annual report on civilians in armed conflict reported that 15 civilians were killed and 13 wounded in the Aug. 3 joint operation in Charkh "with ground and air assets." (It further noted an additional 10 civilians, including a 9-month-old baby, were killed a week later on Aug. 9 in a U.S.-Afghan operation in neighboring Baraki Barak district.) Highlighting that insurgents were responsible for the majority of civilian casualties in what was the deadliest year on record since the war began, the U.N. expressed concern over the denial of responsibility for all civilian casualties by Afghan and U.S. forces. Overall, casualties attributable to pro-government forces increased by 141 percent in 2014 from the year before, with 336 deaths and 585 people injured. (There was a 9 percent spike in casualties in Afghan-international joint operations.)

The U.S. Department of Defense and the Special Operations Joint Task Force in Afghanistan referred inquiries about the incident to Resolute Support, NATO's mission in Afghanistan. Col. Brian Tribus, the spokesman for Resolute Support, says it has not received any formal allegations of wrongdoing from the Afghan government regarding the Aug. 3 clearing operation in Charkh. He recommended contacting the Afghan president's office, which refers all civilian casualty claims to U.S. forces. Safi, the presidential advisor tasked with investigating the Charkh allegations, refused multiple requests for an interview. Faizi gave Al Jazeera the name of the commander of the U.S. Special Forces unit that accompanied Afghan troops in Pengram; he did not respond to requests for comment.

Wali Mohammad, the military investigator, believes that the U.S. operatives who witnessed Razeq's murder should be held accountable for their failure to act. However, the U.S. signed a security pact with the Afghan government in September 2014 that protects American troops from prosecution in Afghanistan. And because U.S. forces do not officially exert operational control over Afghan forces, they are not legally responsible for their actions under the prevailing norms

of international humanitarian law, says Chris Jenks, an expert on the law of armed conflict at Southern Methodist University. “Moral responsibility,” he adds, “is a different question.”

Although a Defense Department directive requires U.S. forces to report credible allegations of humanitarian violations committed by Afghans against Afghans, when no Americans are physically involved, an investigation may be ordered only by the head of Central Command, which oversees U.S. military operations in Afghanistan and the Middle East. This is highly unlikely without serious pressure from Afghan officials, more so given that the U.S. personnel in question were from special operations, elite high-risk units whose activities are kept secret. “It’s a counterintuitive area,” says Jenks. “We think and want there to be a requirement for intervention, until we … flip it around on how it would apply to us.”

Mohammad confirmed that no further inquiries have been made by Afghan or U.S. officials as to whether American troops or aircraft shot and killed Afghan civilians in Charkh, as residents claim. The successful convictions of the four Afghan commandos, he stresses, were, more than anything, a testament to the stubbornness of Mohammad Khan.

A combustible future

Fazel Rahman has no faith left in his government. He says that Afghan and coalition forces have alienated Charkh residents with their heavy-handed domestic raids and that the government provides no services. His aunt and her husband survived their injuries, thanks to free treatment at the Italian-run Emergency Hospital in Kabul, but the family has not received any compensation for the killing of his cousin Farid, a father of four. Nor, for that matter, has Nawroz Khan, Ayman’s father. He buried his youngest son the day after the operation and with him, the hope that “the future of our lives and land would be in his hands,” he says. His grief and anger are unyielding. “What have we done to deserve this? Where can we escape to? They have come from the other side of the world to haunt us.”

A small flag now marks the spot in the field where Ayman was killed. Zewarshah has lost his humor and misses having his brother’s company on the way to school each morning. “Now I go all alone,” he says.

Mohammad Razeq left behind seven sons and a widow. Four months after his murder, she gave birth to a daughter. Though his killers were convicted, the family has not received a condolence payment by the government, a standard practice in cases in which wrongful civilian deaths have been confirmed. Khan visits at least once a month to take food and spend time with the children. For all his efforts, he worries that the grim conditions in Charkh and the boys’ knowledge of their father’s fate are a combustible mix. “I’m scared that in 10 years the boys will grow up to fight against the government,” he says. “When people say, ‘Your dad was killed by [Afghan soldiers],’ maybe they will join the Taliban. Maybe they will become suicide bombers. I won’t be able to control them.”