

November 18, 2021

Senator Jack Reed  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Reed,

I write to request that the Senate Armed Services Committee launch a formal inquiry to review the findings and implications of a November 13, 2021 *New York Times* report detailing how the U.S. military hid an airstrike in Baghuz, Syria on March 18, 2019 that killed dozens of civilians and was flagged as a potential war crime by legal analysts.<sup>1</sup> The civilian casualties from the strike, and military officials' repeated attempts to conceal the potential war crime appear to demonstrate multiple failures by military and civilian leaders.

The *Times* report succinctly described the scope of the failure:

The Baghuz strike was one of the largest civilian casualty incidents of the war against the Islamic State, but it has never been publicly acknowledged by the U.S. military. The details ... for the first time, show that the death toll was almost immediately apparent to military officials. A legal officer flagged the strike as a possible war crime that required an investigation. But at nearly every step, the military made moves that concealed the catastrophic strike. The death toll was downplayed. Reports were delayed, sanitized and classified. United States-led coalition forces bulldozed the blast site. And top leaders were not notified.

The Defense Department's independent inspector general began an inquiry, but the report containing its findings was stalled and stripped of any mention of the strike.<sup>2</sup>

The *Times* revealed that the Senate Armed Services Committee received information about this strike and the cover-up by military leaders, but individual members of the Committee and their staff were not told about or provided access to these allegations.

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<sup>1</sup> New York Times, Dave Phillips and Eric Schmidt, How the U.S. Hid an Airstrike That Killed Dozens of Civilians in Syria, Nov. 13, 2021, <https://www.nytimes.com/2021/11/13/us/us-airstrikes-civilian-deaths.html>.

<sup>2</sup> *Ibid.*

The *New York Times* investigation also found that the Special Operations task force that undertook the strike repeatedly skirted rules designed to prevent and respond to civilian harm, and that after the strike was flagged as a potential war crime, U.S. military officials at multiple levels circumvented legally mandated reporting and investigation requirements, falsified strike log entries to cover up the incident, bulldozed the blast site, and repeatedly stalled inquiries. The incident raises serious questions about the U.S. military's adherence to international humanitarian law (IHL) – particularly requirements for positive identification of combatants and proportionality assessments – as well as the duty to investigate potential war crimes and hold responsible individuals to account.<sup>3</sup>

The Armed Services Committee has an important role to play in determining the facts about the strike, and the investigations conducted by DoD officials in its aftermath. I therefore request that the Committee immediately launch a formal inquiry into this alleged war crime and cover-up, including hearings – both in public and in executive session so that the Committee can obtain classified testimony – as expeditiously as possible.

This inquiry should compel testimony from officials who exercised authority over this operation and any subsequent investigation and should investigate the legal and policy justifications for the strike; the civilian harm that resulted from the strike; and the U.S. military's response to the reported civilian casualties, including attempts to conceal the civilian toll and block investigations. The Senate Armed Services Committee must seek answers about this strike and its aftermath and hold anyone found to be in violation of law or established procedures to account.

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>3</sup> International Criminal Court, "Rome Statute," <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>