



United States Department of State

Washington, D.C. 20520

AUG 04 2008

Case No.: 200802926

Mr. Leonard S. Rubenstein
Executive Director
Physicians for Human Rights
1156 15th St. NW
Washington, DC. 20005

Dear Mr. Rubenstein:

I refer to your letter dated June 21, 2006 to the Department of Defense, requesting the release of certain material under the Freedom of Information Act (Title 5 USC Section 552). Three of the relevant documents retrieved in response to your request originated with the Department of State and were therefore referred to us for appropriate action.

We have determined that all three may be released with excisions. All released material is enclosed.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document.

In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material withheld by the Department of State, you have the right to appeal our determination within 60 days. A copy of the appeals procedures is enclosed.

Sincerely,

Margaret P. Grafeld
for Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosures:

As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified.

Executive Order 12958, as amended, classification categories:

- 1.4(a) Military plans, systems or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US including confidential sources
- 1.4(e) Scientific, technological or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) USG programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Information on weapons of mass destruction

- (b)(2) Related solely to the internal personnel rules and practices of an agency.

- (b)(3) Specifically exempted from disclosure by statute (other than section 552b of Title 5), e.g.:

| | |
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| INA | The Immigration and Nationality Act, Title 8 USC Section 1202(f) |
| CIA | The Central Intelligence Agency Act of 1949, Title 50 USC Section 403(g) |
| ARMEX | The Arms Export Control Act, Title 22 USC 2778(e) |
| EXPORT | The Export Administration Act of 1979, 50 App. USC 2411(c)(1) |

- (b)(4) Privileged/confidential trade secrets, commercial or financial information from a person.

- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product.

- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy.

- (b)(7) Information compiled for law enforcement purposes that would:

- (A) Interfere with enforcement proceedings
- (B) Deprive a person of a fair trial
- (C) Constitute an unwarranted invasion of personal privacy
- (D) Disclose confidential sources
- (E) Disclose investigation techniques
- (F) Endanger life or physical safety of any individual

Other Grounds for Withholding

- NR** Material not responsive to your FOIA request, excised in accordance with our agreement.

Rules and Regulations

Subpart F – Appeal Procedures

§171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.

- (a) *Right of administrative appeal.* Except for records that have been reviewed and withheld within the past two years or are the subject of litigation, any requester whose request for access to records, declassification of records, amendment of records, accounting of disclosure of records, or any authorized holder of classified information whose classification challenge has been denied, has a right to appeal the denial to the Department's Appeals Review Panel. This appeal right includes the right to appeal the determination by the Department that no records responsive to an access request exist in Department files. Privacy Act appeals may be made only by the individual to whom the records pertain.
- (b) *Form of appeal.* There is no required form for an appeal. However, it is essential that the appeal contain a clear statement of the decision or determination by the Department being appealed. When possible, the appeal should include argumentation and documentation to support the appeal and to contest the bases for denial cited by the Department. The appeal should be sent to: Chairman, Appeals Review Panel, c/o Appeals Officer, A/ISS/IPS/PP/LC, U.S. Department of State, SA-2, Room 8100, Washington, DC 20522-8100.
- (c) *Time limits.* The appeal should be received within 60 days of the date of receipt by the requester of the Department's denial. The time limit for response to an appeal begins to run on the day that the appeal is received. The time limit (excluding Saturdays, Sundays, and legal public holidays) for agency decision on an administrative appeal is 20 days under the FOIA (which may be extended for up to an additional 10 days in unusual circumstances) and 30 days under the Privacy Act (which the Panel may extend an additional 30 days for good cause shown). The Panel shall decide mandatory declassification review appeals as promptly as possible.
- (d) *Notification to appellant.* The Chairman of the Appeals Review Panel shall notify the appellant in writing of the Panel's decision on the appeal. When the decision is to uphold the denial, the Chairman shall include in his notification the reasons therefore. The appellant shall be advised that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable. In mandatory declassification review appeals, the Panel shall advise the requester of the right to appeal the decision to the Interagency Security Classification Appeals Panel under §3.5(d) of E.O. 12958.

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04. (U) INTELLIGENCE:

(S//NF) AFGHANISTAN: MASS GRAVES ISSUE RESURFACES
(S//NF) REPORTS OF HUNDREDS OF TALIBAN FIGHTERS BEING KILLED AND
DUMPED INTO A MASS GRAVE IN NOVEMBER 2001 STILL PERSIST TODAY IN
AFGHANISTAN. INVESTIGATIONS INTO THIS AND PREVIOUS TALIBAN INCIDENTS
ARE ESSENTIAL TO SUPPORT THE AFGHAN TRANSITION AUTHORITY (ATA).
(S//NF) THE ISSUE OF MASS GRAVES IN AFGHANISTAN HAS RESURFACED. THE
CLAIM THAT HUNDREDS, POSSIBLY THOUSANDS OF TALIBAN FIGHTERS WERE
EXECUTED NEAR THE SHEBERGHAN PRISON IN JOWZJAN PROVINCE IN NORTHERN
AFGHANISTAN, BY NORTHERN ALLIANCE (NA) FORCES BACK IN NOVEMBER 2001
HAS FOUND ITS WAY FROM THE PRO-EXTREMIST MUSLIM PRESS OUTLETS TO THE
MAIN STREAM MEDIA OF THE US AND THE WEST. THE CLAIM ASSERTS THAT
CAPTURED TALIBAN FIGHTERS WERE LOADED INTO SHIPPING CONTAINERS AND
TRANSPORTED TO SHEBERGHAN PRISON. MANY OF THE PRISONERS WERE SAID TO
HAVE SUFFOCATED IN THE SEALED METAL SHIPPING CONTAINERS DURING THE
TWO-DAY JOURNEY. OTHERS STATE THAT NA TROOPS FIRED UPON THREE OF THE
CONTAINERS, KILLING MANY OF THE PRISONERS INSIDE.

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DECL ON: 05 SEPTEMBER 2012//

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Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.

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SECTION 01 OF 14

STATE RCI 353

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EYES ONLY/EXCLUSIVE FOR AMBASSADORS FROM INR/CFORD--FURTHER
DISSEMINATION AT AMBASSADOR'S DISCRETION
WHITE HOUSE FOR NATIONAL SECURITY ADVISER--PLEASE DISSEMINATE
INTERNAL TO ALL RELEVANT STAFF
NSA FOR LTGHAYDEN--PLEASE DISSEMINATE INTERNAL TO ALL RELEVANT
MANAGERS AND ANALYSTS
SSO DIA EXCLUSIVE FOR RADM JACOBY--PLEASE DISSEMINATE INTERNALLY
TO ALL RELEVANT MANAGERS AND ANALYSTS
CIA FOR OPERATIONS CENTER--PLEASE DISSEMINATE INTERNALLY TO ALL
RELEVANT MANAGERS AND ANALYSTS
USUN FOR AMBASSADOR NEGROPONTE
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SSO DA EYES ONLY FOR ASST CHIEF OF STAFF FOR INTELLIGENCE
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CMC EYES ONLY/EXCLUSIVE FOR ASST CHIEF OF STAFF FOR INTELLIGENCE
SLD GENEVA PASS TO DELEGATION AMBASSADORS
ACIS FOR CFE DELEGATION TO VIENNA
USEUCOM PLEASE SHARE WITH PETER CHAVEAS
SLD BRUSSELS PLEASE SHARE WITH AMBASSADOR BURNS
NCEUR/EXCLUSIVE FOR CHIEF OF HEADQUARTERS ALLEN
SSO CARLISLE/EXCLUSIVE FOR AMBASSADOR MCCALLIE AND MR JOHNSON
SSO CINCSOC/EXCLUSIVE FOR AMBASSADOR LITT
SSO JICPAC EYES ONLY/EXCLUSIVE FOR ADM JACOBS
JFCOM EXCLUSIVE FOR THE COMMANDER
SSO NGIC FOR WAYNE NISSEN

***** THIS IS A COMBINED MESSAGE *****

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SUBJECT: ASSESSMENT ROUNDUP. DISTRIBUTION I FOR 11/26/02
BUREAU OF INTELLIGENCE AND RESEARCH
SELECTED ASSESSMENTS FOR NOVEMBER, 26, 2002

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5. C AFGHANISTAN: PROCEEDING CAUTIOUSLY ON MASS GRAVE
INVESTIGATIONS

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5. C AFGHANISTAN: PROCEEDING CAUTIOUSLY ON MASS GRAVE INVESTIGATIONS

C DESPITE CALLS BY THE INTERNATIONAL COMMUNITY AND AFGHANS THEMSELVES FOR EXPEDITIOUS AND THOROUGH INVESTIGATIONS FOLLOWING THE HIGH-PROFILE PRESS ACCOUNTS OF THE ALLEGED TALIBAN MASS GRAVES AT DASHT-E LEILI, REALITIES ON THE GROUND HAVE SLOWED THE PROCESS. POLITICAL SENSITIVITIES ABOUT FOCUSING ON THE ATROCITIES OF JUST ONE SIDE, CONTINUING INSTABILITY, AND ETHNIC TENSIONS HAVE PRODUCED CONSENSUS AMONG THE INTERNATIONAL COMMUNITY AND KABUL THAT SUCH INVESTIGATIONS MUST PROCEED CAUTIOUSLY TO SAFEGUARD POTENTIAL WITNESSES AND PRESERVE EVIDENCE. THE ONSET OF WINTER AND CNTINUING DEBATES OVER SITE

/***** BEGINNING OF SECTION 012 *****/
PROTECTION MAKE MAJOR PROGRESS ON AFGHAN MASS GRAVE INVESTIGATIONS BEFORE SPRING 2003 UNLIKELY.

COMING TO CONSENSUS ON MASS GRAVE OBJECTIVES

S//SI//USA/AUS/CAN/GBR NZL EYES UNTIL RECENTLY, UN AND AFGHAN OPINIONS DIVERGED ON THE PRIMARY GOALS OF THE MASS GRAVE INVESTIGATIONS. THE UN HAD INSISTED THE TOP PRIORITIES SHOULD BE WITNESS PROTECTION AND OTHER TRANSITIONAL JUSTICE OBJECTIVES-SUCH AS THE PRESERVATION OF EVIDENCE FOR A POTENTIAL FUTURE RECONCILIATION COMMISSION OR FOR WAR CRIMES PROSECUTION. /
b1

THE AFGHAN HUMAN RIGHTS COMMISSION AHRC HAS CONSISTENTLY FAVORED A "HUMANITARIAN" OBJECTIVE WHEREBY A LARGER NUMBER OF GRAVES WOULD BE INVESTIGATED FOR THE PURPOSES OF PERSONAL IDENTIFICATION AND, WHENEVER POSSIBLE, RETURNING THE REMAINS TO FAMILIES. THE PURSUIT OF TRANSITIONAL JUSTICE WAS NOT CONSIDERED A PRIORITY. IN LIGHT OF THE CONTINUING VOLATILE SECURITY SITUATION IN THE NORTH AND THE FACT THAT NEITHER THE UN NOR THE AHRC HAS THE CAPACITY TO PROVIDE EFFECTIVE PROTECTION TO POTENTIAL WITNESSES, UN SPECIAL ENVOY BRAHIMI HAS RECOMMENDED FOCUSING ON THE MORE LIMITED OBJECTIVE OF FINDING AND PRESERVING EVIDENCE. TO THIS END, A UN TEAM WILL CONDUCT A TECHNICAL

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ASSESSMENT IN LATE NOVEMBER OF THE DASHT-E LEILI SITE AND TWO AS-YET UNDETERMINED SITES CONTAINING VICTIMS OF THE TALIBAN. THIS MISSION, ACCORDING TO UN HIGH COMMISSIONER FOR HUMAN RIGHTS VIEIRA DE MELLO, WILL GATHER PRELIMINARY INFORMATION ONLY, WITH UP TO THREE EXPERT TEAMS CONDUCTING DETAILED FORENSIC INVESTIGATIONS IN SPRING 2003.

SECURITY MECHANISMS REMAIN UNRESOLVED
C NEITHER THE UN ASSISTANCE MISSION TO AFGHANISTAN UNAMA NOR THE AHRC HAS A SECURITY MECHANISM TO PROTECT THE GRAVE SITES, AND DISCUSSIONS CONTINUE AS TO WHAT FORM AN APPROPRIATE MECHANISM MIGHT TAKE. AS A SHORT-TERM ALTERNATIVE, UNAMA PERSONNEL FROM THE MAZAR-E SHARIF OFFICE EXAMINE THE SITES "EVERY FEW DAYS" FOR SIGNS OF TAMPERING, BUT EVEN UNAMA PERSONNEL ADMIT SUCH AD HOC MONITORING IS NOT VERY PRACTICAL. VIEIRA DE MELLO RECENTLY SUGGESTED THE UN WOULD LOOK TO THE UNITED STATES OR THE UK FOR TROOPS TO PROVIDE SECURITY FOR THE PLANNED SPRINGTIME INVESTIGATIONS.

DASHT-E LEILI: BODY COUNT RISING?

S//SI//USA/AUS/CAN/GBR NZL EYES

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A SURVIVOR OF THE NOVEMBER 2001 SHEBERGHAN PRISON

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COMINT; NOFORN; REL DA; REL EXCLUSIVE; REL FOR; REL POLADS; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

TOP SECRET

page 18

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COMINT; NOFORN; REL DA; REL EXCLUSIVE; REL FOR; REL POLADS; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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UPRISING WHO WAS RECENTLY RELEASED FROM DETENTION AT GUANTANAMO BAY CLAIMED SOME 6,000 TALIBAN HAD DIED IN TRANSIT. INR HAS SEEN NO REPORTING FROM CREDIBLE SOURCES TO SUPPORT THE CLAIMS OF 6,000, AND CONSIDERS SUCH ESTIMATES HIGHLY INFLATED. BUT WE BELIEVE THE NUMBER OF TALIBAN DEATHS DURING TRANSPORT TO SHEBERGHAN PRISON MAY HAVE BEEN HIGHER THAN THE WIDELY REPORTED 1,000. [] ACCOUNT PUTS THE NUMBER AT AT LEAST 1,500, AND THE ACTUAL NUMBER MAY APPROACH 2,000. SOME OF THE REMAINING TALIBAN WERE SENT TO OTHER PRISONS, BUT MOST PROBABLY ESCAPED AND BLENDDED INTO THE LOCAL POPULATION.

