



SIGAR

Office of the Special Inspector General
for Afghanistan Reconstruction

John F. Sopko
Special Inspector General

October 15, 2021

Dr. Dafna H. Rand
Director
Office of Foreign Assistance
United States Department of State
Washington, DC 20520

Dear Dr. Rand,

I write in response to your letter dated September 9, 2021, in which you recommend that we “temporarily” remove all of our reports from the SIGAR website.¹

Your letter follows an earlier letter from the State Department Comptroller dated August 19, 2021, requesting SIGAR to “temporarily suspend access” to all “audit, inspection, and financial audits/costs incurred audit reports” because “this week’s events represent extraordinary circumstances of heightened risk.”

In response to the August 19th request, SIGAR suspended public access to its audit and inspection reports. We did so with great reservation, and only because the request was made by State at the height of the emergency evacuation from Afghanistan.

Your September 9th letter now asserts that the State Department “has recognized additional identifying information on implementing partners and activities in reports that remain accessible on the SIGAR website that may put individuals at risk.” Further, you recommend that SIGAR address this by “temporarily suspending access to these reports until these individuals can safely exit the country or until these reports can be assessed and scrubbed of identifying information.”

Publication of SIGAR Reports is Required by Law

The Inspector General Act of 1978, as amended, requires SIGAR to publish its audit, inspection, and evaluation reports.² In addition, we consider it important to publish every report or other product we issue, unless expressly prohibited by law or unless publication would present a clear and substantial security threat. We are also aware that our reports are routinely read and used by a broad audience, including Members of Congress and

¹ Although the letter is dated September 9th, its document name indicates it was signed September 14th, and it was not emailed to SIGAR offices until late on September 15th.

² Inspector General Act of 1978, § 8M (codified as amended at 5 U.S.C. app. § 8M).

congressional committee staff; government decisionmakers at the highest levels; the print, radio, and television news media; scholars; and the general public. Therefore, publication of our reports helps Congress and the general public know what the government is up to with respect to Afghanistan.

“Temporarily” Removing Reports from SIGAR’s Website Would Not Be Temporary

As noted above, you requested that SIGAR “temporarily” remove its reports from the SIGAR website “until these individuals can safely exit the country or until these reports can be assessed and scrubbed of identifying information.” In other words, you are requesting that we remove our reports from our website or redact them until certain unspecified individuals leave Afghanistan at some unspecified time in the future.

The State Department has already announced that it is no longer evacuating anyone from Afghanistan. Further, State is not processing any refugee applications from Afghans who remain, until they first make their way to a third country and are prepared to remain there for 12 to 18 months or longer, without U.S. government assistance. Under these circumstances, it is very uncertain as to when, if ever, this “temporary” period would end. In effect, you are asking SIGAR to remove or redact its reports for an indefinite period that is likely to extend over several years and which might well never end.

The State Department Did Not Provide a Basis for Removal or Redaction of SIGAR Reports

In addition, you have not provided any specific threat information regarding any implementing partner or individual mentioned in our reports. In fact, neither your letter nor the earlier letter from the comptroller articulate even in general terms what the threat is that you believe presents a risk to “implementing partners and activities.”³

Without threat information to evaluate, it is difficult to determine whether we should remove reports or other information from the SIGAR website, and if so, which reports and information. Moreover, as discussed below, we are extremely skeptical that removing our reports would be effective in countering threats to “implementing partners and activities.”

SIGAR’s Reports Have Been Public for Years and Are Readily Available from Non-Government Sources

SIGAR’s reports have been public and available on our website since 2009. Most, if not all, have been accessed numerous times and downloaded by many members of the public. This is particularly true of SIGAR Quarterly Reports, which go back to 2009 and are widely regarded as the only accurate and detailed source of information on the U.S. involvement in

³ Surprisingly, your letter never mentions the words “Taliban” or “reprisal” or anything similar.

Afghanistan, and our Lessons Learned Reports, which have a very large following. For example, our last report, *What We Need to Learn: Lessons from Twenty Years of Afghanistan Reconstruction*, received worldwide news coverage, and in the month of August SIGAR's content on Twitter was viewed over 2.2 million times.

