

Afghanistan and the arrogance of the West



Meeting in January 2010 of Christine Buchholz and Jan van Aken with family members of those who died during the Kunduz bombing. On the far right, Abdul Hanan, one of the complainants whose case was dismissed by the court today, can be seen. Abdul Hanan lost both his sons in the bombing.

By Christine Buchholz

On 11 December, the Bonn Regional Court dismissed the compensation case filed by family members of those killed in the Kunduz bombing in Afghanistan. This airstrike, ordered in September 2009 by Colonel Georg Klein on two fuel tankers which had been hijacked and had got stuck in the Kunduz river, caused the death of over one hundred people, including many children. Many of the inhabitants from neighbouring villages had gone there in order to siphon off fuel from the tankers. They fell victim to a war crime.

At the time, the shock and dismay in Germany was tangible and the responsible Defence Minister, Franz Josef Jung (CDU), was later forced to stand down in the face of pressure. Yet the families of the victims are still waiting in vain for a public apology from the Merkel government or appropriate compensation. That is the background against which the court case in Germany was initiated. In the first instance, the goal of the court case is to gain financial compensation, since the families live in abject poverty. Many families lost their bread-winner in the bombing. The aim was also to achieve public recognition of Germany's guilt.

A slap in the face for the victims

However, the Bonn Regional Court has now ruled that the Bundeswehr Commander at the time, Colonel Georg Klein, cannot be proved guilty of a culpable breach of official duties. Only a verdict of this kind could have led to Germany as a state being found liable.

This is slap in the face for the victims and carte-blanche for further war crimes. For it shows that, even where a crime is documented in such minute detail as the 2009 Kunduz bombing, there are no legal consequences in a Nato country.

This judgement fits well in the context of the current debate on a new status of forces agreement between Afghanistan and the USA. This pact is also intended as a blueprint for an agreement on the stationing of German troops beyond 2014. So far, Afghan President Hamid Karzai has refused to sign the agreement and is thus being placed under massive pressure by Nato. One of the reasons for this refusal to sign is the immunity which the agreement would provide for foreign soldiers in Afghanistan.

War crimes are protected by the status of forces agreement

The Bonn ruling highlights the importance of this point. The new status of forces agreement would allow war crimes to continue in future without the victims having an opportunity to sue – either in Afghanistan or anywhere else in the world.

It is precisely this arrogance on the part of the West which will repeatedly trigger new acts of resistance and desperation.

This is illustrated plainly once again by today's attack on a Bundeswehr convoy in the heart of high-security Kabul, which almost coincided with the arrival of the German Defence Minister in Afghanistan on Wednesday morning.

The German government must finally learn from this. Instead of merely talking about troop withdrawal, they should finally begin it. The year 2014 must be the year in which Nato finally completely pulls out of Afghanistan.