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Congress of the United States
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COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM

COMMITTEE ON EDUCATION AND THE
WORKFORCE

June 14, 2011

The Honorable Ban Ki-moon
Secretary General
The United Nations
First Avenue at 46th Street
New York, New York 10015

The Honorable Luis Moreno-Ocampo
Prosecutor
International Criminal Court
P.O. Box 19519
2500 CM, The Hague
The Netherlands

Dear Secretary General Ban and Prosecutor Ocampo:

I write to express my grave concern regarding actions taken by member states of the North Atlantic Treaty Organization (NATO) acting in Afghanistan and Libya which have put civilians at great risk. I ask that the United Nations (U.N.) and the International Criminal Court (I.C.C.) take immediate steps to address possible violations of international law.

NATO has taken actions in Afghanistan not sanctioned by the U.N., and in Libya pursuant to a U.N. mandate which raise serious questions about military operations in those countries and the lack of accountability for the loss of civilian life. According to the Congressional Research Service (CRS), 573 civilians have been killed in Afghanistan already this year, at least 39 of whom died at the hands of NATO airstrikes in May alone. More recently, a NATO strike under the command of General Petraeus killed 14 Afghan civilians, including women and children in the Helmand Province last month. According to an Afghan official quoted in *The New York Times*, "five girls, seven boys and two women were killed as they slept."¹ *The New York Times* report cites another incident in the Nuristan Province in which, according to Afghan officials, NATO bombings killed more than 20 police officers in plain clothes. In another incident in

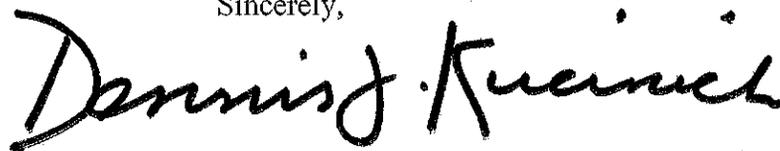
¹ Rivera, Ray. (2011, May 31). "Karzai Gives 'Last' Warning to NATO on Airstrikes." *The New York Times*, Online. Accessible: <http://www.nytimes.com/2011/06/01/world/asia/01afghanistan.html>.

February of 2010, a NATO airstrike killed 27 civilians and wounded dozens of others traveling in minibuses after they were mistaken for Taliban fighters.²

Under the command of Lieutenant General Charles Bouchard, an airstrike conducted by NATO in April on a compound in Tripoli reportedly killed three of President Muammar Gaddafi's grandchildren. Though there are unconfirmed reports of civilian deaths from NATO strikes in Libya so far, some NATO tactics, including the heavy use of drone bombings, have records of inaccuracy and are likely to place civilians at greater risk. A 2010 study conducted by the New America Foundation of U.S. drone bombings in Pakistan between 2004 and 2010 reveals that the civilian casualty rate was 32 percent. The use of such deadly technology in Libya raises serious questions about NATO's ability to fulfill its mission, codified in United Nations Security Council Resolution 1973, to protect civilians.

It is imperative that NATO and its commanders are held directly accountable under international criminal statutes for actions which place the lives of innocent civilians at risk. The United Nations has an obligation under international law to ensure that military operations it has authorized are conducted in accordance with such laws. NATO has repeatedly and wantonly neglected to follow the law. The United Nations, if it is to continue to be a credible interlocutor among nations, has no choice but to conduct an independent investigation of actions taken by NATO and to pursue prosecution where warranted.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, flowing style with a large initial "D".

Dennis J. Kucinich
Member of Congress

² Norland, Rod. (2010, February 22). "NATO Airstrike Kills Afghan Civilians." *The New York Times*, Online. Accessible: <http://www.nytimes.com/2010/02/23/world/asia/23afghan.html>.