Moreover, we are aware that several so-called "web crawlers" run by independent non-government organizations automatically copy and archive all SIGAR reports every 24 hours, together with the reports of all other oversight agencies, and make them available to the public. In other words, the toothpaste is out of the tube and has been continuously over the last ten years.

It should also be noted that our audit reports, quarterly reports, and lessons learned reports have often been discussed in detail by American and international news media, including the Afghan press and its leading news source, TOLO News. As a result, our reports are well known by many Afghans, as evidenced by calls SIGAR has received from Afghans over the years on the SIGAR Hotline, stories published by the Afghan news media, and commentary in Afghan social media.

The New Afghan Government Already Has the Information

The identities of all U.S. implementing partners are well known in Afghanistan, and the implementing partners have left a long paper trail behind them – in many cases as required by donors or on systems provided by donors over the last 20 years. If those now in control of Afghanistan might wish to know the identities of former U.S. government implementing partners, they do not have far to look. For example, every foreign and domestic implementing partner doing business in Afghanistan was required to register with the Afghan government to obtain a license and for purposes of taxation. The registration required a list of the owners and top managers of the business, their addresses, telephone numbers, and other detailed information. All of those files are presumably now in the hands of the new government in Kabul.

Likewise, every Afghan soldier and police officer has numerous paper files evidencing his or her membership in the Afghan National Defense and Security Forces. Among other things, they are all listed on Afghan government payroll records, including the associated bank records, all of which are now in the hands of the Taliban. Not to mention they are certainly well known to their friends and neighbors. To claim that the mention of an implementing partner or an Afghan soldier in a past SIGAR Quarterly Report now allows the Taliban to discover their existence ignores the fact that the Taliban already have their names.

The Proposed Redactions are Overly Broad, Out of Date, and Unsupported

Subsequent to your letter, on September 21, 2021, your office provided us with a spreadsheet listing approximately 2,400 items in our reports that you believe should be redacted. However, no general or specific threat information was provided for any of your proposed redactions, a copy of which is attached.

SIGAR staff reviewed all 2,400 of your proposed redactions, line-by-line. It appears that you are recommending that SIGAR redact the names of all U.S. citizens (except most, but not all, generals, ambassadors, and presidents); all Afghans; all references to private sector companies; all photographs of people (whether identified or not); all references to military units; and the mention of specific geographic locations, whether in Afghanistan or somewhere else.

Most significantly, as noted above, you have not stated what the threat is that would justify this wholesale redaction of this otherwise innocuous information. Moreover, all of these redactions are evidently being recommended without considering the context in which the information was used, or the date on which the photograph was taken, or whether with the passage of time the information is at all relevant. In other words, you have not supplied any basis or threat information for redacting the information and withholding it from the American people and Congress.

In many instances, your redaction requests seem particularly inexplicable. Following are just a few examples:

- You requested that we redact from the “Gallery of Greed” on our website, the names and photographs of U.S. citizens convicted of crimes related to activities in Afghanistan, some of whom may be currently incarcerated in the United States. However, you provided no basis for redacting this information. SIGAR believes that publishing the names and photographs of convicted criminals deters future criminal activity and assures the public that corrupt actors will be prosecuted and taxpayer money protected.
- You requested that we redact the name “Ashraf Ghani.” However, it is widely known that Ashraf Ghani was president of Afghanistan. In addition, he has already fled the country. Again, we find no justification for such an unusual request.
- You requested that we redact the caption for the cover photo on our lessons learned report, *What We Need to Learn: Lessons from Twenty Years of Afghanistan Reconstruction*. The photo shows the silhouettes of four people on a hill, with the sun setting behind them, thereby hiding any recognizable feature of the individuals. The caption inside the cover says it was taken in Marjah in February 2010 and credits the

U.S. photographer by name. However, the photograph was taken over 11 years ago, both the photo and the caption were used by permission of the Department of Defense, and we understand that all U.S. troops have been withdrawn from Afghanistan.

