

Kissinger Watch

issue #10 15 October, 2002

About This Issue

Dear readers,

In our last editorial we expressed our concern about the concerted efforts of the US administration to undermine the work of the International Criminal Court (ICC). In this issue we reproduce articles corroborating what human rights activists have maintained for some time: The US government's mainly worry that charges could be brought against its high-ranking public officials such as Henry Kissinger, who have been accused of having committed grave human rights violations

"In the forefront of the Americans' minds are the continuing assertions from various quarters that Henry Kissinger, the former secretary of state, should be tried as a war criminal for his alleged actions in Indochina, Chile, Indonesia and Cyprus, all of which his spokesmen have dismissed out of hand." (IHT, September 25, 2002, article 1)

We also would like to draw your attention to a new BBC sponsored film by Eugene Jarecki and Alex Gibney "The Trials of Henry Kissinger". The film was launched in US during the Human Rights Watch film festival in NY and is currently shown in cinemas across the US ("Film Forum" in NY, "Visions" in Washington DC). It is also scheduled to be shown on television in Germany, Switzerland in France (Arte). KissingerWatch presented the film in cooperation with a lawyers association in Berlin last August. While it received the expected criticism in the New York Times (Article 4)

"The Trials of Henry Kissinger" is a muckraking effort continued on page 2

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1. U.S. and global criminal court: How much leeway for Washington?

Lee Dembart International Herald Tribune, Wednesday, September 25, 2002

PARIS The outcome of the dispute between the United States and the European Union over the International Criminal Court hinges on two key issues, one that appears close to resolution and one that remains a problem, according to people on both sides of the debate. The apparently easier question is whether the Europeans will accept American assurances that people accused of heinous crimes against humanity will be aggressively prosecuted in U.S. courts, according to an EU diplomat familiar with the situation. The foreign ministers of the 15 EU countries met recently in New York with Secretary of State Colin Powell, and the Europeans were satisfied that they shared a "common approach" with Washington, this person said.

Powell agreed that "no one having committed crimes covered by the jurisdiction of the court should live in impunity," the diplomat said.

No agreement has been reached, and, in fact, the EU will not adopt a formal position until its foreign ministers next meet. But it appears that in the end, the Europeans may be willing to trust the American legal system and to allow people accused of heinous crimes to be extradited to the United States rather than to the Hague and to forgo oversight by the International Criminal Court, which the United States adamantly opposes.

The main sticking point now is the scope of the bilateral agreements that the United States is asking individual countries to sign regarding extradition of potential criminal defendants. The Europeans say that the bilateral agreements, which are permitted under the Rome Statute that created the court, should cover only U.S. forces sent overseas. The Americans want the agreements to cover everyone, including key military commanders and civilian leaders at home.

"If the Iraqis want to haul Colin Powell or Donald Rumsfeld before the ICC 10 years from now, we are not going to allow it," a State Department official closely familiar with the situation said in an interview. "There is too much room for mischief in this court." In the forefront of the Americans' minds are the continuing assertions from various quarters that Henry Kissinger, the former secretary of state, should be tried as a war criminal for his alleged actions in Indochina, Chile, Indonesia and Cyprus, all of

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that will probably play best to the converted. When it does stoop to show the secretary of state dating a parade of starlets, it posits that this was subterfuge to cover his pernicious machinations in Vietnam, East Timor and Chile. It asks, Was Henry Kissinger a ruthless apparatchik or the Devil?, but knows its answer in advance.”

We highly recommend “The Trials of Henry Kissinger” as an invaluable to efforts to raise awareness on the crimes committed by Henry Kissinger (see article 3). We will inform you in a future issue where you can obtain the film for showings.

The last two articles in this issue deal with Latin America:

Twenty-six years after the murder of Orlando Letelier and Ronni Moffitt in Washington DC, the man ultimately responsible – Augusto Pinochet – is still at large and the question of Kissinger’s possible foreknowledge of this act of state terrorism has not yet been satisfactorily answered. (article 5)

Regarding human rights violations in Argentina, newly released documents shed light on the military juntas perception of Kissinger’s Argentina policy. (article 6)

Thanks for your readership

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Past Catches Up —continued from page 1

which his spokesmen have dismissed out of hand.

The International Criminal Court has no retroactive jurisdiction, so Kissinger could not be charged for past actions before that tribunal no matter what. But Washington fears that current or future American leaders could face similar kinds of accusations, and that fear is at the heart of its opposition to the court.

