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## What's happening in the Afghan massacre probe?

By Susannah Sirkin and Nathaniel Raymond  
Physicians for Human Rights  
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**In 2001, possibly as many as 2,000 Taliban and other captured fighters were suffocated in container trucks and then buried in a mass grave. Investigations were said to be thwarted during the Bush presidency. President Obama has ordered fact-finding. So what's the status, and what has been found out thus far?**

On July 11, 2009, James Risen of the New York Times reported that the Bush Administration allegedly impeded at least three federal investigations into the reported massacre of as many as 2,000 Taliban and other captured fighters. The prisoners surrendered to U.S. and Northern Alliance forces in Northern Afghanistan in November 2001. According to the New York Times, officials of the FBI, State Department, and Pentagon were prevented or actively discouraged from proceeding with probes into the killings – which would constitute a serious war crime if the allegations prove to be accurate.

The mass grave at Dasht-e-Leili – believed to contain the remains of the prisoners who died in this incident which was detailed in a Newsweek cover story in August 2002 – was first discovered by our group, Physicians for Human Rights (PHR) in January 2002. A U.S.-based independent health and human rights group, PHR has investigated the case since then. It conducted preliminary forensic assessments at the site under UN auspices, and successfully filed suit for essential US Government documents related to the incident.

In November 2001, the Northern Alliance forces of warlord General Abdul Rashid Dostum, who were operating jointly with US Special Forces and CIA officers at the time, allegedly suffocated hundreds, if not thousands, of prisoners in container trucks following the fall of the Afghan city of Konduz. In August 2006, according to satellite imagery analysis, large amounts of soil were removed from the site. Holes in the ground were observed by a PHR forensic expert who visited the site in 2008.

Risen's story stated that several eyewitnesses were tortured, executed, and/or disappeared in 2002.

Following the Times's report and a public call by Physicians for Human Rights to President Obama to conduct a thorough investigation into the original incident and subsequent cover-up, President Obama told CNN that he had ordered his national security team to “gather the facts” in the case.

The Times' report also has reignited the issue of past war crimes and continued impunity in Afghanistan, as well as a policy of bringing warlords into the government. As such, it has become a hot topic in the ongoing presidential election campaign there. Below are some of the most critical questions yet to be posed to U.S. and Afghan officials about this story that still, nearly eight years after the incident, remain unanswered.

#### U.S. GOVERNMENT:

- White House— What have the President and his national security team done to “gather the facts” in this case? When and how will President Obama announce next steps after the fact-finding process is completed? Has there been any request to President Karzai for security at the site and has the US Government offered assistance? Has the Administration conducted an inventory of potential witnesses in this case and have there been any efforts to protect known witnesses and survivors of the incident?
- CIA— The CIA, supported by the Special Forces, was directing the operation in Northern Afghanistan. Did the CIA-OIG (Office of the Inspector General) investigate the allegations that a war crime was committed when CIA officers were jointly operating with the alleged perpetrators? If so, what happened to that investigation? Was it impeded as were those attempted at the Department of Defense, FBI, and State Department?
- Pentagon— Where were U.S. Special Forces before, during and after the massacre occurred? What satellite imagery, records, video, still photos, and after-action reports does the Pentagon have related to this case?

*A verbal debrief of the Special Forces reportedly occurred in late 2001 at Central Command after they left the theatre of operations. It supposedly concluded that no human rights violations were witnessed by US troops, and thus no further investigation was necessary. No specific details about the contents of the verbal debrief have ever been made public. PHR believes President Obama should also instruct Secretary of Defense Gates to conduct a thorough investigation into possible violations by United States soldiers of the duty to report and to investigate crimes under the Uniform Code of Military Justice and possible breaches of the Geneva Conventions regarding the treatment of detainees.*

- FBI— Who told the Special Agent-in-Charge of FBI personnel at Guantanamo in 2002 not to continue an investigation after FBI agents collected witness reports from detainees who claimed to be survivors? *Follow-on:* What involvement, if any, did senior FBI officials, including Director Mueller, and Department of Justice personnel have in ending the FBI efforts to probe the detainees' claims? Is there any possible connection between shutting down this probe and the fact that some of these

detainees claimed that U.S. forces or officials were present? See Mark Benjamin's interview recent story in Salon with respect to the detainee claims.

- National Reconnaissance Office (NRO)— All commercial satellite imagery over Afghanistan was bought up by the U.S. Government from approximately mid-September 2001 through late 2001/early 2002. It is unknown precisely when U.S. purchasing of the imagery stopped. In its effort to “gather the facts” has the Obama Administration requested satellite imagery from 2001 (the time the initial incident occurred) and from 2006 (when the alleged tampering took place)? What do those satellites show in terms of American force-presence and knowledge of the incident and the ensuing alleged destruction of evidence at the site?

#### AFGHANISTAN AND AFGHAN GOVERNMENT

- International Security Assistance Force (ISAF) – (Afghanistan) – Has General McChrystal raised the issue of security for the alleged mass grave site with President Karzai? Will ISAF protect the site if the Afghans request it?
- In 2002, then-Chairman of the Transitional Authority Hamid Karzai committed to protect the grave site. What has President Karzai done to secure the site and pursue an investigation and what has he learned about the alleged tampering at the site? Does his invitation to General Dostum to return to his position as Chief-of-Staff of the Afghan National Army still stand? Does President Karzai believe families of those killed in the trucks deserve answers and the return of remains? What are his plans regarding accountability for war crimes such as Dasht-e-Leili? What is President Karzai's plan for dealing with past atrocities and the mass graves in Afghanistan? Other Afghan presidential candidates should be asked the same question.