

Physicians for Human Rights Letter to Donald Rumsfeld

August 26, 2002

The Hon. Donald Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

VIA FACSIMILE: 703-695-1219

Dear Secretary Rumsfeld:

We applaud yesterday's statement of support by General Tommy Franks for an investigation into the Dasht-e-Leili mass gravesite in Northern Afghanistan, where many hundreds of Taliban prisoners are allegedly buried. In light of his announcement, we urge you to take two critical steps. First, we ask you to reconsider the position of the Defense Department and assure security at the gravesite at Dasht-e Leili. Security for this site and witnesses is urgently required for the investigation General Franks supports to move forward. Secondly, we urge you to review the Department's own responsibilities regarding compliance with the Geneva Conventions by an ally in the field.

The position of the Department to date raises serious concerns about the role of internationally accepted humanitarian law standards in cases of joint operations. Our concerns extend beyond questions about whether the Northern Alliance deliberately killed prisoners. Other concerns arise regarding the accounting for and treatment of prisoners still in Afghan custody, including the need to conduct a census of the missing and captured and inform their families of their fate. In addition, the United States has failed to assure that prisons, such as the appalling facility at Shebarghan, conform to international standards.

In the short term, the Defense Department, either through its own personnel on the ground or in cooperation with the multinational force and the Afghan government, should take immediate steps to secure the mass grave site near Shebarghan, protecting the premises so that a complete, impartial investigation can be made.

On the issue of prisoner treatment, in our letter dated February 26 we state that there are strong legal grounds to believe that the United States has some responsibility for the deplorable conditions under which Taliban and other combatants are held in the Shebarghan prison. Beyond that, we believe that the United States should assure that all allied forces adhere to the principles of humanitarian law, including bedrock requirements of the Geneva Conventions.

Toward that end, two steps are essential. First, the Pentagon should, in consultation with the International Committee of the Red Cross, develop appropriate strategies for assuring that the future capture, release, transfer, and/or imprisonment of enemy combatants by either US forces or our allies is done in compliance with the Geneva Conventions. This step, when followed by policies to implement it, can prevent a recurrence of incidents like the killings after the fall of Konduz or the abuse of those in the prison that survived the alleged massacre.

Second, it should engage in its own internal review of American actions within Afghanistan regarding the deaths of Taliban prisoners, including identifying what was known and by whom of

the events that led to the death of captured combatants. Those findings should be made publicly available. Thereafter, whenever possible, the Defense Department should give full support to the process whereby the remains of bodies disposed there and elsewhere can be identified and given to family members for proper burial.

Physicians for Human Rights is an independent international human rights organization with extensive experience in collecting information, particularly forensic evidence, of war crimes, genocide, and crimes against humanity. Accountability for gross violations of human rights, as the US learned firsthand in Bosnia and Rwanda, is essential to attaining stability during post-war reconstruction. We stand ready to assist in any independent fact-finding process that is established for Afghanistan.

Sincerely,

Leonard S. Rubenstein
Executive Director