“The issue is one that directly affects individual Americans and quite possibly the highest decision-makers of our country, who could be hauled before this court and be subject to criminal penalties,” said John Bolton, the undersecretary of state for arms control and international security, who has been a leader of U.S. opposition to the court.

Suppose the court’s prosecutor decided at some future time that the U.S. bombing of Afghanistan constituted a war crime. And suppose further that George W. Bush, by then a former president, happened to set foot in Spain. If Spain had signed a bilateral agreement with the United States, it would extradite Bush back to the United States rather than to the International Criminal Court.

So, while the trans-Atlantic allies agree that people who commit war crimes or other crimes against humanity should be prosecuted, they do not yet agree on how broadly such accusations should apply and on whether the international legal mechanisms set up by the Rome Statute can be trusted.

“There is a will on the EU side to try to find a solution that accommodates U.S. concerns as long as this can be done without compromising the integrity and the efficient functioning of the court,” the EU diplomat said.

“When you have close allies and allies that you wish to maintain a close relationship to,” he said, referring to the United States, “then sometimes you are in a position of having to accommodate and take on board their political concerns because they are deep-felt. No one on the European side doubts that the concern is genuinely felt by the U.S. But I don’t think anyone shares the U.S. interpretation of the situation.”

In Washington’s view, the bilateral agreements it is seeking are explicitly permitted by Article 98 Paragraph 2 of the Rome Statute, which created the International Criminal Court in 1998. “What we’re following is a process expressly contemplated by the Rome Statute,” Bolton said in a recent interview.

In fact, he said, during the debate in the UN Security Council in July over the future of peacekeepers in Bosnia, it was the European allies who suggested to the United States that it should pursue its goals by seeking Article 98 agreements.

But the EU legal experts say that Paragraph 2 of Article 98 applies only to soldiers sent to foreign countries and that the United States is improperly trying to broaden it into blanket protection for all U.S. citizens.

Other legal observers also say that the intention of

Article 98 was simply to establish priorities among several governments that might have an interest in prosecuting a particular individual. .

“The government of the suspect and the government on whose territory the crime took place both might want to pursue a crime,” said Kenneth Roth, executive director of Human Rights Watch, which has strongly supported the court and opposes the American position. “What Article 98 says is: It’s O.K. to have an agreement where the government of the suspect goes first.”

The fundamental U.S. opposition to the International Criminal Court is based on Washington’s concerns that the crimes that could be prosecuted in the court are vaguely specified, which would allow considerable prosecutorial discretion and give insufficient protection to the rights of criminal defendants.

For example, the Rome Statute allows prosecution for indiscriminate bombing of an entire city and also for disproportionate bombing, where the harm to nearby civilians is “clearly excessive” in relation to the military advantage. These can be subjective judgments that are open to second-guessing after the fact. Under current international legal standards, if the firebombing of Dresden during World War II and dropping atomic bombs on Hiroshima and Nagasaki happened today, they could be considered war crimes.

Bolton of the State Department also said that the United States objected to the prosecutor in the international court being independent and not subject to democratic accountability, a situation that he described as “the independent counsel statute being written on a global scale.”

He said that “the United States has had extensive experience in this country with the institution of the independent counsel,” which was created after Watergate and intentionally made independent so it would not be subject to political pressure. “After 20 years of experience with the independent counsel statute,” he said, “by an overwhelming bipartisan consensus, we concluded that it was a bad idea.”

“The risk of the prosecutor in the ICC context is functionally the same,” he said. “That is to say, a prosecutor without any supervision by somebody vested with democratic legitimacy.”

Roth of Human Rights Watch disputed that. “The ICC prosecutor is answerable to the most democratic body you can have,” he said, “a global legislature in the form of the Assembly of State Parties,” comprising the 79 governments that have ratified the Rome Statute and joined the court. “The prosecutor can be removed by a mere majority vote,” he said. “You couldn’t have a more accountable system.”

Bolton was asked why other democracies and America’s closest allies, including Britain, did not share Washington’s fears about the court.

“Because they’re not the world’s only remaining superpower,” he said. “The responsibilities we have and the attacks we receive, the politicized criticisms of our actions,

leave us, perhaps, more aware of the risks.”