B1
INTERNATIONAL COMMUNITY PRESSES DOSTAM ON WITNESS PROTECTION S//REL LAL HAS BEEN IMPLICATED IN ABUSES PERPETRATED AGAINST SEVERAL WITNESSES CONNECTED WITH EVENTS SURROUNDING THE DASHT-E LEILI SITE. ONE EYEWITNESS REPORTED TO HAVE OPERATED A BULLDOZER USED AT THE SITE TO BURY BODIES WAS KILLED AND HIS BODY DISCOVERED IN THE DESERT; AT LEAST THREE AFGHANS WHO WORKED ON ISSUES INVOLVING THE MASS GRAVE HAVE BEEN BEATEN OR ARE MISSING. UNAMA OFFICIALS, WHO MET IN MID-NOVEMBER WITH ONE EYEWITNESS NOW DETAINED IN A PRISON IN SHEBERGHAN RUN BY DOSTAM'S INTELLIGENCE SERVICE, ASSESSED THE WITNESS HAS BEEN TORTURED. ACCORDING TO INTERNATIONAL OBSERVERS, THERE WERE INDICATIONS THAT LAL, WHO HAS ALSO BEEN ACCUSED OF ORDERING HIS TROOPS TO RAPE WOMEN AND HARASS ETHNIC PASHTUNS, HAD COMMAND RESPONSIBILITY FOR THE TROOPS WHO MAY HAVE CARRIED OUT THE ABUSES.

C US DIPLOMATS AND UNAMA OFFICIALS HAVE BEEN PRESSING DOSTAM ON SECURITY-RELATED ISSUES. THE INTERNATIONAL COMMUNITY INSISTED DOSTAM OPEN THE PRISON RUN BY HIS INTELLIGENCE SERVICE TO ICRC INSPECTIONS, MAKE PUBLIC STATEMENTS INVITING INTERNATIONAL ORGANIZATIONS TO INVESTIGATE MASS GRAVE SITES, AND GUARANTEE SECURITY TO ALL WHO UNDERTAKE SUCH INVESTIGATIONS. DOSTAM HAS AGREED TO ALL THESE REQUIREMENTS, ACCORDING TO EMBASSY KABUL.

UN DIPLOMAT RECOMMENDS INTERNATIONAL COMMISSION OF INQUIRY U AT THE CULMINATION OF A MID-OCTOBER VISIT TO AFGHANISTAN, UN SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY, OR ARBITRARY EXECUTIONS JAHANGIR CALLED FOR THE ESTABLISHMENT OF AN INDEPENDENT, INTERNATIONAL COMMISSION OF INQUIRY TO DOCUMENT WAR CRIMES AND CRIMES AGAINST HUMANITY DURING THE 23-YEAR CONFLICT. THOUGH CONCLUDING THE INCIDENTS OF EXTRAJUDICIAL AND SUMMARY EXECUTIONS HAD DRAMATICALLY DECREASED SINCE THE FALL OF THE TALIBAN IN DECEMBER 2001, JAHANGIR WARNED THAT A PROPER

COMINT; NOFORN; REL DA; REL EXCLUSIVE; REL FOR; REL POLADS; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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COMINT; NOFORN; REL DA; REL EXCLUSIVE; REL FOR; REL POLADS; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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ASSESSMENT WOULD BE HINDERED BY THE WEAK STRUCTURES FOR MONITORING HUMAN RIGHTS. JAHANGIR WILL SUBMIT A REPORT WITH ER FINDINGS TO THE UN COMMISSION ON HUMAN RIGHTS, WHICH WILL CONVENE IN MARCH 2003.

S//SI//USA/AUS/CAN/GBR NZL EYES CURRENT AFGHAN GOVERNMENT
***** BEGINNING OF SECTION 014 *****

LEADERS ARE VERY SENSITIVE TO INTERNATIONAL SCRUTINY OF THE DASHT-E LEILI MASS GRAVE AND TO REPORTS THAT AFGHAN MILITARY FORCES CONTINUE TO ENGAGE IN HUMAN RIGHTS ABUSES. COMMANDERS TAKE EVERY OPPORTUNITY TO REMIND OBSERVERS THAT THE TALIBAN WERE THE PRIMARY ABUSERS IN THE COUNTRY AND THAT ANY INVESTIGATIONS INTO ALLEGED AFGHAN MILITARY ATROCITIES MUST BE BALANCED WITH INVESTIGATIONS INTO TALIBAN ATROCITIES. E

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FM STATE RCI

TO WHITE HOUSE//DR RICE//

SSO DIA/RADM JACOBY//

DIRNSA//LTGHAYDEN//

CIA//OPERATIONS CENTER//

US REP UN//AMB NEGROPONTE//

DIRNSA/S113/SINIOS//

CNO

SSO DA

SSO USAFE

JICPAC

JAC MLSWTH

NCEUR//F23//

SSO CARLISLE

SSO CINCSOC

USCINCPAC

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SLD BRUSSELS//ALSO FOR AMBASSADOR BURNS//

INFO STATE RCI//IS//

Dept. of State, RPS/IPS, Margaret P. Grafeld, Dir.
() Release (X) Excise () Deny (X) Declassify
Date 8/1/08 Exemption B1, 1.4 (c,d)

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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EYES ONLY FOR POLADS

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SECTION 01 OF 07

STATE RCI 459

DO NOT TRANSMIT VIA OPINTEL BROADCAST

EYES ONLY/EXCLUSIVE FOR POLADS

EYES ONLY/EXCLUSIVE FOR AMBASSADORS FROM INR/CFORD--FURTHER

DISSEMINATION AT AMBASSADOR'S DISCRETION

WHITE HOUSE FOR NATIONAL SECURITY ADVISER--PLEASE DISSEMINATE

INTERNAL TO ALL RELEVANT STAFF

NSA FOR LTGHAYDEN--PLEASE DISSEMINATE INTERNAL TO ALL RELEVANT

MANAGERS AND ANALYSTS

SSO DIA EXCLUSIVE FOR RADM JACOBY--PLEASE DISSEMINATE INTERNALLY

TO ALL RELEVANT MANAGERS AND ANALYSTS

CIA FOR OPERATIONS CENTER--PLEASE DISSEMINATE INTERNALLY TO ALL

RELEVANT MANAGERS AND ANALYSTS

USUN FOR AMBASSADOR NEGROPONTE

DIRNSA/S113 FOR SINIOS

SSO DA EYES ONLY FOR ASST CHIEF OF STAFF FOR INTELLIGENCE

SSO USAF EYES ONLY/EXCLUSIVE FOR MG CASCIANO

CMC EYES ONLY/EXCLUSIVE FOR ASST CHIEF OF STAFF FOR INTELLIGENCE

SLD GENEVA PASS TO DELEGATION AMBASSADORS

ACIS FOR CFE DELEGATION TO VIENNA

USEUCOM PLEASE SHARE WITH PETER CHAVEAS

SLD BRUSSELS PLEASE SHARE WITH AMBASSADOR BURNS

NCEUR/EXCLUSIVE FOR CHIEF OF HEADQUARTERS ALLEN

SSO CARLISLE/EXCLUSIVE FOR AMBASSADOR MCCALLIE AND MR JOHNSON

SSO CINCSOC/EXCLUSIVE FOR AMBASSADOR LITT

SSO JICPAC EYES ONLY/EXCLUSIVE FOR ADM JACOBS

JFCOM EXCLUSIVE FOR THE COMMANDER

SSO NGIC FOR WAYNE NISSEN

***** THIS IS A COMBINED MESSAGE *****

BODY

SUBJECT: ASSESSMENT ROUNDUP. DISTRIBUTION I FOR 08/24/02

BUREAU OF INTELLIGENCE AND RESEARCH

SELECTED ASSESSMENTS FOR AUGUST, 24, 2002

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

3. U AFGHANISTAN: MASS GRAVES AND ACCOUNTABILITY

COMINT; NOFORN; REL DA; REL FOR; REL POLADS; REL EXCLUSIVE; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;
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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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3. U AFGHANISTAN: MASS GRAVES AND ACCOUNTABILITY
C THE ISSUE OF INVESTIGATING AND SEEKING ACCOUNTABILITY FOR
ALLEGED WAR CRIMES AND OTHER ATROCITIES IN AFGHANISTAN CAME TO A
HEAD THIS WEEK WITH THE PUBLICATION IN NEWSWEEK OF AN
INVESTIGATIVE REPORT ON THE MASS GRAVE IN THE VILLAGE OF DASHT-E
LEILI, NEAR SHEBERGHAN PRISON. THE SITE IS BELIEVED TO CONTAIN
THE REMAINS OF AS MANY AS 1,000 TALIBAN SOLDIERS WHO REPORTEDLY
DIED WHILE IN THE CUSTODY OF THEIR NORTHERN ALLIANCE CAPTORS.
C THERE ARE GROWING CONCERNs WITHIN THE INTERNATIONAL
COMMUNITY THAT AFGHAN MASS GRAVE SITES ARE NOT BEING ADEQUATELY
IDENTIFIED AND PROTECTED. THOUGH THE AFGHAN GOVERNMENT HAS
DECLARED THE PRESERVATION OF SUCH SITES A TOP PRIORITY, SOME
MEMBERS OF THE NEW AFGHAN HUMAN RIGHTS COMMISSION AHRC HAVE
ADMITTED THE GROUP IS NOT YET IN A POSITION TO SECURE SITES OR
BEGIN INVESTIGATIONS. THE BOSNIAN EXPERIENCE DEMONSTRATES THE

COMINT; NOFORN; REL DA; REL FOR; REL POLADS; REL EXCLUSIVE; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

IMPORTANCE OF DOCUMENTING EVIDENCE FROM MASS GRAVES FOR FUTURE PROSECUTIONS.

TALIBAN MASS GRAVE?

C HUNDREDS, AND PERHAPS THOUSANDS, OF TALIBAN SOLDIERS SURRENDERED AFTER THE FALL OF MAZAR-E SHARIF AND KONDUZ TO NORTHERN ALLIANCE FORCES IN NOVEMBER 2001. THE FIRST EYEWITNESS REPORTS OF THE DEATHS OF THESE SURRENDERED TALIBAN EMERGED LATE LAST YEAR, WHEN SURVIVING PRISONERS TALKED WITH SEVERAL HUMANITARIAN ORGANIZATIONS AND JOURNALISTS. ACCORDING TO ACCOUNTS CITED BY THE NGO PHYSICIANS FOR HUMAN RIGHTS PHR, MANY OF THE TALIBAN WERE PUT IN SEALED METAL SHIPPING CONTAINERS AND DIED FROM SUFFOCATION DURING THE TWO-DAY TRAVEL TIME TO SHEBERGHAN PRISON. THERE ARE ALSO ACCOUNTS, INCLUDING FROM SOLDIERS UNDER THE COMMAND OF GENERAL DOSTUM, THAT NORTHERN ALLIANCE TROOPS OPENED FIRE ON THREE CONTAINERS FULL OF TALIBAN PRISONERS, KILLING MANY INSIDE. BASED ON PRELIMINARY EXAMINATION BY PHR EXPERTS OF THE SHEBERGHAN SITES IN JANUARY AND FEBRUARY 2002, THE NGO CONCLUDED THAT THE GRAVES CONTAINED LARGE NUMBERS OF RECENT HUMAN REMAINS.

S//NF SUBSEQUENTLY, A UN-SPONSORED FORENSICS TEAM THAT VISITED /***** BEGINNING OF SECTION 006 *****/

THE SITE IN APRIL CONCLUDED THERE WAS EVIDENCE THE BODIES WERE THOSE OF TALIBAN SOLDIERS, AND THAT MANY OF THE SOLDIERS HAD DIED OF SUFFOCATION. THE TEAM RECOMMENDED THAT THE SITE BE FULLY EXHUMED AND EXAMINED, AND THAT FURTHER INVESTIGATION OF THE SITE BE HALTED UNTIL IT WAS DETERMINED WHETHER AFGHANISTAN WOULD PROCEED WITH WAR CRIMES TRIALS, A TRUTH COMMISSION, OR SOME OTHER APPROACH TO DOCUMENTING AND DEALING WITH HUMAN RIGHTS VIOLATIONS. WITNESSES ESTIMATED THAT ABOUT 1,000 BODIES WERE BURIED AT THE SITE. UN HUMAN RIGHTS OFFICIALS HAVE RECOMMENDED THAT ANY APPROACHES TO AFGHAN AUTHORITIES ON THE ISSUE OF SECURING SUCH SITES MUST BE LOW-KEY AND CAREFULLY WORDED TO LIMIT THE LEVEL OF PUBLIC ATTENTION, BECAUSE THE FRAGILITY OF EVIDENCE COLLECTED FROM A MASS GRAVE IS EASY TO TAMPER WITH OR DESTROY.

ALLEGED AFGHAN MASS GRAVES

S//NF A REVIEW OF AVAILABLE INTELLIGENCE AND PRESS REPORTS REVEALS THAT AT LEAST 18 MASS GRAVES HAVE BEEN LOCATED AT 14 SEPARATE SITES IN AFGHANISTAN SINCE THE FALL OF THE TALIBAN IN MID-NOVEMBER 2001. FOURTEEN OF THE MASS GRAVES ARE BELIEVED TO CONTAIN THE BODIES OF VICTIMS KILLED DURING THE AFGHAN CIVIL WAR BUT BEFORE THE BEGINNING OF THE US-LED MILITARY CAMPAIGN IN

COMINT; NOFORN; REL DA; REL FOR; REL POLADS; REL EXCLUSIVE; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

EARLY OCTOBER 2001. FOUR, INCLUDING THE SHEBERGHAN SITE, ARE ASSESSED TO CONTAIN VICTIMS KILLED SINCE THEN. THE HISTORY OF MASS KILLINGS DURING DECADES OF CONFLICT IN AFGHANISTAN SUGGESTS THERE ARE PROBABLY HUNDREDS OF MASS GRAVES THERE.

