[Washington and Kabul Stand in the Way of International Probe Into Kunduz Attack](https://foreignpolicy.com/2015/10/14/washington-and-kabul-stand-in-the-way-of-international-probe-into-kunduz-attack/)

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An international panel said it is prepared to launch an investigation into the botched American airstrike that hit a Médecins Sans Frontières (MSF) hospital in Afghanistan this month, but the probe can’t begin unless both Washington and Kabul sign off — a step the two governments may hesitate to take because of the potential political and legal fallout.

U.S. President Barack Obama has personally apologized for the devastating [strike](https://foreignpolicy.com/2015/10/13/inside-msf-hospital-kunduz-afghanistan-taliban-us-attack/) in Kunduz, which killed 22 people, and the Pentagon has acknowledged that it was a mistake. Washington has promised a full probe into who asked for the strike, who approved it, and why the many safeguards designed to prevent such a tragedy all [failed](https://foreignpolicy.com/2015/10/08/will-heads-roll-at-the-pentagon-for-the-msf-hospital-mistake/) to do so.

So far, however, the White House has refused to allow the International Humanitarian Fact-Finding Commission (IHFFC), a Swiss-based body designed to investigate breaches of humanitarian law, to begin its work. In an email, National Security Council spokesperson Mark Stroh said the White House’s position has not changed since last week, when White House spokesman Josh Earnest told reporters the president had confidence that investigations by the United States, Afghanistan, and NATO would be transparent and truthful. The IHFFC, which was constituted in 1991 and is recognized by 76 states, has never been used in such an investigation and does not have the powers of the National Security Council or the International Criminal Court.

Neither the United States nor Afghanistan has joined the body, but MSF’s international president, Joanne Liu, has said in a statement that the IHFFC’s investigation will be instrumental in determining why humanitarians were not protected under existing rules of war. “We need to know if the rules of war have changed, not just for Kunduz, but for the safety of our teams working in front-line hospitals all over the world,” she said.

MSF, also known as Doctors Without Borders, has made clear that it will not trust any report that is not entirely independent from the Afghan and American governments. The group has claimed that it provided the coordinates of the hospital’s location to Washington as U.S. forces began to up their participation in the Afghan-led effort to reclaim the city from the Taliban, which took over the city of Kunduz at the end of September.

On Wednesday, Liu [said](http://www.msf.org/article/msf-kunduz-attack-ihffc-awaits-us-afghanistan-consent-proceed-independent-investigation) that “apologies and condolences [are] not enough.”

“We are still in the dark about why a well-known hospital full of patients and medical staff was repeatedly bombarded for more than an hour,” she [said](http://www.theguardian.com/global-development/2015/oct/14/kunduz-hospital-bombing-msf-joanne-liu-patients-burned-in-beds-even-wars-have-rules). “We need to understand what happened and why.”

The IHFFC sent a letter on Oct. 7 to both the Afghan and American governments to offer to conduct a probe into the bombing, which went on for more than an hour. MSF has called the attack a war crime.

If Washington turns down the offer from the IHFFC, the Obama administration could signal an unwillingness to offer a full and transparent investigation into what went wrong. But to accept the offer would likely rouse political tensions back home and be seen as Obama caving to pressure from an outside group.

And despite Obama’s apology, the White House has remained firm on its stance that the strike was unintentional and should not be considered a war crime.

“There is no evidence that … I’ve seen or that anybody else has presented that indicate that this was anything other than a terrible, tragic accident,” Earnest said last week.