<http://www.nytimes.com/2002/09/07/international/europe/07COUR.html?ex=1032399627&ei=1&en=db9caee7494106a9>

2. On World Court, U.S. Focus Shifts to Shielding Officials

September 7, 2002

By ELIZABETH BECKER

WASHINGTON, Sept. 6 - The Bush administration is shifting its emphasis in seeking exemptions for Americans from the jurisdiction of the International Criminal Court, telling European allies that a central reason is to protect the country’s top leaders from being indicted, arrested or hauled before the court on war crimes charges, administration officials say.

In most of their public utterances, administration officials have argued that they feared American soldiers might be subject to politically motivated charges. But in private discussions with allies, officials say, they are now stressing deep concerns about the vulnerability of top civilian leaders to international legal action.

As an example of the fear, one senior official pointed to the legal actions brought against former Secretary of State Henry A. Kissinger in Chilean and American courts. The actions were brought by people who accused Mr. Kissinger of aiding in the 1973 coup in Chile and in the ensuing 17-year dictatorship of Gen. Augusto Pinochet.

“The soldiers are like the capillaries; the top public officials - President Bush, Secretary Rumsfeld, Secretary Powell - they are at the heart of our concern,” the senior official said. “Henry Kissinger, that’s what they really care about.”

“They don’t really care about the Lieutenant Calleys of the future,” added the official, referring to Lt. William Calley, who was given a life sentence for the My Lai massacre in Vietnam, but was then paroled.

Officially, the White House today repeated what its spokesmen have said in public speeches and statements: that their primary concern is that American soldiers, and not public officials, would be brought before the court on politically motivated charges.

But they also said protecting top officials has always

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been part of their opposition to the court, which was established this year to prosecute those charged with genocide and crimes against humanity.

“We do not make the distinction between ranks here,” said Sean McCormack, the spokesman for the National Security Council. “Our concern is politicized prosecutions of everyone - our servicemen and women and government officials.”

State Department officials also acknowledged the concern about protecting top American officials and pointed to a speech in May by Mark Grossman, under secretary of state for political affairs, who said the administration “must insure that our soldiers and government officials are not exposed to the prospect of politicized prosecution and investigations.”

Using this new argument about the top leaders has been persuasive, the senior official said, and the government has won initial agreement from two key European allies to sign an exemption saying all American soldiers, officials and civilians are outside the reach of the court.

The administration is pressing hard to persuade all nations that are party to the court to sign accords to exempt Americans from its jurisdiction. The court is the first permanent international body to be able to try people charged with genocide and other crimes against humanity.

Human rights groups that monitor the court debate say the administration has been reluctant to acknowledge its concern over anyone but the common soldier.

“They weren’t explicit about this, but everyone knew they were nervous about Pinochet and Henry Kissinger,” said Elisa Massimino, of the Lawyers Committee for Human Rights.

Mr. Bush reiterated the previous public stance emphasizing soldiers in his opposition to the court during a July speech at Fort Drum, N.Y. He told the soldiers of the 10th Mountain Division that “the United States cooperates with many other nations to keep the peace, but we will not submit American troops to prosecutors and judges whose jurisdiction we do not accept.”

The new emphasis was previewed three years ago in an article by John R. Bolton, who was then at the American Enterprise Institute and is now under secretary of state for arms control and international security and the administration’s point man for the court.

“The main concern should be for the president, the cabinet officers who comprise the National Security Council, and other civilian and military leaders responsible for our defense and foreign policy,” he wrote in the magazine National Interest.

“They are the potential targets of the politically unaccountable prosecutor created in Rome,” he added, referring to the Rome treaty that created the court.

The European Union, which strongly supports the court, is trying to find a compromise with the United States that neither undermines the court nor disrupts the Atlantic alliance at a time when the administration is also pressing Europe to support its campaign against terrorism and any Kissinger Watch

action against Iraq.

“We always figured that the Kissinger precedent was behind this outrageous position, but it has taken some time for the Americans to admit it,” said a senior diplomat whose country is a strong supporter of the court.

Human rights groups argue that the administration’s position is counterproductive. They say the international court, which has power to try actions occurring on or after July 1, 2002, has safeguards that would help protect American officials.

Under the current system of universal jurisdiction, a foreign country can prosecute an American accused of war crimes if he or she is caught in that country. But the new international court gives the country of the accused, not the country making the accusation, the right to hold the trial itself as a first preference. Accordingly, an American could be tried in an American court under the American system of justice.