S//SI//NF THE AFGHAN GOVERNMENT HAS BEEN LONG ON RHETORIC BUT SHORT ON ACTION IN RESPONDING TO REPORTS OF MASS GRAVES. THE AHRC'S WORK PLAN INCLUDES SECURING CRUCIAL DOCUMENTARY AND MATERIAL EVIDENCE THAT MAY BE DERIVED FROM MASS GRAVES FOR USE IN POTENTIAL FUTURE PROSECUTIONS. IN ONE OF THE AHRC'S FIRST MEETINGS AS A FUNCTIONING ENTITY IN EARLY AUGUST, MEMBERS DECLARED THE PRESERVATION OF MASS GRAVES CRUCIAL TO THE ESTABLISHMENT OF ACCOUNTABILITY FOR WAR CRIMES AND CRIMES AGAINST HUMANITY. MOST OF THE MEETING, HOWEVER, WAS DEVOTED TO LOGISTICAL CONCERNS SUCH AS COMPENSATION FOR MEMBERS AND PROCURING COMPUTER AND OTHER EQUIPMENT. FOLLOWING THE MEDIA UPROAR OVER THE ALLEGED TALIBAN MASS GRAVE, AHRC CHAIRMAN SIMA SAMAR ACKNOWLEDGED THAT THE FLEDGLING COMMISSION WAS NOT IN A POSITION TO SECURE SHEBERGHAN--OR ANY OTHER MASS GRAVE SITE--AT THIS TIME. THE AHRC SUBSEQUENTLY CALLED FOR THE GRAVE SITE TO BE GUARDED AND FOR PROTECTION TO BE ARRANGED FOR WITNESSES BEFORE ANY FORENSIC ACTIVITY IS UNDERTAKEN, BUT IT DID NOT SPECIFY WHO SHOULD PROVIDE THESE PROTECTIONS.

C THE FOREIGN AND DEFENSE MINISTRIES HAVE PROMISED TO INVESTIGATE THE SITE, THOUGH DEFENSE MINISTER FAHIM DECLARED HE DID NOT BELIEVE A TALIBAN MASS GRAVE EXISTS. PRESIDENT KARZAI PROPOSED A JOINT STATEMENT THAT THE US AND AFGHAN GOVERNMENTS SHOULD NOT NEGLECT THIS ISSUE, MAKING CLEAR THAT "WE HAVE SET A HIGHER STANDARD FOR HUMAN LIFE." THE OFFICE OF UN SPECIAL REPRESENTATIVE LAHKDAR BRAHIMI HAS CALLED FOR A "FULL-FLEDGED" INVESTIGATION INTO THE KILINGS, BUT NOTED THAT ANY INVESTIGATION WOULD HAVE TO BE LED BY AFGHAN AUTHORITIES WITH THE UN LIMITED TO A SUPPORTING ROLE.

S//SI//NF EVEN BEFORE THE RECENT UPROAR, MEMBERS OF THE INTERNATIONAL COMMUNITY WERE CONCERNED THAT AFGHAN MASS GRAVES WERE NOT BEING PRESERVED.

***** BEGINNING OF SECTION 007 *****

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MOREOVER, UN FORENSICS TEAMS THAT IN APRIL INVESTIGATED MASS GRAVE SITES AT BAMIYAN AND MAZAR-E SHARIF OF ALLEGED HAZARA

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COMINT; NOFORN; REL DA; REL FOR; REL POLADS; REL EXCLUSIVE; REL MG; REL CASCIANO; REL ASST; REL CHIEF
REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

VICTIMS OF THE TALIBAN HAD CALLED FOR THOSE SITES ALSO TO BE SECURED.

MASS GRAVES AS EVIDENCE IN WAR CRIMES PROSECUTIONS
C THE BOSNIAN EXPERIENCE SHOWS THE IMPORTANCE OF COLLECTING AND DOCUMENTING EVIDENCE FROM MASS GRAVE SITES FOR USE IN WAR CRIMES TRIALS. EVIDENCE GATHERED FROM SECONDARY GRAVE SITES CONTAINING SOME OF THE REMAINS OF THE BOSNIAN MUSLIMS MASSACRED AT SREBRENICA IN JULY 1995 WAS CRUCIAL IN THE PROSECUTION'S CASE AGAINST BOSNIAN SERB GENERAL KRSTIC, RESULTING IN EUROPE'S FIRST GENOCIDE CONVICTION IN JULY 2001. THE SREBRENICA MASS GRAVE EVIDENCE COULD ALSO PLAY AN IMPORTANT ROLE IN FUTURE PROSECUTIONS OF INDICTED WAR CRIMINALS RADOVAN KARADZIC AND RATKO MLADIC, WHOSE INDICTMENTS INCLUDE, INTER ALIA, RESPONSIBILITY FOR THE MASSACRES THAT OCCURRED THERE. SIMILARLY, EVIDENCE FROM MASS GRAVES OF KOSOVAR ALBANIANS HAS FIGURED PROMINENTLY IN THE CURRENT INTERNATIONAL CRIMINAL TRIBUNAL FOR YUGOSLAVIA ICTY PROSECUTION OF FORMER SERBIAN PRESIDENT MILOSEVIC.

C IN THE BALKANS, THE PROTECTION OF MASS GRAVE SITES HAS NORMALLY BEEN CARRIED OUT BY SFOR IN BOSNIA AND KFOR IN KOSOVO. LOCAL GOVERNMENTS THERE LACK THE TECHNICAL OR FINANCIAL CAPABILITIES FOR THE EXHUMATION AND COLLECTION OF EVIDENCE, AND RELIED ON ICTY TEAMS TO CARRY OUT THE BULK OF THE WORK.

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REL OF; REL STAFF; REL INTELLIGENCE; REL ADM; REL JACOBS;

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INFO RUCJACC/USCINCCENT MACDILL AFB FL//CARA//

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FM SECSTATE WASHDC

TO RUEHBUL/AMEMBASSY KABUL IMMEDIATE 4566

RUEHGV/USMISSION GENEVA IMMEDIATE 6921

RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 9032

RUEHIL/AMEMBASSY ISLAMABAD IMMEDIATE 0008

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CONTROLS

C O N F I D E N T I A L STATE 160166

E.O. 12958: DECL: 8/20/12

BODY

TAGS: KJUS, PHUM, PREL, KAWC, AF

SUBJECT: ENGAGING ATA ON ALLEGED MASS GRAVE SITE

REF: (A) STATE 63415, (B) KABUL 506

CLASSIFIED BY S/WCI AMB. PIERRE-RICHARD PROSPER REASON 1.5

(B) AND (D)

1. (U) THIS IS AN ACTION REQUEST; SEE PARAS 5 AND 6.
2. (C) THIS WEEK A NEWSWEEK ARTICLE AND A PRESS RELEASE BY U.S. NGO PHYSICIANS FOR HUMAN RIGHTS (PHR) REPORTED INFORMATION REGARDING ALLEGED MASS KILLINGS IN NORTHERN AFGHANISTAN LAST NOVEMBER, AS WELL AS AN ALLEGED MASS GRAVE SITE IN DASHT-E LEILI NEAR SHEBERGHAN. THE DEPARTMENT BELIEVES THESE ALLEGATIONS MERIT INVESTIGATION.
3. (C) ACCORDING TO THESE REPORTS, BETWEEN 2000 AND 3000 TALIBAN AND FOREIGN FIGHTERS WERE CAPTURED IN KUNDUZ LAST NOVEMBER BY NORTHERN ALLIANCE FORCES UNDER THE COMMAND OF GENERAL DOSTUM. THE PRISONERS WERE SAID TO HAVE BEEN LOADED ONTO CONTAINER TRUCKS FOR TRANSPORT TO SHEBERGHAN PRISON. DURING TRANSPORT MANY, PERHAPS THOUSANDS, ARE SAID TO HAVE DIED FROM ASPHYXIATION, HEAT AND LACK OF WATER. NEWSWEEK CLAIMS THAT ITS STORY IS BASED ON INTERVIEWS WITH DRIVERS OF THE CONTAINER TRUCKS AND OTHER WITNESSES, WHO CLAIMED DOSTUM'S SOLDIERS PREVENTED THEM FROM PROVIDING

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RELIEF OR ASSISTANCE TO THE PRISONERS. WITNESSES REPORTEDLY STATED THAT IN DECEMBER DOSTUM'S MEN BLOCKED ACCESS TO THE DASHT-E LEILI AREA, AND THAT CONTAINER TRUCKS AND BULLDOZERS WERE ACTIVE AT THE ALLEGED BURIAL SITE.

4. (C) IN EARLY APRIL, DEPARTMENT REQUESTED IN REFTEL A THAT POST DEMARCHE AFGHAN AUTHORITIES ENCOURAGING PROTECTION OF SEVERAL ALLEGED MASS GRAVE SITES

(POST'S RESPONSE IS IN

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REFTEL B.) ONE OF THESE SITES, IN THE SHEBERGHAN AREA, MAY BE THE SAME AS THE SITE REPORTED THIS WEEK BY NEWSWEEK AND PHR.

5. (C//REL TO ATA) ACTION REQUEST: DEPARTMENT REQUESTS AMBASSADOR PLEASE ENGAGE ATA AT THE HIGHEST LEVELS AND DELIVER THE FOLLOWING POINTS:

--U.S. IS CONCERNED ABOUT RECENT ALLEGATIONS OF MASS KILLINGS LATE LAST YEAR AND A MASS GRAVE SITE IN NORTHERN AFGHANISTAN;

--AS YOU KNOW, THERE HAVE BEEN A NUMBER OF SIMILAR ALLEGATIONS ARISING FROM THE PERIOD OF THE SOVIET OCCUPATION AS WELL AS AFGHANISTAN'S LONG CIVIL CONFLICT;

--WE BELIEVE THESE ALLEGATIONS CONCERN SERIOUS MATTERS, AND WE BELIEVE INVESTIGATION IS WARRANTED;

--WE ALSO BELIEVE THAT YOUR ACTIVE PURSUIT OF THESE SERIOUS ISSUES WILL CONTRIBUTE DIRECTLY TO STRENGTHENING THE ITGA AND AIDING AFGHANISTAN IN HEALING THE WOUNDS OF THE PROLONGED CONFLICT;

--WE WELCOME PRESIDENT KARZAI'S ANNOUNCEMENT THAT THE GOVERNMENT WILL INVESTIGATE THESE ALLEGATIONS.

--WE URGE YOU TO CONSIDER WHAT YOU CAN DO TO SECURE AND PRESERVE POTENTIAL EVIDENCE AT THE ALLEGED MASS BURIAL SITES, AS WELL AS TO PROTECT POTENTIAL WITNESSES;

--WE ARE PREPARED TO DISCUSS WAYS IN WHICH YOU MIGHT BE ASSISTED IN SUCH EFFORTS.

END POINTS.

6. (C) ACTION REQUEST, CONTINUED: DEPARTMENT ALSO REQUESTS THAT AMB. FINN PLEASE APPROACH BRAHIMI TO DETERMINE IF AND HOW THE UN CAN ASSIST, BUT NOT LEAD, THE ITGA, IN ITS INVESTIGATION OF THIS MATTER. AMBASSADOR SHOULD ALSO SEEK CONFIRMATION OF PRESS REPORTS THAT THE UN PARTICIPATED IN THE INITIAL INQUIRY INTO EVENTS AT DASHT-I-LEILI. IF TRUE, HAS THE UN PREPARED ITS OWN REPORT THAT CAN BE SHARED WITH THE USG? IN ADDITION, IS THE UN OFFERING TO ASSIST THE

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ITGA IN INVESTIGATING THIS AND OTHER ALLEGATIONS OF HUMAN
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DEPARTMENT OF DEFENSE
OFFICE OF FREEDOM OF INFORMATION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

AUG 06 2007

Ref: 06-F-2045

Mr. Leonard S. Rubenstein
Executive Director
Physicians for Human Rights
1156 15th Street, NW
Washington, DC 20005

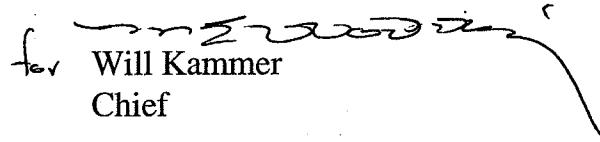
Dear Mr. Rubenstein:

This is an interim response to your June 21, 2006, Freedom of Information Act request on behalf of Physicians for Human Rights. Your request seeks access to records for the time period of November 2001 to the present, relating to the existence or reported existence of a mass grave at Dasht-e-Leili in Afghanistan; an accounting for Taliban or other prisoners who surrendered or were captured at Konduz; the deaths or alleged deaths of Taliban or other prisoners in or subsequent to transit from Konduz to Sheberghan prison; meetings between General Tommy Franks and Afghan President Hamid Karzai; any investigation called for or conducted regarding alleged deaths of Taliban prisoners in the vicinity of Sheberghan; reports by human rights organizations and the meeting regarding the mass grave site at Dasht-e-Leili; correspondence by U.S. military forces, intelligence, and the State Department with the United Nations, or other states and international organizations regarding the alleged death of Taliban or other prisoners in containers or burial in the Dasht-e-Leili site; involvement of U.S. forces with respect to the arrival of containers with prisoners in them at Sheberghan; and policies regarding the reporting of U.S. military and intelligence personnel of deaths or mistreatment of prisoners in the custody of a third party.

