

# German defence minister defends Kunduz massacre

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One week after taking the oath of office as defence minister, Karl-Theodor zu Guttenberg (Christian Social Union—CSU) justified the Kunduz massacre in Afghanistan. He has publicly endorsed the decision taken by Colonel Georg Klein to order an air strike in Afghanistan September 4 on two fuel tankers, in the course of which well over 100 civilians died.

Guttenberg defended this atrocity, the bloodiest incident in the post-World War II history of the German armed forces, without waiting for the outcome of ongoing investigations. At a press conference in the defence ministry, he declared that the bombardment of the trucks near Kunduz was “militarily appropriate.”

He referred to a recently concluded NATO investigation, which he refuses to make public, and which has so far only been made available to the top officials of Germany’s parliamentary parties.

Guttenberg said that after studying the report, he had no doubt that the views of armed forces inspector general Wolfgang Schneiderhan were correct in their entirety. A few hours after the incident, Schneiderhan had already called the bombardment militarily necessary and appropriate—regardless of the civilian victims.

Guttenberg told the media that he assumed there had also been civilian deaths and he regretted this “from the bottom of his heart.” As to whether the number of such victims was now known, about which there had been conflicting reports over the past several weeks, Guttenberg answered that according to the NATO report, up to 142 people had died. He could not confirm this information, however, because the investigation was not yet completed.

The original investigating authority, the Dresden chief public prosecutor’s office, passed the case on to

the Federal Prosecutor’s Office in Karlsruhe, where no decision has yet been made about further proceedings.

While the official investigation is thus still in its initial phase, and the number of victims has not even been clearly established, Defence Minister Guttenberg defends the actions of the army command and declares the Kunduz mission as militarily “appropriate.” To support this view, he cites the opinion of the highest-ranking German general, who in light of the war crimes of the German army in the first half of the last century is no longer called the general chief-of-staff but inspector general.

Guttenberg’s statement has far-reaching consequences, of which this qualified lawyer is quite conscious. If the legal system does not provide the basis for evaluating the activities of the armed forces, but rather the views of the military leadership itself form such a basis, then the army stands above the law and is not subject to any constitutional control.

Although Guttenberg admitted that the NATO report comes to the conclusion that there had been “procedural errors” and “a lack of training in certain areas,” he added: “Even if there had not been any procedural errors, it [the episode] would still have had led to an air strike.”

Why? The only reason that Guttenberg gives was that from a military perspective it was necessary, and therefore can only be evaluated by the military.

Guttenberg has sought to silence or intimidate all opposition to the cover-up campaign with which the military leadership first denied and then justified the Kunduz massacre. He repeated the improbable statement that the duty officer, Colonel Klein, had ordered the destruction of the two tankers without consulting his superiors because he feared a suicide attack on the German camp in Kunduz and was under

time pressure.

He makes no attempt to respond to the media reports and local investigations that contradict these statements by the military. Already in mid-September, *Der Spiegel* published a map of the area and an exact timeline of the events, which revealed the fuel trucks were hijacked a few hundred metres from the German camp, but afterward were driven some 6 kilometres away until they finally became stuck on a sandbank in the Kunduz River.

It was here the trucks were discovered at around 9:15 p.m. by a US Air Force bomber equipped with night vision technology, which transferred live video recordings to the German base. The hijacked tankers were kept under observation by the plane until midnight, which was then replaced by two F-15 fighter-bombers from 1:08 a.m., which relayed further live pictures until finally at around 1:50 a.m. the deadly bombs were dropped.

Thus, Klein had been able to keep the hijackers under observation for a good four and a half hours before the air strike took place. It is extremely improbable that this commander, described in the media as sensible and reserved, did not consult with his superiors. Moreover, he must have known that the order to attack was contrary to the International Security Assistance Force (ISAF) rules of engagement. These permit the deployment of air support only when soldiers are in combat or face a direct danger. Neither condition prevailed in Kunduz.

Guttenberg told the press conference he could not speak about the details and operational sequence of events because the NATO investigation report was classified as secret. This too is only partially correct. Above all, it was the German military high command that insisted on the report being kept secret.

A NATO spokesman in Brussels stressed that with the completion of the report and its handing over to the German government, the case was now closed as far as NATO was concerned. Everything else was now down to Berlin, Deutsche Presse Agentur (DPA) reported on November 4.

According to other press reports, “high-ranking NATO officers in Brussels,” quoted in the investigation report, had accused the “responsible German officer” of acting against instructions and regulations. Above all, Klein alone could not have ordered the

bombardment by US fighter jets. The decision for the bombardment could only have been taken by the commander of the ISAF Afghanistan security forces, US General Stanley McChrystal.

Several times, Guttenberg has stressed that one of his main objectives involves creating more legal security for the soldiers being deployed. He obviously understands this to mean the freeing of the army command from existing legal restrictions and the establishment of its own military jurisdiction.

It is in this context that the defence minister’s oft-repeated claim that the deployment in Afghanistan is a “non-international armed conflict” should be seen. *Focus*, the German weekly magazine, commented last week that this cumbersome term—“non-international armed conflict” (i.e., a conflict between governmental forces and non-governmental armed groups)—really signified what was “popularly regarded as war.”

In Guttenberg’s opinion, according to the magazine, the military’s actions in Afghanistan should not be judged on the basis of the German penal code designed for peacetime. “Should this view become accepted, it would also end the question as to whether German soldiers fired deadly shots in self-defence or in need: An attack on a militarily legitimate target would be justified.”

Just a few weeks after assuming office, and even before Chancellor Angela Merkel has delivered her first official government statement, the new administration has demonstrated that it stands in the unspeakable tradition of German militarism, which in the past century formed a state within the state and also played such a horrendous role in domestic affairs.



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