“If an American is ever brought before the I.C.C., Washington has the right to take that suspect, investigate and try the case themselves,” said Kenneth Roth, executive director of Human Rights Watch. “That right doesn’t exist in foreign national courts today.”

Mr. Roth said the greater fear was that the American opposition would undermine the court. “Justice isn’t one set of rules for the world’s only superpower and another set for the rest of the countries,” he said.

In his article three years ago, Mr. Bolton wrote that “whether the I.C.C. survives and flourishes depends in large measure on the United States.”

His prescription was to “ignore it in our official posture and attempt to isolate it through our diplomacy, in order to prevent it from acquiring any further legitimacy or resources.”

3. Regarding Henry New York Daily News Tuesday, September 24th, 2002 <http://www.nydailynews.com>

THE TRIALS OF HENRY KISSINGER. BBC documentary. Running time: 80 mins. At Film Forum. Unrated: Disturbing images.

During his years as Richard Nixon’s pet hawk, Gerald Ford’s secretary of state and the New York tabloids’ favorite bold-faced party animal, Henry Kissinger prosecuted private and illegal wars that cost hundreds of thousands of Cambodian, Vietnamese, Timorese and Chilean lives, and should himself be prosecuted for crimes against humanity.

Those are the contentions of journalist and Kissinger tracker Christopher Hitchens, made in a book-length pair of Harper’s Magazine articles last year and reiterated and supported in the damning new BBC documentary “The Trials of Henry Kissinger.”

The 80-minute film, which parades credible high-level witnesses, indicts Kissinger on at least four counts of mass

murder, providing convincing evidence that Kissinger:

* Ordered the U.S. military to conduct illegal air raids in Cambodia in 1969, and to misreport the targets as Vietnamese.

* Convinced Nixon to order the 1972 “Christmas bombing” of Hanoi, which killed thousands of North Vietnamese civilians, as a political sop to weakened South Vietnam President Nguyen van Thieu.

* Got Ford to okay arms sales to Indonesian President Suharto in 1975, knowing they would be used, illegally, in the slaughter of rebels and civilians in East Timor.

* Ordered the CIA to instigate a coup of the democratically elected left-wing Chilean government of Salvador Allende, clearing the way for the murderous right-wing dictatorship of Augusto Pinochet.

It’s Kissinger’s role in Chile’s military coup that has made him a specific target of international prosecutors, who want him for questioning in Pinochet investigations in six foreign countries.

“The Trials of Henry Kissinger” serves as both a prosecution brief on the above charges and an unauthorized biography. It takes us back to his childhood as a bullied German Jew, his family’s pre-war migration to New York, when he was 15, and his ascension as a renowned academic, White House top gun, statesman and international babe magnet.

“Power is the ultimate aphrodisiac,” Kissinger famously said, and knew whereof he spoke.

Kissinger comes off in the film as a complex man with a fungible morality. Appearing only in news and interview clips, Kissinger defends his actions on the dubious grounds that political issues are not subject to the right-wrong judgments we make as individuals “because sometimes we’re choosing between two evils.”

Coming on the apparent eve of war against despot Saddam Hussein’s Iraq, “The Trials of Henry Kissinger” also serves as a reminder that American foreign policy has not had anything against vicious despots per se, only those who are not acting in our interests.

4. Taking Kissinger to Task, Perhaps Even a Bit More

September 26, 2002 New York Times

By ELVIS MITCHELL

<http://www.nytimes.com/2002/09/26/movies/26TRIA.html?ex=1034053970&ei=1&en=880edca98d7b713c>

The feverish position paper called “The Trials of Henry Kissinger,” which began a two-week run yesterday at Film Kissinger Watch.....

Forum, may not be a breakthrough in filmmaking, but it is unwavering and arresting. This picture is so rich with sound bites that it’s like a chocolate dessert: you know you shouldn’t have one more bite but the next thing you know you’re cramming in another mouthful. And it’s full of savory mouthfuls; each eloquent interview from the procession of talking heads is like a soliloquy. The film is an ad hominem attack that would more aptly be called “The Conviction of Kissinger,” because just about every on-camera statement is as convincing as the trail of information uncovered by the merciless detectives on “C.S.I.”