The Office of the Executive Services Directorate, which maintains the official files for the Office of the Secretary of Defense and the Deputy Secretary of Defense, located the enclosed six documents responsive to your request. Mr. Jeffrey M. Nadaner, an Initial Denial Authority for the Office of the Deputy Assistant Secretary of Defense for Stability Operations Capabilities, has determined that some of the excised information is exempt from release pursuant to 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals. I additionally have determined that further excised information is exempt from release pursuant to 5 U.S.C. § 552(b)(6). Please note that a search for additional responsive records is still being conducted in this Office.

If you are not satisfied with this action, you may submit an administrative appeal to James Hogan, Chief, Policy, Appeals, and Litigation Branch, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301-1155. Your appeal should be postmarked within 60 days of the date of this letter, should cite to case number 06-F-2045, and should be clearly marked "Freedom of Information Act Appeal." Although you have the right to file an administrative appeal at this time, I suggest that you wait until the processing of this request has been completed and all of the interim releases are made before filing an appeal. There are no fees associated with this response in this instance.

Sincerely,


Will Kammer
Chief

Enclosures:

As stated

(1)

OFFICE OF THE DEPUTY SECRETARY OF DEFENSE
The Military Assistant

12 March 2003 - 1532 Hours

MEMORANDUM FOR: MR. MARSHALL BILLINGSLEA, PDASD / SOLIC

SUBJECT: Securing Mass Gravesites in Afghanistan

Sir:

Please note the edits by Kevin Kellems on the proposed response to Mr. Rubenstein. The letter should be revised accordingly and returned to this office for signature..

Thank you.

Very respectfully,

[Redacted]
Colonel, USMC
Military Assistant to the
Deputy Secretary of Defense

Attachment

OSD U02306/03

Afghanistan

18 Mar 03

U-02306-03



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



Mr. Leonard S. Rubenstein
Physicians for Human Rights
1156 15th Street, NW
Suite 1001
Washington, DC 20005

Dear Mr. Rubenstein:

~~I attended~~
The meeting we hosted in the Pentagon
for you and your colleagues in the
human rights community was very informative,
constructive and useful.

Thank you for meeting with me and letting me know about the activities of
Physicians for Human Rights in Afghanistan. Your organization has done important
work in documenting several suspect gravesites from the Afghan civil war.

Q Your request for security of those sites should be made through the UN High
Commissioner for Human Rights and the Afghan government. The request should
include specific dates, locations, and number of persons who will need security.

Your letter also alleges that U.S. forces may have witnessed law of armed conflict
violations around the Shibergan Prison near Mazar-e Sharif early in Operation Enduring
Freedom. Our investigation in early 2002 showed these allegations to be unfounded. We
would of course examine any new evidence you have on this matter.

I appreciate your interest and support on the important issue of human rights.

Sincerely,

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FEB 19 2003

ACTION MEMO

FOR: DEPUTY SECRETARY OF DEFENSE

FROM: Marshall Billingslea, Principal Deputy Assistant Secretary of Defense
for Special Operations and Low-Intensity Conflict

SUBJECT: Securing Mass Gravesites in Afghanistan

- The letter at TAB A responds to Leonard Rubenstein of Physicians for Human Rights (PHR), who sent you a letter requesting that the USG provide security at mass gravesites in Afghanistan as a follow-up to your December meeting with NGOs concerned with Afghanistan (PHR letter at TAB B).
- Physicians for Human Rights has been actively involved in investigating mass gravesites in Afghanistan, both through UN auspices and on its own.
- Physicians for Human Rights posts its reports and letters to public officials on its website (TAB C) (to date, responses are not posted, but we should assume the letter to you and your response might be).
- The UN will be assisting the government of Afghanistan with investigations of some of the sites. It would seem appropriate that the UN also provide the security.
- Neither the UN nor the Afghan Government has made a request for USG provision of security at mass gravesites.

RECOMMENDATION: Sign letter at TAB A.

COORDINATION: TAB D

Attachments:

As Stated

Prepared by: [REDACTED] and [REDACTED] SO/LIC Stability Operations. 1102306 103
Approved by: Joseph Collins, DASD for Stability Operations

FEB 20 2003 / 1447

TPB A



DEPUTY SECRETARY OF DEFENSE

**1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010**



Mr. Leonard S. Rubenstein
Physicians for Human Rights
1156 15th Street, NW
Suite 1001
Washington, DC 20005

Dear Mr. Rubenstein:

Thank you for meeting with me and letting me know about the activities of Physicians for Human Rights in Afghanistan. Your organization has done important work in documenting several suspect gravesites from the Afghan civil war.

Your request for security of those sites should be made through the UN High Commissioner for Human Rights and the Afghan government. The request should include specific dates, locations, and number of persons who will need security.

Your letter also alleges that U.S. forces may have witnessed law of armed conflict violations around the Shibergan Prison near Mazar-e Sharif early in Operation Enduring Freedom. Our investigation in early 2002 showed these allegations to be unfounded. We would of course examine any new evidence you have on this matter.

I appreciate your interest and support on the important issue of human rights.

Sincerely,



100 Boylston St.,
Suite 702
Boston, MA 02116
T: 617-695-0041
F: 617-695-0307
www.phrusa.org

[Chronology of PHR Activities in Afghanistan](#)
[Preliminary Assessment of Alleged Mass Gravesites; View Photos](#)

[Press Releases:](#)
[Sept. 19, 2002](#)
[Sept. 13, 2002](#)
[August 22, 2002](#)
[August 13, 2002](#)
[May 2, 2002](#)

[Press:](#)
[Washington Post](#)
[PHR on NBC](#)
[Salon.com](#)

[Letters:](#)
[Donald Rumsfeld](#)
[Colin Powell](#)
[President Karzai](#)

[PHR Reveals Appalling Conditions at Shebarghan Prison](#)

[Afghanistan Resources](#)

Letter

Physicians for Human Rights Letter to Donald Rumsfeld

Chronology of PHR Investigations and Activities in Afghanistan

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 Kunduz 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



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[Colin Powell](#)
[President Karzai](#)

[PHR Reveals](#)
[Angling](#)
[Conditions at](#)
[Sheberghan](#)
[Prison](#)

[Afghanistan](#)
[Resources](#)

Letter

Physicians for Human Rights

Letter to Colin Powell

Chronology of PHR Investigations and Activities in Afghanistan

August 20, 2002

Hon. Colin Powell
Secretary of State
US Department of State
Washington, DC 20520

Dear Secretary Powell:

We write respectfully to request your immediate action to initiate a Security Council resolution for a UN-sponsored investigation of alleged violations of the laws of war in Afghanistan in connection with the surrender of Taliban fighters in Northern Afghanistan last November.

As you are aware, Newsweek Magazine issued a lengthy report on the deaths of hundreds or possibly thousands of Taliban combatants captured after the fall of Kunduz. The report, based on witness accounts, follows preliminary forensic investigations by Physicians for Human Rights, first in February and then in April-May (the latter in connection with the UN), in which we discovered a mass grave site in January. In early March we concluded that protection of the site and an investigation of the grave was essential and met with and shared our forensic findings with the Defense Department and State Department confidentially and sought support for actions to initiate an independent investigation and discourage tampering with the site. Since then no action has been taken by the U.S.

We appreciate that yesterday a State Department spokesman stated that "we are looking into" the facts through the Embassy in Kabul. That step alone, however, is insufficient, since a full-fledged scientific investigation of the site is essential, and an investigation will only be seen as credible if conducted under the auspices of the United Nations. We therefore urge the United States to put forward a resolution at the United Nations Security Council that directs the United Nations to form a Commission of Inquiry to fully investigate the grave site, gather all available information about the incident, and if possible, determine those responsible for the recent murder of captured combatants. If they establish evidence of war crimes, the U.S. should stand ready to take the lead in establishing an international tribunal to try those responsible.

The resolution should instruct and empower the multinational force within Afghanistan to immediately secure and protect the mass grave site as well as all known witnesses, and commission the exhumation of remains in keeping with scientific best practices.

Simultaneously, the United States should take immediate steps to

secure the mass grave site and protect the premises from tampering in the period before international investigators arrive to conduct a complete, impartial investigation. An unknown number of the survivors of the convoy are detained in Shebarghan Prison, which is under the control of General Dostum's forces. It is vital that appropriate international monitors be stationed within the prison to deter abuses against them. Witness protection during this dangerous period is also crucial. We urge you to make it a priority.

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. We stand ready to assist in any independent fact-finding process that is established for Afghanistan.

Sincerely,

Leonard S. Rubenstein
Executive Director



Full Report

Preliminary Assessment of Alleged Mass Gravesites in the Area of Mazar-I-Sharif, Afghanistan: January 16-21 and February 7-14

A Report by
Physicians for Human Rights
 Boston • Washington DC

Table of Contents

- [Background](#)
- [Introduction](#)
- [Findings](#)
- [Conclusions](#)
- [Recommendations](#)

Background

Physicians for Human Rights (PHR) is an organization of health professionals, scientists, and concerned citizens that uses knowledge and skills of the medical and forensic sciences to investigate and prevent violations of international human rights and humanitarian law.

PHR has for the past four years reported on the status of health and human rights among Afghan women. Long before the world was seized with the conduct of the Taliban regime, PHR undertook survey research of women's health and human rights, first in a 1998 report, *The Taliban's War on Women* and most recently in a 2001 report, *Women's Health and Human Rights in Afghanistan*. The report can be viewed in full on the web site. The latter survey of about 750 women showed the stunning deterioration of women's health, both physical and mental health, under the Taliban regime.

In January 2002, PHR released a report on *Conditions at Shebarghan Prison, Northern Afghanistan*. The report documents the deplorable conditions at Shebarghan prison where the PHR investigators found severe overcrowding, non-existent sanitation, exposure to winter cold, inadequate food and no medical supplies, resulting in epidemic illness and deaths. The report, which also demands an urgent expansion of the international security force, concludes that conditions at the prison are in grave violation of international standards for prisoners.

In 1997 the United Nations High Commissioner for Human Rights requested that PHR participate in a preliminary assessment of reports of mass graves in northern Afghanistan. In December of that year a PHR forensic scientist sent by our organization traveled to Mazar-I-Sharif with a team led by the UN Special Rapporteur for Human Rights in

Afghanistan. The team visited a number of locations alleged to be sites where executed prisoners were buried.

We at PHR believe that to understand and account for serious violations of international humanitarian law that have occurred in Afghanistan over a twenty-three year period is a crucial component of the current reconstruction process.

Proper examination of bodies found in mass graves and dignified burial of remains, are essential elements of a truth and accountability process. We believe such a process is also critical for future peace and stability.

Introduction

In January 2002, PHR sent a three person fact-finding delegation to Afghanistan. Preliminary information regarding gravesites was compiled by PHR board member Dr. Jennifer Leaning and consultant John Heffernan on a visit to the Northern Afghanistan area on January 16-21, 2002. The team spent five days in Mazar-I-Sharif collecting information on several alleged mass grave sites. As a follow-up to the January trip, in February PHR sent two forensic anthropologists to conduct an independent forensic assessment that took place from February 7-14, 2002.

Both teams investigated sites that are related to recently alleged atrocities as well as sites that date back four to five years. The two gravesites, which are believed to contain recently disposed human remains, (within the last few months) are located at a site near Mazar-I-Sharif and at another site near the town of Shebarghan.

It is alleged that the site near Shebarghan could have been the disposal ground of some of the Taliban fighters who had surrendered to the Northern Alliance in November and December 2001.

The visits to the other sites, which allegedly occurred in 1997-1998, were conducted at the request of local Hizb-I-Wahdet party officials. The local party leaders identified 13 purported Hazara gravesites in the Mazar-I-Sharif. A number of the sites that were visited relate to incidents dating to the conflict over the occupation of Mazar-I-Sharif by the Taliban between 1997-98. PHR recognizes that there have been reports of many other non-Hazara alleged mass gravesites in the Mazar-I-Sharif area, but due to time constraints and access, these were the only sites visited.

The first PHR visit to gravesites in the Mazar-I-Sharif vicinity took place on January 18, 2002. The mass gravesite near Shebarghan was first visited by the earlier PHR delegation on January 20th.

Findings

The first seven sites listed below, which were visited in the company of the Hizb-I-Wahdet local party leadership, are reported to be Hazara gravesites that relate to incidents dating between 1997 and 1998. Sites eight and nine were independently visited by PHR investigators and allegedly contain remains from more recent conflicts.

Interviews of local witnesses were conducted for all sites visited.

Site #1:1

Gravesite visited on: January 18 and February 9, 2002

General Information: The site is alleged by some witnesses to contain 2,000 victims. Others contend the number of victims is far less.

Findings and Observations: The grave area was probed by the PHR Investigators by digging several test pits in order to determine the horizontal length of the uppermost subsurface remains, (The dimensions of the test site measured 5m x 2.3m.). The surface of the grave had been disturbed from previous digging. Surface human skeletal elements consisted of one complete cranium, cranial fragments, right scapula, right ulna, femur, two left fibulae and an assortment of ribs and vertebrae. The crania, femur and left innominate represented male individuals and all elements represented adult individuals. The bones were disassociated and some demonstrated postmortem fractures and evidence of scavenging. In addition to human skeletal remains, clothing, an illegible ID card, and a fragment of a 1,000.00 Afghani bill were observed.

Prior to departure, all test pits were filled.

Summary of Witness Statements: One eyewitness stated to PHR that this site contains the remains of over 2,000 victims from the conflict to capture the city of Mazar-I-Sharif in 1998.

Another independent account of an eyewitness reported to PHR states that bodies were brought to the gravesite by the Taliban after the fall of Mazar-I-Sharif over a period of two days. It is estimated by the eyewitness that the site contains as many 500 victims.

Another account states that bodies were brought to the gravesite in Russian Kamos flatbed trucks. According to this report, some people were killed at the site and some bodies were brought to the site already dead. It was also reported that some of the dead bodies had their hands tied behind their backs.



