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## US Should Not Stonewall International Inquiry into Kunduz Attack

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# US should not stonewall international inquiry into Kunduz attack

*MSF report on Afghan hospital airstrike provides damning evidence of a war crime*

November 11, 2015 2:00AM ET

by [Lauren Carasik](#) @LCarasik

On Nov. 5, Doctors Without Borders (MSF) released its preliminary [internal review](#) of the U.S. bombing of its hospital in Kunduz, Afghanistan, last month. It reiterated that the deadly attack, which killed at least 30 people and injured dozens more, violated the agreement among all parties to the conflict that the hospital was protected under international humanitarian law. It also contradicted Afghan claims that there was fighting in the area at the time of the strike.

President Barack Obama apologized for the botched attack, calling it a mistake, but the U.S. military has yet to provide an adequate explanation for the incident. “All the information that we’ve provided so far shows that a mistake is quite hard to understand and believe at this stage,” MSF’s general director, Christopher Stokes, said last week. “The view from inside the hospital is that this attack was conducted with a purpose to kill and destroy. But we don’t know why.”

The Department of Defense has promised an [independent investigation](#) into the attack, but Washington’s ability to undertake that job impartially is dubious, especially given the damning evidence of a war crime. A credible, transparent and independent investigation is necessary to ensure continued critical protections for humanitarian medical care.

MSF, which diligently protects its neutrality, has maintained that the facility treated civilians, government troops and Taliban forces without discrimination. It confirmed implementing and enforcing a no-weapons policy and said that there

were no armed combatants in the hospital or fighting in the vicinity at the time of the attack.

The hospital's location was no secret. The organization repeatedly sent the site's GPS coordinates to all parties to the conflict, including the U.S. Defense Department, Afghan Ministry of Interior and the U.S. Army in Kabul, each of which confirmed receiving them. The most recent transmissions were sent four days before the attack. MSF placed two of its flags on the roof of the hospital, one of only a few buildings in the area that had electricity at the time, rendering it easily identifiable. The Green Berets who ordered the strike reportedly knew the compound was a functioning hospital but believed it was [overrun by the Taliban](#). A day before the attack, an unnamed U.S. government official asked MSF whether the facility was under the Taliban's control.

**A transparent and independent investigation is a crucial first step toward safeguarding humanitarian protections that ensure medical care for both civilian and military casualties of war.**

"We replied that this was not the case," a spokesman for MSF said last month. "We also stated that we were very clear with both sides to the conflict about the need to respect medical structures." [Three months earlier](#), Afghan special forces raided the hospital in search of an Al-Qaeda member. In the days before the U.S. attack, there was a reported surge of wounded Taliban fighters who sought treatment at the hospital, including 20 at the time of the attack. MSF contends that all of them were unarmed.

After the strikes began without warning, MSF staffers frantically alerted U.S. and Afghan officials at least 12 times that the hospital was under attack, but the strikes went on for more than an hour. People fleeing the burning hospital were reportedly shot as they sought shelter. "Some accounts mention shooting that appears to follow the movement of people on the run," the group's report said. "MSF doctors and other medical staff were shot while running to reach safety in a different part of the compound." Other gruesome details include the burning to

death of immobile patients in their beds, a decapitated staff member and bodies charred beyond recognition.

The Pentagon will pay damages to families of those killed or injured in the attack. But money will not bring loved ones back, nor will it remedy the enduring harm that extends far beyond the hospital's ruins. After the attack, MSF withdrew from Kunduz, depriving locals of desperately needed medical care for the war-torn province. The facility provided the [only free trauma care in northern Afghanistan](#) and served more than 22,000 patients last year, performing nearly 6,000 surgeries. The Kunduz attack, coupled with a similar incident in [Yemen](#) on Oct. 27, compromises the group's ability to provide critical care in conflict zones.

The strikes occurred amid a pitched battle between Afghan forces and the Taliban over the city of Kunduz, with the Taliban briefly in control of the city. Though Afghan forces appear to have called in the attack, Washington is responsible for vetting any intelligence it receives, especially in densely populated civilian areas. Two other strikes in the area around the same time, on a warehouse and a mansion, [cast further doubt](#) on the United States' ability to coordinate with its Afghan allies and impugned the reliability of intelligence. Yet much of the U.S. media coverage [circled the wagons](#), accepting the contention that the attack was just a terrible mistake.

MSF sought the [backing of 76 governments](#) for an independent inquiry through the [International Humanitarian Fact-Finding Commission](#), a permanent body set up under the Geneva Conventions to foster respect for international humanitarian law by conducting independent investigations when facts are in dispute. But U.S. and Afghan officials have stonewalled the commission's process by refusing to consent to a probe.

The international community has long agreed that certain rules, including the protection of hospitals that maintain their neutrality, apply equally to all nations even amid the fog of war. Member states cannot simply suspend or disregard these rules when they are deemed inconvenient. Dismissing deliberate attacks on protected medical facilities serving the wounded as an inevitable aspect of

war sends a terrible message. And a failure of accountability for such acts will lead to incalculable human suffering. A transparent and independent investigation is a crucial first step toward safeguarding humanitarian protections that ensure medical care for both civilian and military casualties of war.

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*The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera America's editorial policy.*