- You requested that we redact a reference to “Redstone Arsenal, Huntsville, Ala.” However, the existence of Redstone Arsenal and its location are widely known, public information. Again, we do not understand how the name of this well-known U.S. government facility located in the continental United States could somehow be used to identify or harm State Department implementing partners in Afghanistan.
- You requested that we redact a reference to “Chattanooga, Tennessee.” However, Chattanooga is a well known city and its location is publicly available. Again, we are baffled by such a request.
- You requested that we redact a reference to “Kandahar Airfield.” However, we believe it is widely known in Afghanistan that the U.S. once operated a large airfield at Kandahar.
- You requested that we redact the caption of a photograph that identifies a U.S. military unit and its location in Wardak province, along with the name of the photographer. However, the photograph was taken over 8 years ago, both the photo and the caption were used by permission of the Department of Defense, and we understand that all U.S. troops have been withdrawn from Afghanistan.
- You requested that we redact the name of a USAID official who testified before Congress in a hearing in 2017. However, the USAID official’s testimony was public and on the record, and has remained publicly available on the website of the House Committee on Foreign Affairs since it was submitted four years ago. Also, it is our understanding that his testimony was recorded and has been available to the public since 2017 on C-Span.
- You requested that we redact the names and photographs of seven Afghan women who were murdered by the Taliban. However, under the circumstances, it appears there is not much more the Taliban can do to them.
- You requested that we redact a map showing where SIGAR offices were located in Afghanistan and where SIGAR operated. However, the map was published in 2012. In addition, SIGAR no longer has staff anywhere in Afghanistan.
- You requested that we redact the names of Afghan contractors who were suspended or debarred from being eligible to receive U.S. government contracts due to corruption.

However, SIGAR publishes the names of corrupt contractors to help ensure that they do not receive additional U.S. government contracts, to help deter other bad actors, and to assure the American public that taxpayer money is being protected. Moreover, dozens of these contractors were debarred because SIGAR investigators discovered that they were members of the Taliban or the Haqqani Network.

- You requested that we redact the name of a U.S. District Court Judge who sentenced an American convicted of bribery in Afghanistan. However, the judge is very well known, the proceeding took place in a public hearing in the United States, and the defendant resides in the United States. SIGAR believes it is essential that records of court action be fully available to the public.

In sum, your request to remove or redact our reports serves as a reminder of why inspectors general need to be vigilant to counter an all too common impulse to remove information from congressional and public view with little to no basis in fact or law.

Conclusion

SIGAR strongly believes that those who are genuinely at risk of reprisal due to the work they performed for the United States in Afghanistan should be protected. A prime example are the Afghan linguists who worked with U.S. military units and who, by all accounts, fear for their lives; and locally employed staff, *i.e.*, Afghans who were employed in country by the State Department and other U.S. government agencies. We also recognize that some individuals may be uniquely vulnerable to Taliban reprisal for other reasons. Therefore, we have conducted a thorough review of our reports and made some very limited redactions, including those for which we have specific threat information.

However, we cannot agree with the wholesale removal or redaction of SIGAR reports for an indefinite period based on vague and speculative “risks” to former “implementing partners and activities.” Nor can we agree to redact all photos showing people, references to geographic locations, historic references to U.S. military units, and names of Americans and Afghans, without regard to the time, place, or purpose of the reference.

SIGAR is certainly willing to reconsider this matter based on any specific threat information you may provide in the future. However, despite our repeated requests, the State Department has failed to provide any. Absent such information, we cannot agree to remove our reports from public access or make thousands of redactions, all for an indefinite period. For these reasons, we are returning full access to the audit and inspection reports that were temporarily removed at the State Department’s request during the emergency evacuation from Kabul.

Should you have any questions about this, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.F. Sopko', with a long horizontal flourish extending to the right.

John F. Sopko
Special Inspector General
for Afghanistan Reconstruction

Attachments:

- (1) Letter of Jeffrey C. Mounts, Comptroller, U.S. Department of State (August 19, 2021)
- (2) Letter of Dr. Dafna Rand, Director, Office of Foreign Assistance, U.S. Department of State (September 9, 2021)
- (3) SIGAR Review Tracker