View towards
the west

(click on image
to enlarge)



View towards
the northeast

(click on image
to enlarge)

Site #2:

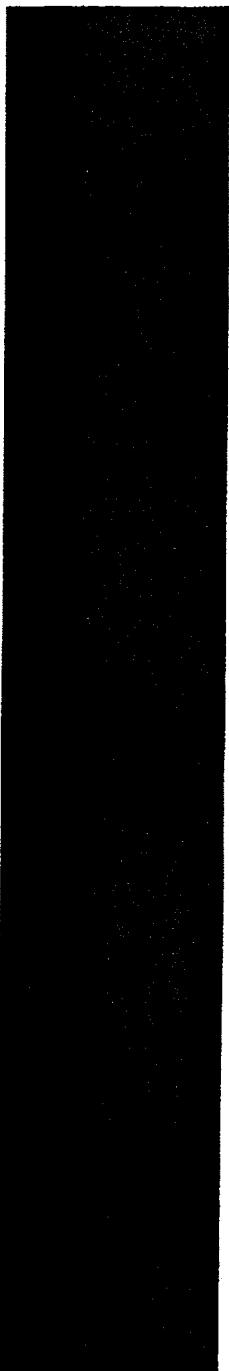
Visited on: January 18 and February 9, 2002 (two separate visits on that day)

General Information: On the February 9 visit, the site was independently visited in the afternoon and several interviews were conducted.

Findings and Observations: The graves were located approximately 4m apart. Grave #1 located north of the adobe wall, is alleged to contain the remains of seven men, who were found dead with their hands tied behind their backs. Clothing and the partial skeletal remains of a single individual were visible from an area that had been previously disturbed by digging activity of locals. Grave #2 located south of the adobe wall, is alleged to contain the remains of 10 male victims. A single military-type boot and parts leg protruded from the ground. These were attached to subsurface remains. The grave had recently been disturbed during the course of agricultural activity.

Summary of Witness Statements: According to independent interviews conducted by PHR in the afternoon, the remains in these graves allegedly are those of "Bamyan Fighters" who had been caught and killed by the Taliban. Apparently, unfamiliar with the area around Mazar-I-Sharif, they became lost when fleeing from Mazar-I-Sharif when the Taliban took the city (1997/1998) and were killed in the village of Yaka Tut. The deaths allegedly took place over a three-day period during Ramadan, three days after the Taliban captured Mazar-I-Sharif. The witness told PHR that the bodies were left in the open for approximately two weeks, before local residents felt secure enough to bury them in these graves.

Approximately 20 villagers were also alleged to have been killed during this period. Their families buried them. The PHR scientific delegation received several accounts by villagers of disappearances. Among these were a twelve year old boy and three adult males who never returned from Mazar-I-Sharif. The village elder was jailed by the Taliban for 18 days and then released.



Grave #2 -
Visible remains.

(click on image
to enlarge)



Grave #1 -
Visible remains.

(click on image
to enlarge)

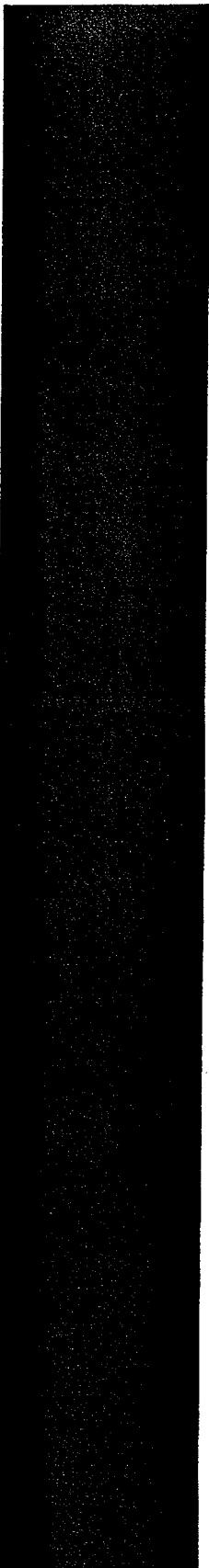
Site #3:

Visited on: January 18 and February 9, 2002

General Information: This site consists of 'L'-shaped trench of varying shallow depth. The remains were found at one end of the trench.

Findings and Observations: Commingled human and animal skeletal remains, as well as clothing were observed. The general appearance of this site was more of a deposit, rather than an exposed burial.

Summary of Witness Statements: According to one informant, over 50 people were killed at this site. The surviving family members are reported to have fled. There are no eyewitnesses to this event.



Trench.

(click on image
to enlarge)



Remains visible
in trench.

(click on image
to enlarge)

Site #4:

Visited: February 12, 2002

General Information: Four unmarked gravesites were stated to be in the area, two of which were pointed out to PHR by villagers. Each of these graves were said to contain one person.

Summary of Witness Statements: According to the villagers this is an exclusively Tajik village. The victims in the four graves are alleged to be Taliban who died in combat with General Dostum's Uzbek soldiers three years ago and then were buried by the villagers because dogs were scavenging the bodies. The Taliban soldiers allegedly killed seventeen villagers in the first days of their attack on Mazar-I-Sharif. They reportedly died in crossfire between Taliban and Uzbek/Hazara fighters.

Site #5:

Visited on: February 12, 2002

General Information: Reportedly this site contains over 400 victims. The gravesite consists of several graves in a cemetery, each allegedly containing several bodies.

Summary of Witness Statements: According to witness statements collected by PHR, the majority of the population of this part of

Mazar-I-Sharif belongs to the Hazara ethnic group. When the Taliban occupied Mazar-I-Sharif, looting, killing and kidnappings reportedly took place in this part of town over a period of four to five days. According to one witness, about 50 civilians were killed and about 20 to 25 were kidnapped and subsequently 'disappeared'. The victims were all Hazara and followers of the Shia religion. Reportedly, none of them were fighters. The bodies were left out in the street out of fear of reprisal over the period of several days, after which permission was requested and granted by the governor of Balkh province to bury them. The cemetery gravedigger estimates that there are between 80 and 100 victims, men and women, but no children. He told PHR that he buried bodies in several graves at the cemetery.



Cemetery.

(click on image
to enlarge)

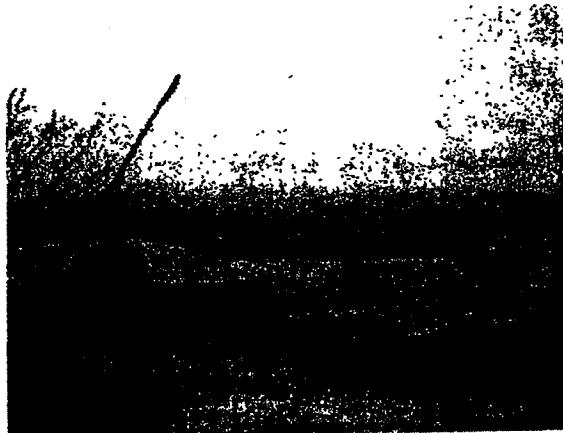
Site #6:

Visited on: January 18 and February 13, 2002

General Information: According to witnesses interviewed by PHR, 78 victims are reportedly buried here. The graves were located in two areas of the village. Grave #1 is situated alongside the road at the entrance to the village and consists of several separate traditional adobe grave mounds. Grave #2 consists of several separate traditional adobe mounds in the village cemetery. The village is largely destroyed.

Summary of Witness Statements: According to the witnesses interviewed by PHR, 2 women and 68 men were killed by the Taliban in house to house searches in 1997. The village was abandoned and most inhabitants escaped to Mazar-I-Sharif. After three days they returned and re-captured the village, reportedly killing 20 Taliban fighters. The village was held for a year after this incident, until the Taliban re-captured the village in 1998. Grave #1 contains the remains of 49 men and 1 woman. Grave #2 contains the remains of 19 men and 1 women.

The majority of the village population were allied with the Wahdat. Some were allied with a Shia faction of Harakat. This village is located in view of the Mazar-I-Sharif airport (approx. at 1km distance). One informant told PHR that, in the past, the village provided 30 fighters dedicated to guarding the airport along with other Jumbish and Jamiat troops.



Cemetery - view towards airport.

(click on image to enlarge)

Site #7:

Visited on: February 13, 2002

General Information: No estimate of the number of victims at this site was forthcoming.

Summary of Witness Statements: According to a witness interviewed by PHR, when the Taliban came to the village for the first time, they killed approximately 15 villagers, mutilating some of the bodies. Some villagers were also arrested and taken away, never to be seen again. Since Pashtuns occupied the village after this incident, the families were not allowed to bury the remains at the local cemetery. They took the remains to a village where they were buried. This is a Hazara village, where most are allied to the Wahdat, and some to the Harakat factions.

When the Taliban took the village, they invited approximately 200 Pashtun refugee families from Iran, who had fled there from the Helmand region, to settle in the houses abandoned by the Hazara. This was stated as a reason why their village had not been destroyed. Currently no Pashtuns are in the village and 160 Hazara families have returned.

Site #8:

Visited on: January 20 and February 10, 2002 (near Shebarghan)

General Information: The site is situated on the western side of the dirt road and consists of a large area with evidence of heavy machinery movement, including track and blade marks. It is alleged, and there is speculation from well-informed international observers, that this site could have been the disposal ground of some of the Taliban fighters who surrendered to the Northern Alliance in November and December of 2001.

PHR investigators on both visits were told, by a number of sources, that there continues to be no reliable accounting for the numbers of prisoners resulting from the fall of Kunduz and Mazar-I-Sharif. These sources include members of international organizations, Afghan officials, community members and journalists.

Findings and Observations: The site can be divided into three separate areas:

1. Area I is a flattened rectangle of ground marked by several parallel paths, consistent with tracks that are left behind by a vehicle with a blade. This graded and flattened out area forms a rectangle measuring 60m in a west to east direction and 16.5m in north to south direction. Its northern side is located approximately 30m north of Area II and its southern side is located about 27m south of Area III.
2. Area II, is a disturbed area adjacent to Area I. This surface is churned up and scarred by the marks of vehicles or large machinery, such as might be left behind when vehicles of this type turn and move around.

An array of disassociated skeletal elements were strewn on the surfaces of Areas I and II. Some bones were absent flesh, bleached, and degreased with no residual soft tissue. Others were less weathered, retained odor, grease and vestigial soft tissue. Three pelvic elements were observed, all were males. Ages ranged from late teens ranging to middle age. The majority of bones had been scavenged. Shoes, prayer caps and prayer beads, and other wearing apparel were found.

All clothing was in relatively good condition, exhibiting minimal weathering or fading.

3. Area III is a slight mound that contained a concentration of disassociated human skeletal remains and scattered clothing items. A large fragment of a leg prosthesis was observed. Other human skeletal material was dispersed throughout the general area and across the road. Dog tracks were prominent throughout the site and animals had gnawed many of the bones.

Witnesses Interviewed: Witnesses were interviewed by PHR.

Summary of Witness Statements: One witness, who drove by the site early in the morning, reported to PHR that he passed the site sometime between late December 2001 and early January 2002, and observed six container trucks backed into the site with their backdoors open and cabs facing the paved road. Another witness saw three trucks in a T-formation. Both witnesses observed men covering their faces (as if avoiding bad odors) and armed guards who prompted them to take a different path to the main road.

According to another witness, many bodies of soldiers who died in the container transports were taken to an area, near the perimeter of the gravesite.

Another witness reported that on about January 5, 2002, he drove by the site and observed and photographed two mounds that allegedly contained the bodies of Taliban soldiers. These mounds were "flattened" out by the time he drove by there a second time with the PHR team on January 20, 2002.

While at the site on February 10 the PHR forensic team interviewed two

witnesses. They stated that the grave in this location dated from four years ago and that it contained the victims who had been killed by Commander Malik's troops.

Local witnesses reported that shortly after the end of Ramadan (end of November/beginning of December 2001) bulldozers were seen at work in the area, which was closely guarded by soldiers. He stated that he believed that the bulldozers were there because dead bodies had been brought there during the night, when villagers were not allowed out. Soldiers guarding the area did not allow locals to observe what was going on.

The second witness stated to PHR that he believed the dead were brought there on one day. He said that he remembered seeing one container truck and two bulldozers. He believes that this happened towards the end of Ramadan 2001.



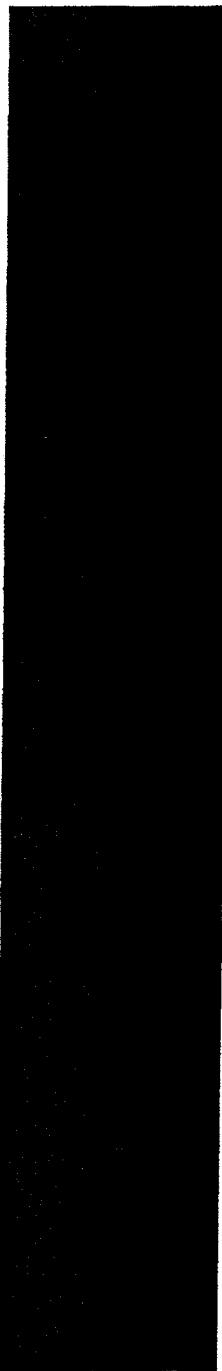
View towards the east, overlooking Area I. Area II is located to the north (left side of the photo). Area III is located south (right of the photo).

(click on image to enlarge)



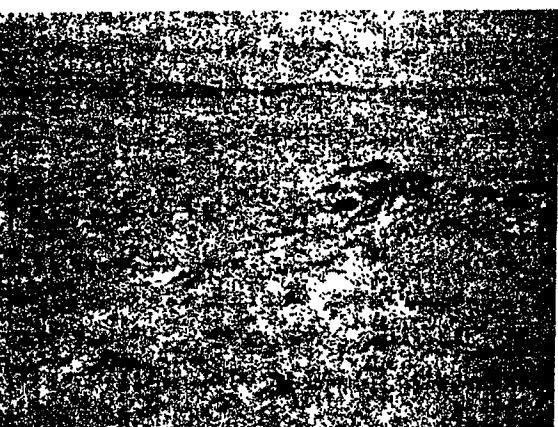
View towards the east, overlooking Area III.

