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## **Afghanistan: Background to the Kunduz airstrike of 4 September 2009**

The following brief on the Kunduz airstrike, which occurred in the early hours of 5 September 2009, is based on Amnesty International's field research in Kunduz between 20-24 October 2009.

It is based on interviews with relatives of the deceased and survivors of the incident, eyewitnesses, the Kunduz Chief of Police, officials from the Afghan Independent Human Rights Commission (AIHRC) and the UN office based in Kunduz. Owing to security concerns, Amnesty International could not visit the actual site of the incident.

Local security officials as well as local village elders told Amnesty International that the air strike killed 142 people. Local elders did identify some of the dead as Taleban fighters.

The village elders provided Amnesty International a list of 83 people killed in the incident who the elders identified as civilians, having no affiliation with the Taleban (this list is included at the end of this document). Amnesty International is unable to verify this information.

The Taleban have gained a strong foothold in the area, particularly in predominantly Pashtun villages who share an ethnic link with the mostly Pashtun Taleban movement based in the country's south. Most of the dead seem to be from predominantly Pashtun villages near the incident, but the list of dead civilians provided by locals includes a few names that appear to be of Hazara ethnicity (the ethnic population of Kunduz comprises Pashtuns, Uzbeks, Tajiks and Hazaras).

### **Timeline of events:**

On 4 September 2009 in the afternoon, two fuel tankers belonging to the German Provincial Reconstruction Team (which is based in Kunduz) were hijacked by the Taleban on the Kunduz-Kabul highway. During the incident, the Taleban killed one driver and another was forced to drive one of the tankers. According to a United Nations official based in Kunduz: "This was not the only tanker hijacking by the Taliban in Kunduz; there were few other hijackings of the Germany PRT supplies in the past."

As the tankers were crossing Kunduz river between Ali Abad and Char Dara districts, the trucks were stuck in the mud. The Taleban then went to the nearest village, Amerkheil, which was about three kilometres away (as well as two other villages with populations whom the Taleban viewed as sympathetic) to get help to move the trucks. At Amerkheil, they obtained two tractors from the villagers and attempted to haul the tankers out of the river. When they failed to pull the tankers out of the river, the Taleban decided to empty the fuel from the tankers and take the empty tankers with them. Each tanker could carry some 50,000 litres, according to eyewitnesses and villagers.

The Taleban allowed the tractor drivers from Amerkheil to inform the residents of their village that they could siphon off the fuel. As word spread in the village and elsewhere about the free fuel, between 10.00 to 11.00 pm the tankers were surrounded by over 100 men and boys emptying the

tankers of the fuel. During this time, armed Taleban fighters were also present at the scene. Officials from AIHRC told Amnesty International that their investigation indicated between 30-40 Taleban were present, while eyewitnesses and villagers said that only a few armed Taleban insurgents were present at the time.

Villagers at the scene told Amnesty International that they heard drones or small air craft circling overhead as they were siphoning off the tankers. The planes circled for more than four hours. One eyewitness told Amnesty International:

“When we heard the planes flying everyone was scared and people began to flee the area at around 10.00 or 11.00 pm but then when people saw that the planes were only flying [and not bombarding] they returned to take the fuel. The number of the people were increasing every minute but after midnight the number started to decrease as many people obtained enough fuel and didn't have enough containers to carry more fuel. It was around 1.00-1.30 am when the planes disappeared...

“At about 1.45am we heard the planes return from our village. I tried to call my brother who was still at the scene. I knew that something was wrong if the planes returned but it seemed that the planes had blocked the telecommunication systems and we couldn't get through to our relatives to call them to come back. Then I saw a big fire coming from plane and a big explosion with fire every where. I could see it from our village. Flames were very high and everyone rushed to the scene because most of the families had their children and family members out there.

“As we arrived at the scene we could see nothing but flames and smoke. At that time it was almost around 3.00 [am] we saw the bodies burned and unidentifiable, others were badly injured and crying. The planes reappeared and then everyone fled in fear of being attacked and targeted. Some people got their family members' bodies but not everyone. We couldn't take the wounded people with us because the planes were still flying and we had to leave them there. As the planes disappeared, we went back and it was very early in the morning - everywhere were many bodies we couldn't identify them at the time. Then every one carried the bodies to the villages and we had to bury some without knowing who they were. There were at least 20 children among the dead.”

Another eyewitness told Amnesty International: “After the incident when we called our relatives and family members the phones were ringing but no one was answering. We went to the scene and saw bodies every where. They were totally burned. My brother was injured and we took him first to the Kunduz provincial hospital and then ICRC came and transferred them to Kabul to the special hospital treating burn cases (Estighlal Hospital). He died because had burns on 90% of his body, along with other eight people there. Of the 12 who were taken to the hospital only two survived: one who had both legs amputated from above knee and another who was severely burned and disfigured.”

According to survivors of the incident, the aircraft did not engage in any effort to warn the people at the scene. In other circumstances in Afghanistan, NATO aircraft may fly low over an area, or even fire warning shots, intended to alert the local population or get them away from an intended target.

An investigative report in German magazine *Speigel Online*, cites what it claims is the officer's report on the incident submitted to the German Defense Ministry: ‘At 1:51 a.m., I decided to give the order [at attack], after that, two American F-15 fighter jets dropped two bombs, hitting two tanker trucks a group of Taliban militants had hijacked more than five hours earlier.’ According to the *Speigel* report: ‘The crews manning the F-15 fighters had asked the German colonel and his forward air controller in Kunduz whether they should first fly their jets at low altitude over the

tankers. Such a "show of force" -- as the method is known in military jargon -- would have given the civilians the opportunity to flee.'

According to *Spiegel*, the German PRT confirmed that the situation posed an "imminent threat" in response to the pilots' query. None of the witnesses of the incident interviewed by Amnesty International suggested any imminent action at the scene. According to a UN official interviewed by Amnesty International, the night of the incident presented clear visibility to any monitoring aircraft.

The German PRT in Kunduz did not provide Amnesty International with any information, citing the need for confidentiality as the investigation was ongoing. He did say, however, that the attack under German command was legitimate as the Taleban wanted to use the tankers with explosives against PRT and this was the basis upon which the decision was made to attack the fuel tankers. He failed to explain why they let the airstrike go ahead when there were many civilians in the vicinity of the tankers.

The Kunduz Police Chief told Amnesty International: "Kunduz police found remnants of light weaponry such as AK – 47s from the scene, which proves that the Taleban fighters were also there. The government estimates that there were between 50-70 Taleban and 30-40 civilians."

After the investigation the government said that out of the total numbers of people killed in the incident only 30 were civilians. The Afghan government provided some compensation to at least 30 families of those who were killed by the airstrike.

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