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**Congress of the United States**  
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CHAIRMAN,  
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GOVERNMENT REFORM  
COMMITTEE ON EDUCATION AND LABOR

February 22, 2010

The Honorable Robert M. Gates  
Secretary  
Department of Defense  
1300 Defense Pentagon  
Washington, DC 20301-1300

Dear Secretary Gates:

I write to express my deep concern over recent reports regarding the number of Afghan civilian deaths due to the recent military operation in Marjah, Afghanistan, conducted jointly by U.S., North Atlantic Treaty Organization (NATO), and Afghan Armed Forces. I am specifically concerned about reports of a NATO airstrike that killed 27 Afghan civilians, including women and children.

A recent article published in *The New York Times*<sup>1</sup> reported on a NATO airstrike conducted by U.S. Special Forces helicopters on February 21 that were "patrolling the area hunting for insurgents who had escaped the NATO offensive in the Marjah area," over 100 miles outside of Marjah in the southern province of Uruzgan. The article reports that the civilians, traveling in three minibuses near Khotal Chowsar, were attacked by an airstrike, killing 27 and wounding dozens more. Another article, published in *The Wall Street Journal*<sup>2</sup>, cites Afghan and NATO representatives explaining that the airstrike was ordered because it was "believed that the minibuses carried fresh Taliban fighters sent to help those under attack;" however, the source of the intelligence used to determine that the minivan carried insurgents is not clear.

The U.S. government has an obligation to protect civilians under international law. As Secretary of Defense, you have an obligation to ensure that all military operations conducted in Afghanistan are conducted in accordance to such laws. According to the

<sup>1</sup> Nordland, Rod. (2010, February 22). "NATO Airstrike Is Said to Have Killed Afghan Civilians." *The New York Times*, Online. Accessible: <http://www.nytimes.com/2010/02/23/world/asia/23afghan.html?hp>

<sup>2</sup> Rosenberg, Matthew. (2010, February 22). "U.S. Special Operations Ordered Deadly Afghan Strike." *The Wall Street Journal*, Online. Accessible: <http://online.wsj.com/article/SB10001424052748704057604575080640203691352.html>

United Nations<sup>3</sup>, "airstrikes remain the largest cause of civilian deaths" in Afghanistan. This is the second such airstrike since February 13 to result in the deaths of civilians who were mistaken for Taliban insurgents, raising serious questions regarding accountability of U.S. Armed Forces in Afghanistan.

Please provide information about the events leading up to the air strike, including the name of the person who granted authority to U.S. Special Forces helicopters to conduct the aforementioned airstrike, the name of the person who ordered the airstrike, a detailed description of how it was determined that the civilians traveling by minibus were Taliban insurgents, and the protocol for ordering this airstrike, and all other airstrikes.

Due to the gravity of the situation and the tragic loss of life in Afghanistan, I request the information within two weeks. The United States must demonstrate a clear commitment to protecting civilian lives in Afghanistan, and the results of this investigation are vital to ensure that an adequate system of oversight and accountability is in place. If necessary, I will direct the request for information via a Resolution of Inquiry in the House of Representatives.

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Kucinich". The signature is written in a cursive, slightly slanted style.

Dennis J. Kucinich  
Member of Congress

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<sup>3</sup> (2009, July 31) "Civilian Casualties Keep Rising, finds UN Report." *The UN News Center*. Online. Accessible: <http://www.un.org/apps/news/story.asp?NewsID=31636&Cr=afghan&Cr1=civilian>.