(click on image to enlarge)



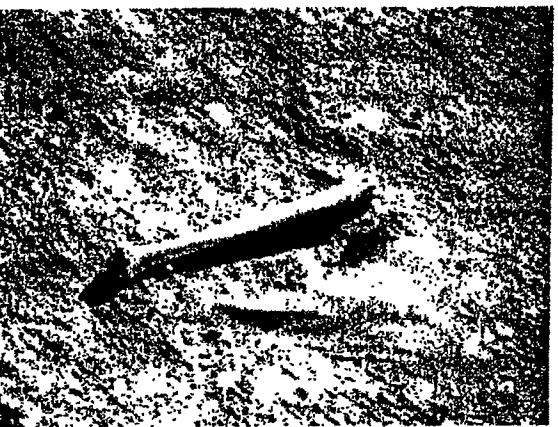
**View towards
the west,
overlooking
Area II.**

(click on image
to enlarge)



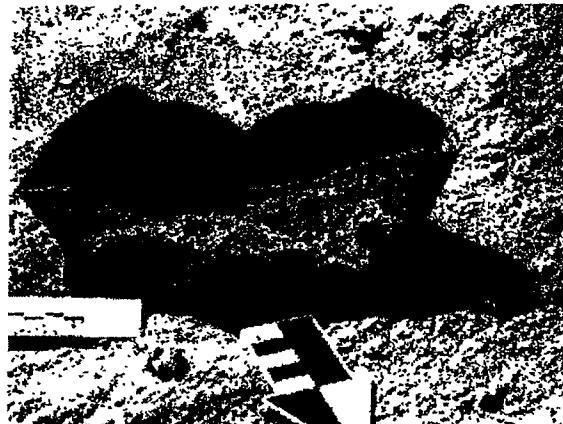
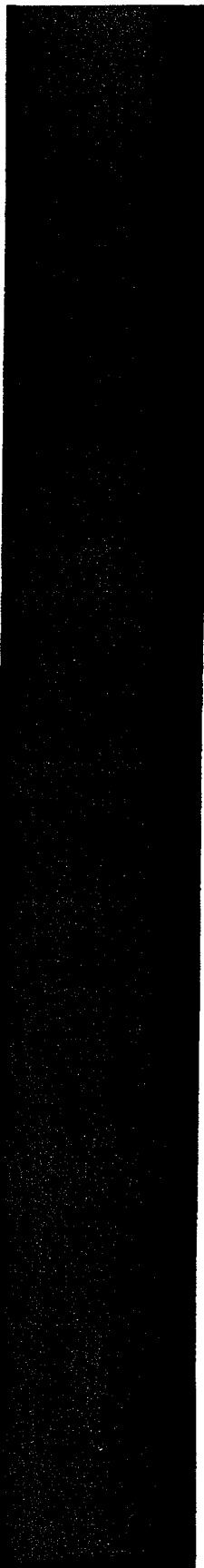
**Area II:
Scattered
Human Skeletal
Remains.**

(click on image
to enlarge)



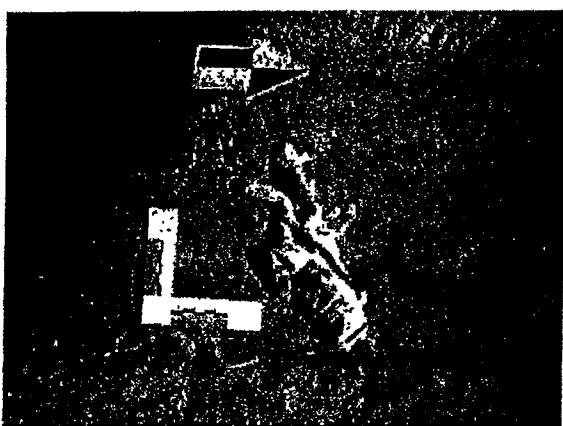
Human Tibia.

(click on image
to enlarge)



Clothing
remains: skull
cap.

(click on image
to enlarge)



Rubber glove.

(click on image
to enlarge)

Site #9:

Visited on: February 13, 2002 (near Mazar-I-Sharif)

General Information: The expansive area is littered with both exploded, and unexploded ordinances consisting of large artillery-type projectiles and empty cartridge casings. PHR was led to this site by two witnesses. The site was identified as the place where they had taken their dead after the Taliban captured their village.

Observations and Findings: There are a cluster of several approximately 30 to 50m long and 3m deep excavated trenches. In one of these trenches, the PHR scientists observed scattered skeletal remains of several individuals. Other bodies protrude from shallow burials within the trench. At the end of this trench remnants of several plaster leg casts were observed.

The surrounding surface area is littered with partially decomposed and scavenged human remains, extracted by vultures and dogs from a shallow grave. In total, there were a minimum of 30 remains scattered about this area, and several more protruding from the burial area outside of the trench. There are also many clothing items scattered about the surface.

Preliminary observations were that all individuals, with the exception of one were adult males. The exception was a young male in his mid to late teens.

Summary of Witness Statements: According to witnesses interviewed by PHR, villagers were killed by the Taliban after the capture of Mazar-I-Sharif. Bodies were deposited/buried in the trench that now holds the remains of more recent and decomposing human remains. The latter remains were deposited there after the fall of Mazar-I-Sharif to the Northern Alliance in November 2001 and are alleged to belong to "Pakistani Taliban."



Trench containing unexploded ordinance and human remains.

(click on Image to enlarge)



Trench containing unexploded ordinance and human remains.

(click on Image to enlarge)



Human remains.

(click on image
to enlarge)



Human remains.

(click on image
to enlarge)

Conclusion

On the basis of the two investigations, PHR concludes:

1. All the sites visited by PHR teams contained human remains consistent with their designation as possible gravesites, which warrant further investigation.
2. There is evidence of recent disposal of human remains at two sites. One site is near the city of Shebarghan and the other is near the city of Mazar-I-Sharif. The site outside of Shebarghan is a short distance from the city's prison.
3. Several sources reported that the bodies at the Shebarghan site include Taliban prisoners from the recent coalition war in the north, who were transported to these sites in truck containers. These reports cannot be confirmed or refuted without forensic examination of the bodies.
4. There is no reliable accounting for the numbers of prisoners resulting from the recent falls of Mazar-I-Sharif or Kunduz. As reported to PHR from several sources, the Taliban prisoners currently in Shebarghan prison originated from several different incidents and locations. According to one eyewitness, some of the prisoners were transported to the prison in containers after the fall of Mazar-I-Sharif to the Northern Alliance.
5. The mass gravesites shown to the PHR teams by the Hazara local

leadership appear to contain both combatants and non-combatants from several different stages of the various campaigns in the conflict in the north over the last five years.

6. The number of victims in these graves can not be determined without exhumation.

Recommendations

On the basis of direct observations, interviews with local eyewitnesses on site and extensive discussions with local and International representatives conducted by PHR's initial delegation in January 2002 and the forensic assessment in February 2002, PHR recommends the following:

1. All alleged mass gravesites should be protected by the Interim Administration of Afghanistan and the international community to prevent further disturbance until thoroughly investigated. Particularly, the site near Shebarghan, which reportedly contains the remains of Taliban prisoners from the recent conflict.
2. The exposed remains currently being scavenged at a number of the gravesites should be buried, so as to preserve the remains for future investigation, particularly site number nine where there has been significant scavenging of surface remains.
3. Responsible authorities should urgently account for the numbers of Taliban prisoners allegedly taken from Kunduz.
4. Responsible authorities should conduct an overall independent accounting of prisoners and prisoner movement throughout Afghanistan is needed.
5. The people of Afghanistan have been victim to atrocities for many years. It is important that alleged past, present and ongoing human rights violations and war crimes be investigated regardless of ethnicity or political affiliation of the perpetrator or victim. An impartial accounting of these atrocities, as suggested in the proposed truth commission, should be vigorously pursued by the Afghan government with assistance from the international community.

Notes:

1. For security reasons all names and locations have been removed from this report.

Physicians for Human Rights (PHR) promotes health by protecting human rights. Since 1986, PHR members have worked to stop torture, disappearances, and political killings by governments and opposition groups; to improve health and sanitary conditions in prisons and detention centers; to investigate the physical and psychological consequences of violations of humanitarian law in internal and international conflicts; to defend medical neutrality and the right of

civilians and combatants to receive medical care during times of war; to protect health professionals who are victims of violations of human rights; and to prevent medical complicity in torture and other abuses.

The International Forensic Program (IFP) of Physicians for Human Rights is directed by Dr. Haglund, a forensic anthropologist with extensive experience in death investigations and in the exhumation and examination of mass graves. He has testified before the International Tribunals for the former Yugoslavia and Rwanda.

PHR shared the 1997 Nobel Peace Prize for its role as a founding member of the International Campaign to Ban Landmines. For more information, visit www.phrusa.org

Leonard S. Rubenstein is Executive Director. Susannah Sirkin is Deputy Director.

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washingtonpost.com

Seeking The Truth In Afghan Graves

By Leonard S. Rubenstein

Wednesday, August 21, 2002; Page A17

Throughout its campaign to immunize U.S. military peacekeepers from the jurisdiction of the International Criminal Court, the Bush administration has defended its commitment to identify and prosecute perpetrators of mass murder and other war criminals.

As evidence, administration officials cite their support for the ad hoc tribunals for Rwanda and the former Yugoslavia, their placement of a career lawyer from the Defense Department as lead prosecutor for the new Sierra Leone tribunal and their diplomatic efforts to establish an effective tribunal in Cambodia. And yet in Afghanistan, where the United States has had the greatest power to ensure investigation of possible mass atrocities and ensure that the guilty are brought to justice, until now they did nothing.

For months, evidence has accumulated that many of the Taliban fighters who surrendered after the fall of Mazar-e Sharif and Kunduz last November were killed by Northern Alliance forces under the control of Gen. Abdurrashid Dostum. Eyewitnesses report that the prisoners died of asphyxiation after being transported in sealed containers to the Sheberghan prison. The number of dead is not known, but the current issue of Newsweek, citing the accounts of survivors and drivers of the container trucks, estimates hundreds or even thousands of deaths.

The clues to finding the truth lie in mass graves near the prison. A comprehensive forensic investigation could reveal the number of dead, who they are and how they died -- and lead to a determination of who was responsible. In January, two investigators from Physicians for Human Rights (PHR) discovered a mass grave site, and in February PHR's forensic scientists found fresh remains. In early March, we shared the information about our discoveries with the State and Defense departments, as well as with the United Nations and the Afghan government. We urgently sought American military protection of the sites from the high risk of tampering, and we asked for an immediate and thorough investigation of the graves.

Only the United States is in a position to ensure the security essential to allowing an investigation to go forward. On moral grounds, too, an especially compelling reason exists for U.S. action: The perpetrator of the alleged war crime is its own military ally.

The administration's response, though, has been inadequate. The Pentagon has refused to provide security for an investigation, much less conduct one. It has even refused to acknowledge that anything untoward may have taken place in the prisoner surrenders last fall.

The United States has often warned those who commit war crimes that somewhere, somehow, they will be discovered and pursued -- and for good reason. The lesson of postwar Bosnia, Rwanda and East Timor has been that stability cannot occur without accountability for missing persons and human rights violations. Here the evidence of war crimes is sitting in those graves, waiting to reveal its truth.

Action is essential before the evidence is destroyed. The Bush administration this week promised to move forward. To be most effective, it should initiate a Security Council resolution to form a U.N. commission of inquiry that will conduct a credible and independent investigation of the prisoners' fate. Otherwise, the United States risks the very political manipulation of war crimes investigations that it claims (erroneously, I believe) is a flaw in the International Criminal Court. Multinational forces should provide the security and the administration should provide the resources needed to enable such an investigation to succeed. U.S.

allies may be innocent. But they may be guilty of mass murder. It is time to find out.

The writer is executive director of Physicians for Human Rights.

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United States Department of State

Washington, D.C. 20520

SEP 19 2008

Case No.: 200802926

Mr. Leonard Rubenstein
Executive Director
Physicians for Human Rights
1156 15th St. NW
Washington, DC 20005

Dear Mr. Rubenstein:

I refer to our letter dated August 4, 2008 regarding the release of certain Department of State material under the Freedom of Information Act (Title 5 USC Section 552).

We have determined that it is no longer necessary to withhold any portion of one document that had been released in part with our previous letter. One document therefore may now be released in full. All released material is enclosed.

Sincerely,

Margaret P. Grafeld
for Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosure:

As stated.

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[SERL] STATE 160166

[TAGS] KJUS, PHUM, PREL, KAWC, AF

[TITLE] SUBJECT: ENGAGING ATA ON ALLEGED MASS GRAVE SITE

[TEXT]

REF: (A) STATE 63415, (B) KABUL 506

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Dept. of State, A/ISS/IPS, Margaret P. Grafeld, Dir.
 Release () Excise () Deny () Declassify
 Date 9-15-08 Exemption _____

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PAGE 02 STATE 160166 220350Z

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(B) AND (D)

1. (U) THIS IS AN ACTION REQUEST; SEE PARAS 5 AND 6.
2. (C) THIS WEEK A NEWSWEEK ARTICLE AND A PRESS RELEASE BY U.S. NGO PHYSICIANS FOR HUMAN RIGHTS (PHR) REPORTED INFORMATION REGARDING ALLEGED MASS KILLINGS IN NORTHERN AFGHANISTAN LAST NOVEMBER, AS WELL AS AN ALLEGED MASS GRAVE SITE IN DASHT-E LEILI NEAR SHEBERGHAN. THE

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DEPARTMENT BELIEVES THESE ALLEGATIONS MERIT INVESTIGATION.

