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December 23, 2002

Hon. Paul Wolfowitz  
Deputy Secretary of Defense  
The Pentagon  
Washington, DC

By fax: 703-614-3200

Dear Ambassador Wolfowitz:

Thank you for meeting with the directors of U.S.-based human rights organizations last week. The productive dialogue we had can go a very long way to advancing human rights.

I also appreciate your interest in reviewing the crucial role the Defense Department can, and we believe must, play in supporting an investigation into the deaths of as many as 1,000 – or more – Taliban prisoners after their surrender to Northern Alliance forces last year. Eyewitnesses have reported that the prisoners died of asphyxiation while being transported in truck containers which were deliberately kept sealed. General Dostum has conceded that 200 prisoners died in transport, but says that they died as a result of battle wounds. The only way to find out how many died and the circumstances of their deaths is through a forensic investigation of a mass grave where victims are buried.

The arrangements for such an investigation are being put into place. The U.N. High Commissioner for Human Rights, Sergio Vicira de Mello, is planning a forensic investigation of the grave (along with other sites where the Taliban were alleged perpetrators) in the spring. Physicians for Human Rights, which is working with the High Commissioner, recently met with Mr. Lakhdar Brahimi, Head of the U.N. Mission in Afghanistan, who is also supporting such an investigation.

There remains one crucial obstacle, however: security. No investigation can take place without protection for the site and the investigative team. For many months, Physicians for Human Rights has urged that the U.S. military provide that security, and we are informed that the

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State Department and the U.N. have also made such requests to the Defense Department.

Two forms of security are needed. One is site protection before the investigation commences in the spring, which requires only a small contingent and perhaps satellite surveillance. Once work commences, 24-hour security for the site and for those working on it is required. No other force besides the U.S. military is in a good position to provide security. Last summer General Tommy Franks publicly called for an investigation, but to my knowledge, the Defense Department has not committed to provide either current surveillance or protection during an investigation.

Although the circumstances differ in many respects, the reluctance of the Defense Department to become engaged in site security is similar to the initial refusal of IFOR commanders in Bosnia in 1996 to provide security for scientific investigations of mass graves around Srebrenica. Then, as now, the reasons given were other, higher priorities and a shortage of resources. The reversal of that initial decision led to a process of accountability that is being played out in enormously effective ways.

Here the role of the United States in providing security is even more important. The alleged perpetrators were close military allies of the United States, and in these circumstances were acting as proxies for it. Given that relationship, we believe the Defense Department has a special responsibility to support the search for truth by providing the needed security.

Finally, the role of United States forces in these incidents has not yet been publicly discussed. The Department of Defense has issued statements to the press that no U.S. forces were involved in or witnessed these events, but the results of any investigation conducted have not been released publicly. We believe that, if indeed an adequate internal investigation has been carried out, far greater transparency is required about its results. If there has been no investigation, it should commence.

I would be pleased to work with you and your staff to assure that this crucial investigation moves forward with adequate security from U.S. forces in the region.

Many thanks for your attention to this matter.

Sincerely,

  
Leonard S. Rubenstein