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November 19, 2021

Dear Secretary Austin:

Media reports alleging grave civilian casualties resulting from a March, 2019 U.S. airstrike in Baghuz, Syria, call for your immediate action. We urge you to convene a formal Court of Inquiry under the Uniform Code of Military Justice, (UCMJ), Art. 135, 10 U.S.C. § 935.

Reports suggest that U.S. military personnel may have committed serious violations of the law of armed conflict by, *inter alia*, failing to take feasible precautions prior to ordering an airstrike that reportedly killed numerous civilian women and children, with recent HQ U.S. Central Command acknowledgement of around 60 likely civilian deaths. If true, U.S. military personnel's precautionary failures may constitute criminal offenses under the UCMJ. Furthermore, reports also suggest willful or criminally negligent failures to report and investigate the above incident—acts and omissions that, if true, represent additional UCMJ violations.

A formal, rigorous, and independent fact-finding tribunal must be appointed to examine both the strike itself and subsequent accountability measures (all reporting and investigative measures, including those not taken). The tribunal should be charged with analyzing both systemic failures and with identifying potential individual criminal conduct. It should identify contributing factors, and provide recommendations to improve both LOAC training and investigations into potential LOAC violations. An unclassified edition of the tribunal's report should be made publicly available as soon as possible to enhance the legitimacy of the United States military.

The Uniform Code of Military Justice provides an appropriate mechanism for your use: a multi-member Court of Inquiry convened pursuant to UCMJ, Article 135 (10 U.S.C. §935). There is [precedent](#) for such an investigation. Given the wide-ranging nature of the potentially criminal misconduct surrounding the March 2019 strike, a similar formal inquiry is warranted. Your appointment of such a



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tribunal, consisting of officers with requisite combined air plus partnered operations experience, would publicly demonstrate the seriousness with which the Department of Defense takes the mitigation of civilian harm.

Separately, we urge you to take concrete actions to protect from retaliation the Air Force judge advocate who helped bring this incident to light. Just as there is individual responsibility for the potential misconduct that killed civilians on the banks of the Euphrates, there is individual responsibility for bringing this incident to light—individual professionalism, courage, and tenacity that deserve praise and promotion.

Sincerely,

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