3. (C) ACCORDING TO THESE REPORTS, BETWEEN 2000 AND 3000 TALIBAN AND FOREIGN FIGHTERS WERE CAPTURED IN KUNDUZ LAST NOVEMBER BY NORTHERN ALLIANCE FORCES UNDER THE COMMAND OF GENERAL DOSTUM. THE PRISONERS WERE SAID TO HAVE BEEN LOADED ONTO CONTAINER TRUCKS FOR TRANSPORT TO SHEBERGHAN PRISON. DURING TRANSPORT MANY, PERHAPS THOUSANDS, ARE SAID TO HAVE DIED FROM ASPHYXIATION, HEAT AND LACK OF WATER. NEWSWEEK CLAIMS THAT ITS STORY IS BASED ON INTERVIEWS WITH DRIVERS OF THE CONTAINER TRUCKS AND OTHER WITNESSES, WHO CLAIMED DOSTUM'S SOLDIERS PREVENTED THEM FROM PROVIDING RELIEF OR ASSISTANCE TO THE PRISONERS. WITNESSES REPORTEDLY STATED THAT IN DECEMBER DOSTUM'S MEN BLOCKED ACCESS TO THE DASHT-E LEILI AREA, AND THAT CONTAINER TRUCKS AND BULLDOZERS WERE ACTIVE AT THE ALLEGED BURIAL SITE.

4. (C) IN EARLY APRIL, DEPARTMENT REQUESTED IN REFTEL A THAT POST DEMARCHE AFGHAN AUTHORITIES ENCOURAGING

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PAGE 03 STATE 160166 220350Z

PROTECTION OF SEVERAL ALLEGED MASS GRAVE SITES REPORTED CONFIDENTIALLY BY PHR TO DEPARTMENT. (POST'S RESPONSE IS IN REFTEL B.) ONE OF THESE SITES, IN THE SHEBERGHAN AREA, MAY BE THE SAME AS THE SITE REPORTED THIS WEEK BY NEWSWEEK AND PHR.

5. (C//REL TO ATA) ACTION REQUEST: DEPARTMENT REQUESTS AMBASSADOR PLEASE ENGAGE ATA AT THE HIGHEST LEVELS AND DELIVER THE FOLLOWING POINTS:

--U.S. IS CONCERNED ABOUT RECENT ALLEGATIONS OF MASS KILLINGS LATE LAST YEAR AND A MASS GRAVE SITE IN NORTHERN AFGHANISTAN;

--AS YOU KNOW, THERE HAVE BEEN A NUMBER OF SIMILAR ALLEGATIONS ARISING FROM THE PERIOD OF THE SOVIET OCCUPATION AS WELL AS AFGHANISTAN'S LONG CIVIL CONFLICT;

--WE BELIEVE THESE ALLEGATIONS CONCERN SERIOUS MATTERS, AND WE BELIEVE INVESTIGATION IS WARRANTED;

--WE ALSO BELIEVE THAT YOUR ACTIVE PURSUIT OF THESE SERIOUS ISSUES WILL CONTRIBUTE DIRECTLY TO STRENGTHENING THE ITGA AND AIDING AFGHANISTAN IN HEALING THE WOUNDS OF THE PROLONGED CONFLICT;

--WE WELCOME PRESIDENT KARZAI'S ANNOUNCEMENT THAT THE GOVERNMENT WILL INVESTIGATE THESE ALLEGATIONS.

--WE URGE YOU TO CONSIDER WHAT YOU CAN DO TO SECURE AND PRESERVE POTENTIAL EVIDENCE AT THE ALLEGED MASS BURIAL SITES, AS WELL AS TO PROTECT POTENTIAL WITNESSES;

--WE ARE PREPARED TO DISCUSS WAYS IN WHICH YOU MIGHT BE

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PAGE 04 STATE 160166 220350Z

ASSISTED IN SUCH EFFORTS.

END POINTS.

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6. (C) ACTION REQUEST, CONTINUED: DEPARTMENT ALSO REQUESTS THAT AMB. FINN PLEASE APPROACH BRAHIMI TO DETERMINE IF AND HOW THE UN CAN ASSIST, BUT NOT LEAD, THE ITGA, IN ITS INVESTIGATION OF THIS MATTER. AMBASSADOR SHOULD ALSO SEEK CONFIRMATION OF PRESS REPORTS THAT THE UN PARTICIPATED IN THE INITIAL INQUIRY INTO EVENTS AT DASHT-I-LEILI. IF TRUE, HAS THE UN PREPARED ITS OWN REPORT THAT CAN BE SHARED WITH THE USG? IN ADDITION, IS THE UN OFFERING TO ASSIST THE ITGA IN INVESTIGATING THIS AND OTHER ALLEGATIONS OF HUMAN RIGHTS ABUSES?

7. (U) PLEASE SLUG RESPONSE FOR S/WCI, SA AND DRL.

8. (U) KABUL MINIMIZE CONSIDERED.

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AFGHANISTAN SIGNIFICANT OPERATIONS

Karshi

Mazar-E-Sharif

NON-RESPONSIVE

Baqi

AMB
SP
PROSPER SUPPOSEDLY WANTS TO MEET
WITH THE BIG 3 (DOSTUM /DAOUD/ATTA) AND
VISIT DASHT-I-LEILI, SITE OF A POSSIBLE MASS
GRAVE OUTSIDE OF SHEBREGHAN.

NON-RESPONSIVE

Shindand *
Ghazni
Khost

NON-RESPONSIVE

Karwan
Kandahar

Jacobabad

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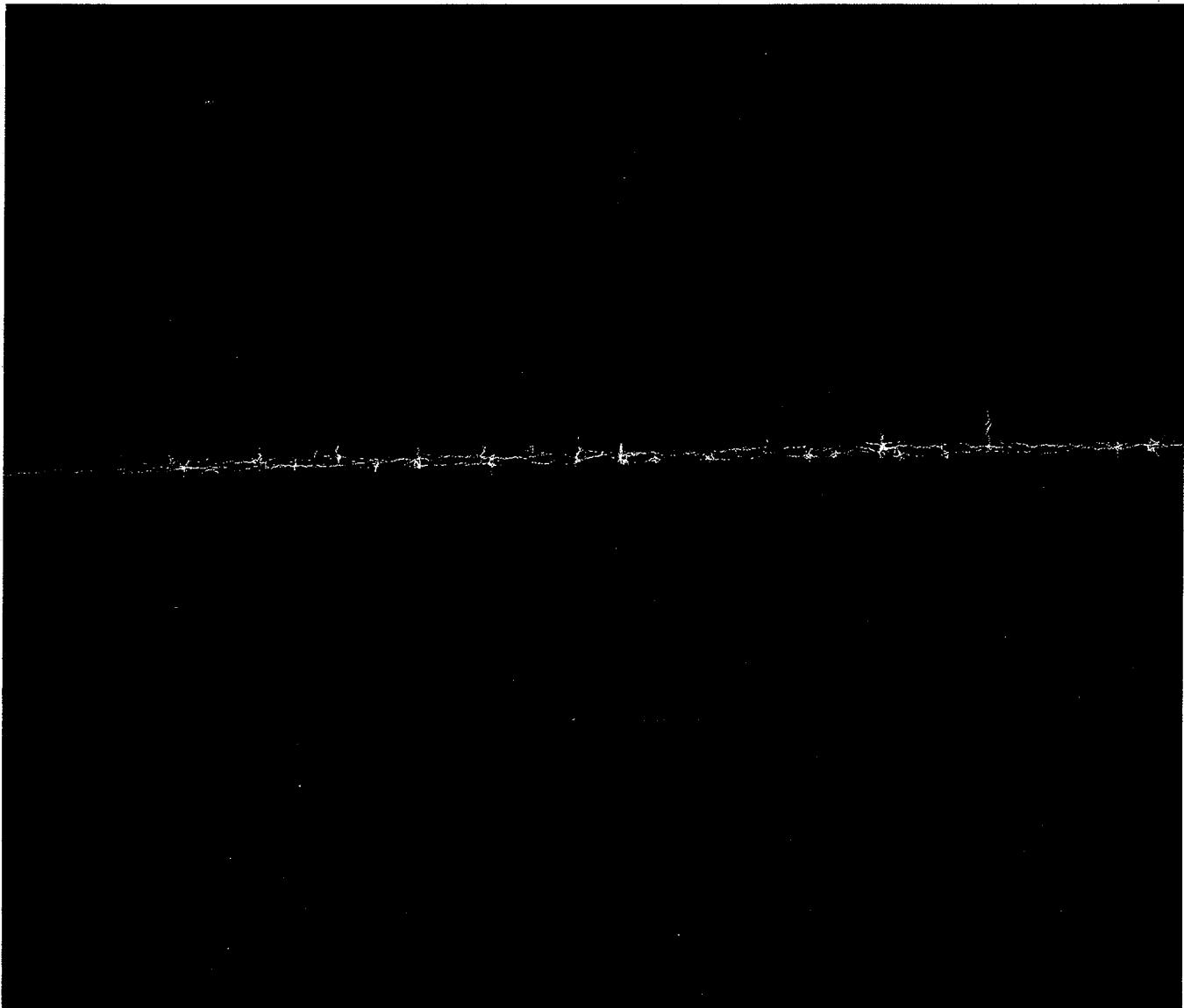
(S/REL US AS CAN UK NZ) The UN Forensics Team's Final Report Issued this Month Reveals that the Mass Grave at Daoudi in Bamian Showed Evidence of Taliban Executions

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of Hazaras and that the Grave at Sheberghan Confirmed the Suffocation of a Number of
Taliban Prisoners held by the Northern Alliance. [REDACTED]

Non-Responsive

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- Karzai asked about Newsweek article on Taliban asphyxiated in containers and buried in mass graves. Requested US-Afghan joint statement expressing that US and Afghan government should not be neglectful of this issue, having "set a higher standard for human life."



~~SECRET~~

Mazar-I-Sharif belongs to the Hazara ethnic group. When the Taliban occupied Mazar-I-Sharif, looting, killing and kidnappings reportedly took place in this part of town over a period of four to five days. According to one witness, about 50 civilians were killed and about 20 to 25 were kidnapped and subsequently 'disappeared'. The victims were all Hazara and followers of the Shia religion. Reportedly, none of them were fighters. The bodies were left out in the street out of fear of reprisal over the period of several days, after which permission was requested and granted by the governor of Balkh province to bury them. The cemetery gravedigger estimates that there are between 80 and 100 victims, men and women, but no children. He told PHR that he buried bodies in several graves at the cemetery.



Cemetery.

(click on image
to enlarge)

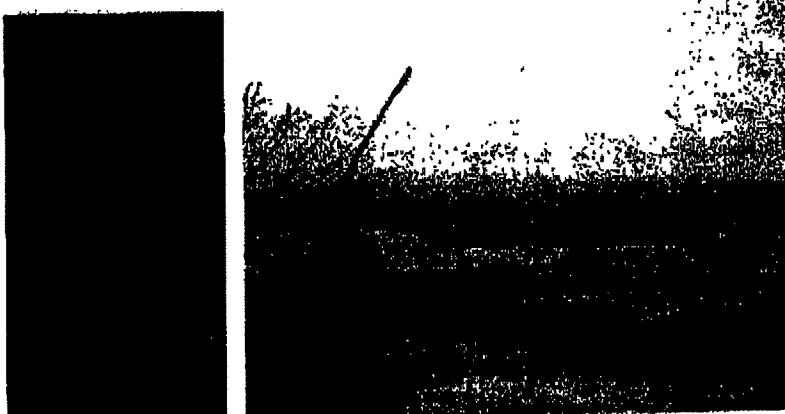
Site #6:

Visited on: January 18 and February 13, 2002

General Information: According to witnesses interviewed by PHR, 78 victims are reportedly buried here. The graves were located in two areas of the village. Grave #1 is situated alongside the road at the entrance to the village and consists of several separate traditional adobe grave mounds. Grave #2 consists of several separate traditional adobe mounds in the village cemetery. The village is largely destroyed.

Summary of Witness Statements: According to the witnesses interviewed by PHR, 2 women and 68 men were killed by the Taliban in house to house searches in 1997. The village was abandoned and most inhabitants escaped to Mazar-I-Sharif. After three days they returned and re-captured the village, reportedly killing 20 Taliban fighters. The village was held for a year after this incident, until the Taliban re-captured the village in 1998. Grave #1 contains the remains of 49 men and 1 woman. Grave #2 contains the remains of 19 men and 1 women.

The majority of the village population were allied with the Wahdat. Some were allied with a Shia faction of Harakat. This village is located in view of the Mazar-I-Sharif airport (approx. at 1km distance). One informant told PHR that, in the past, the village provided 30 fighters dedicated to guarding the airport along with other Jumbish and Jamiat troops.



Cemetery - view towards airport.

(click on Image to enlarge)

Site #7:

Visited on: February 13, 2002

General Information: No estimate of the number of victims at this site was forthcoming.

Summary of Witness Statements: According to a witness interviewed by PHR, when the Taliban came to the village for the first time, they killed approximately 15 villagers, mutilating some of the bodies. Some villagers were also arrested and taken away, never to be seen again. Since Pashtuns occupied the village after this incident, the families were not allowed to bury the remains at the local cemetery. They took the remains to a village where they were buried. This is a Hazara village, where most are allied to the Wahdat, and some to the Harakat factions.

When the Taliban took the village, they invited approximately 200 Pashtun refugee families from Iran, who had fled there from the Helmand region, to settle in the houses abandoned by the Hazara. This was stated as a reason why their village had not been destroyed. Currently no Pashtuns are in the village and 160 Hazara families have returned.

Site #8:

Visited on: January 20 and February 10, 2002 (near Shebarghan)

General Information: The site is situated on the western side of the dirt road and consists of a large area with evidence of heavy machinery movement, including track and blade marks. It is alleged, and there is speculation from well-informed international observers, that this site could have been the disposal ground of some of the Taliban fighters who surrendered to the Northern Alliance in November and December of 2001.

PHR Investigators on both visits were told, by a number of sources, that there continues to be no reliable accounting for the numbers of prisoners resulting from the fall of Kunduz and Mazar-I-Sharif. These sources include members of international organizations, Afghan officials, community members and journalists.

Findings and Observations: The site can be divided into three separate areas:

1. Area I is a flattened rectangle of ground marked by several parallel paths, consistent with tracks that are left behind by a vehicle with a blade. This graded and flattened out area forms a rectangle measuring 60m in a west to east direction and 16.5m in north to south direction. Its northern side is located approximately 30m north of Area II and its southern side is located about 27m south of Area III.
2. Area II, is a disturbed area adjacent to Area I. This surface is churned up and scarred by the marks of vehicles or large machinery, such as might be left behind when vehicles of this type turn and move around.

An array of disassociated skeletal elements were strewn on the surfaces of Areas I and II. Some bones were absent flesh, bleached, and degreased with no residual soft tissue. Others were less weathered, retained odor, grease and vestigial soft tissue. Three pelvic elements were observed, all were males. Ages ranged from late teens ranging to middle age. The majority of bones had been scavenged. Shoes, prayer caps and prayer beads, and other wearing apparel were found.

All clothing was in relatively good condition, exhibiting minimal weathering or fading.

3. Area III is a slight mound that contained a concentration of disassociated human skeletal remains and scattered clothing items. A large fragment of a leg prosthesis was observed. Other human skeletal material was dispersed throughout the general area and across the road. Dog tracks were prominent throughout the site and animals had gnawed many of the bones.

Witnesses Interviewed: Witnesses were interviewed by PHR.

Summary of Witness Statements: One witness, who drove by the site early in the morning, reported to PHR that he passed the site sometime between late December 2001 and early January 2002, and observed six container trucks backed into the site with their backdoors open and cabs facing the paved road. Another witness saw three trucks in a T-formation. Both witnesses observed men covering their faces (as if avoiding bad odors) and armed guards who prompted them to take a different path to the main road.

According to another witness, many bodies of soldiers who died in the container transports were taken to an area, near the perimeter of the gravesite.

Another witness reported that on about January 5, 2002, he drove by the site and observed and photographed two mounds that allegedly contained the bodies of Taliban soldiers. These mounds were "flattened" out by the time he drove by there a second time with the PHR team on January 20, 2002.

While at the site on February 10 the PHR forensic team interviewed two

Report: Preliminary Assessment of Alleged Mass Gravesites

http://www.phrusa.org/research/afghanistan/report_graves.html

witnesses. They stated that the grave in this location dated from four years ago and that it contained the victims who had been killed by Commander Malik's troops.

Local witnesses reported that shortly after the end of Ramadan (end of November/beginning of December 2001) bulldozers were seen at work in the area, which was closely guarded by soldiers. He stated that he believed that the bulldozers were there because dead bodies had been brought there during the night, when villagers were not allowed out. Soldiers guarding the area did not allow locals to observe what was going on.

The second witness stated to PHR that he believed the dead were brought there on one day. He said that he remembered seeing one container truck and two bulldozers. He believes that this happened towards the end of Ramadan 2001.



View towards the east, overlooking Area I. Area II is located to the north (left side of the photo). Area III is located south (right of the photo).

(click on Image to enlarge)



View towards the east, overlooking Area III.

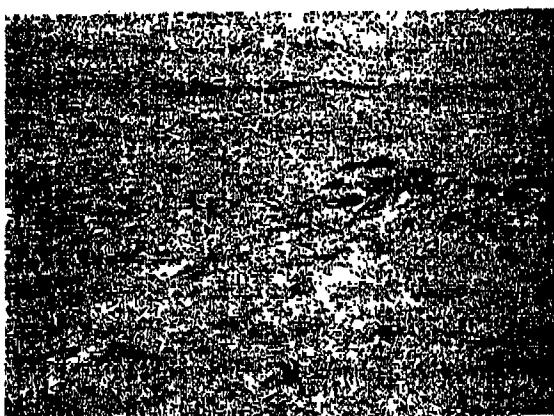
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Report: Preliminary Assessment of Alleged Mass Gravesites

http://www.phrusa.org/research/afghanistan/report_graves.htm

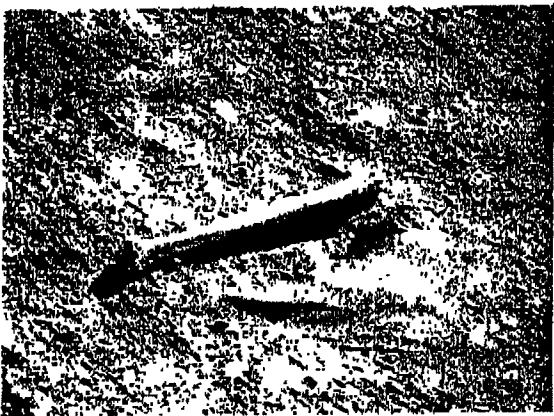
**View towards
the west,
overlooking
Area II.**

(click on image
to enlarge)



**Area II:
Scattered
Human Skeletal
Remains.**

(click on image
to enlarge)



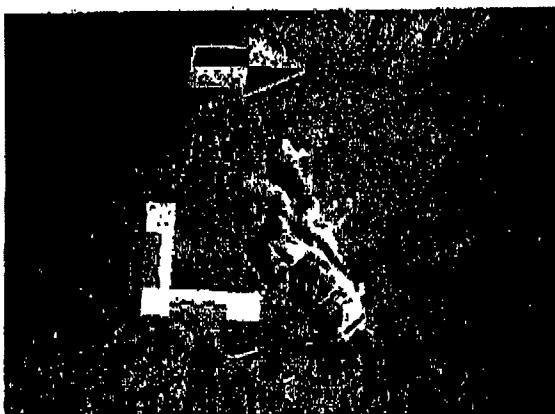
Human Tibia.

(click on image
to enlarge)



Clothing
remains: skull
cap.

(click on image
to enlarge)



Rubber glove.

(click on image
to enlarge)

Site #9:

Visited on: February 13, 2002 (near Mazar-I-Sharif)

General Information: The expansive area is littered with both exploded, and unexploded ordinances consisting of large artillery-type projectiles and empty cartridge casings. PHR was led to this site by two witnesses. The site was identified as the place where they had taken their dead after the Taliban captured their village.

Observations and Findings: There are a cluster of several approximately 30 to 50m long and 3m deep excavated trenches. In one of these trenches, the PHR scientists observed scattered skeletal remains of several individuals. Other bodies protrude from shallow burials within the trench. At the end of this trench remnants of several plaster leg casts were observed.

The surrounding surface area is littered with partially decomposed and scavenged human remains, extracted by vultures and dogs from a shallow grave. In total, there were a minimum of 30 remains scattered about this area, and several more protruding from the burial area outside of the trench. There are also many clothing items scattered about the surface.

Preliminary observations were that all individuals, with the exception of one were adult males. The exception was a young male in his mid to late teens.

Summary of Witness Statements: According to witnesses interviewed by PHR, villagers were killed by the Taliban after the capture of Mazar-I-Sharif. Bodies were deposited/buried in the trench that now holds the remains of more recent and decomposing human remains. The latter remains were deposited there after the fall of Mazar-I-Sharif to the Northern Alliance in November 2001 and are alleged to belong to "Pakistani Taliban."



Trench containing unexploded ordinance and human remains.

(click on image to enlarge)



Trench containing unexploded ordinance and human remains.

(click on image to enlarge)



Human remains.

(click on image
to enlarge)



Human remains.

(click on image
to enlarge)

Conclusion

On the basis of the two investigations, PHR concludes:

1. All the sites visited by PHR teams contained human remains consistent with their designation as possible gravesites, which warrant further investigation.
2. There is evidence of recent disposal of human remains at two sites. One site is near the city of Shebarghan and the other is near the city of Mazar-I-Sharif. The site outside of Shebarghan is a short distance from the city's prison.
3. Several sources reported that the bodies at the Shebarghan site include Taliban prisoners from the recent coalition war in the north, who were transported to these sites in truck containers. These reports cannot be confirmed or refuted without forensic examination of the bodies.
4. There is no reliable accounting for the numbers of prisoners resulting from the recent falls of Mazar-I-Sharif or Kunduz. As reported to PHR from several sources, the Taliban prisoners currently in Shebarghan prison originated from several different incidents and locations. According to one eyewitness, some of the prisoners were transported to the prison in containers after the fall of Mazar-I-Sharif to the Northern Alliance.
5. The mass gravesites shown to the PHR teams by the Hazara local

leadership appear to contain both combatants and non-combatants from several different stages of the various campaigns in the conflict in the north over the last five years.

6. The number of victims in these graves can not be determined without exhumation.

Recommendations

On the basis of direct observations, interviews with local eyewitnesses on site and extensive discussions with local and international representatives conducted by PHR's initial delegation in January 2002 and the forensic assessment in February 2002, PHR recommends the following:

1. All alleged mass gravesites should be protected by the Interim Administration of Afghanistan and the international community to prevent further disturbance until thoroughly investigated. Particularly, the site near Shebarghan, which reportedly contains the remains of Taliban prisoners from the recent conflict.
2. The exposed remains currently being scavenged at a number of the gravesites should be buried, so as to preserve the remains for future investigation, particularly site number nine where there has been significant scavenging of surface remains.
3. Responsible authorities should urgently account for the numbers of Taliban prisoners allegedly taken from Kunduz.
4. Responsible authorities should conduct an overall independent accounting of prisoners and prisoner movement throughout Afghanistan is needed.
5. The people of Afghanistan have been victim to atrocities for many years. It is important that alleged past, present and ongoing human rights violations and war crimes be investigated regardless of ethnicity or political affiliation of the perpetrator or victim. An impartial accounting of these atrocities, as suggested in the proposed truth commission, should be vigorously pursued by the Afghan government with assistance from the international community.

Notes:

1. For security reasons all names and locations have been removed from this report.

Physicians for Human Rights (PHR) promotes health by protecting human rights. Since 1986, PHR members have worked to stop torture, disappearances, and political killings by governments and opposition groups; to improve health and sanitary conditions in prisons and detention centers; to investigate the physical and psychological consequences of violations of humanitarian law in internal and international conflicts; to defend medical neutrality and the right of

civilians and combatants to receive medical care during times of war; to protect health professionals who are victims of violations of human rights; and to prevent medical complicity in torture and other abuses.

The International Forensic Program (IFP) of Physicians for Human Rights is directed by Dr. Haglund, a forensic anthropologist with extensive experience in death investigations and in the exhumation and examination of mass graves. He has testified before the International Tribunals for the former Yugoslavia and Rwanda.

PHR shared the 1997 Nobel Peace Prize for its role as a founding member of the International Campaign to Ban Landmines. For more information, visit www.phrusa.org

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Seeking The Truth In Afghan Graves

By Leonard S. Rubenstein

Wednesday, August 21, 2002; Page A17

Throughout its campaign to immunize U.S. military peacekeepers from the jurisdiction of the International Criminal Court, the Bush administration has defended its commitment to identify and prosecute perpetrators of mass murder and other war criminals.

As evidence, administration officials cite their support for the ad hoc tribunals for Rwanda and the former Yugoslavia, their placement of a career lawyer from the Defense Department as lead prosecutor for the new Sierra Leone tribunal and their diplomatic efforts to establish an effective tribunal in Cambodia. And yet in Afghanistan, where the United States has had the greatest power to ensure investigation of possible mass atrocities and ensure that the guilty are brought to justice, until now they did nothing.

For months, evidence has accumulated that many of the Taliban fighters who surrendered after the fall of Mazar-e Sharif and Kunduz last November were killed by Northern Alliance forces under the control of Gen. Abdur Rashid Dostum. Eyewitnesses report that the prisoners died of asphyxiation after being transported in sealed containers to the Sheberghan prison. The number of dead is not known, but the current issue of Newsweek, citing the accounts of survivors and drivers of the container trucks, estimates hundreds or even thousands of deaths.

The clues to finding the truth lie in mass graves near the prison. A comprehensive forensic investigation could reveal the number of dead, who they are and how they died -- and lead to a determination of who was responsible. In January, two investigators from Physicians for Human Rights (PHR) discovered a mass grave site, and in February PHR's forensic scientists found fresh remains. In early March, we shared the information about our discoveries with the State and Defense departments, as well as with the United Nations and the Afghan government. We urgently sought American military protection of the sites from the high risk of tampering, and we asked for an immediate and thorough investigation of the graves.

Only the United States is in a position to ensure the security essential to allowing an investigation to go forward. On moral grounds, too, an especially compelling reason exists for U.S. action: The perpetrator of the alleged war crime is its own military ally.

The administration's response, though, has been inadequate. The Pentagon has refused to provide security for an investigation, much less conduct one. It has even refused to acknowledge that anything untoward may have taken place in the prisoner surrenders last fall.

The United States has often warned those who commit war crimes that somewhere, somehow, they will be discovered and pursued -- and for good reason. The lesson of postwar Bosnia, Rwanda and East Timor has been that stability cannot occur without accountability for missing persons and human rights violations. Here the evidence of war crimes is sitting in those graves, waiting to reveal its truth.

Action is essential before the evidence is destroyed. The Bush administration this week promised to move forward. To be most effective, it should initiate a Security Council resolution to form a U.N. commission of inquiry that will conduct a credible and independent investigation of the prisoners' fate. Otherwise, the United States risks the very political manipulation of war crimes investigations that it claims (erroneously, I believe) is a flaw in the International Criminal Court. Multinational forces should provide the security and the administration should provide the resources needed to enable such an investigation to succeed. U.S.

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allies may be innocent. But they may be guilty of mass murder. It is time to find out.

The writer is executive director of Physicians for Human Rights.

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