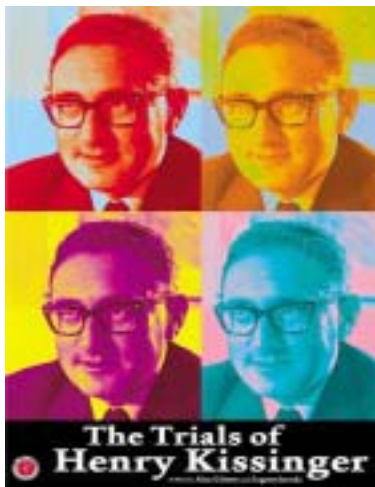
Chief among the former secretary of state’s accusers is Christopher Hitchens. “Trials” uses his felony-assault book, “The Trial of Henry Kissinger,” as its trigger. With every slash of his benign-sounding dagger voice, Mr. Hitchens draws blood: “The statement ‘Henry Kissinger is a war criminal’ is not a piece of rhetoric, not a metaphor,” Hitchens utters suavely before a loving audience. “It’s a job description.” Unfortunately, many of his mintiest, most poisonous remarks come from a taped C-Span 2 appearance. (It’s here that the filmmaking feels ragged.) But not to worry: he’s also seen exhaling lethal shafts of cigarette smoke at his computer while chatting away in a voice so air-conditioned that even margarine wouldn’t melt in his mouth.

Eugene Jarecki, the director, has assembled a supportive collection of celebrated commentators, including William Shawcross, the British journalist; William Safire, the New York Times columnist; Roger Morris, who has written biographies of Mr. Kissinger, Richard M. Nixon and Alexander M. Haig Jr.; and Seymour M. Hersh, the investigative reporter. Others are not so friendly to his cause, like Mr. Haig, the former secretary of state, whose large square head makes his snarls seem somewhat comical.

“He sucks the sewer pipe,” Mr. Haig says of Mr. Hitchens, a man for whom every grudge seems to turn into a knife fight.

By not offering enough evidence of the criticisms that Hitchens’s book drew, the movie shoots itself in the foot. (The book was taken to task for oversimplifying matters. A review in The New York Times by Jack F. Matlock, former ambassador to the Soviet Union and Czechoslovakia, asserted that the book was “devoid not only of balance but also of proper recognition of the distinction between domestic criminal law and international law.”)

The word duplicitous is used so often you expect the film to cut to a page of a dictionary with a photo of Mr. Kissinger next to its definition. Typical is a comment from Brent Scowcroft, the former national security adviser, who remarked: “He was fascinated with the art of diplomacy. Of course, in those days a lot of diplomacy was secretive and



some of it even duplicitous.”

“Trials” is engrossing mostly because it constantly shows combatants squaring off. Mr. Haig is not the only one spoiling for a fight; Harper’s editor, Lewis H. Lapham, who published the Hitchens magazine pieces that became the book, says that he had hoped Mr. Kissinger would sue so there would be full court disclosure of all his activities.”Trials” is narrated by Brian Cox, the first person to play Dr. Hannibal Lecter in the movies (spelled Lektor in that film, “Manhunter”), and the actor’s lulling Glaswegian rhythms set the stage for the picture’s target, comparing Mr. Kissinger to old world Machiavellian game-players like “Metternich and Otto von Bismarck, men of power, cunning and skillful diplomacy.”

“Trials” pieces together a time line of what it calls Mr. Kissinger’s offenses, and the case it makes is too one-sided. Mr. Kissinger has “an odd mix of ego and insecurity that comes from being the smartest kid in the class,” says Walter Isaacson, the editor whose 1992 “Kissinger: A Biography” meticulously examined him. “Trials” details its subject’s migration from Nelson A. Rockefeller’s camp to Lyndon B. Johnson’s team during the 1968 Paris peace talks. It ends with Mr. Kissinger joining Nixon’s administration.

“Trials” also compiles clips of comedic assaults on Mr. Kissinger, including a “Simpsons” episode that made fun of him. The film contends those jabs grew out of his self-deprecating courtship of the media.

“The Trials of Henry Kissinger” is a muckraking effort that will probably play best to the converted. When it does stoop to show the secretary of state dating a parade of starlets, it posits that this was subterfuge to cover his pernicious machinations in Vietnam, East Timor and Chile. It asks, Was Henry Kissinger a ruthless apparatchik or the Devil?, but knows its answer in advance.

THE TRIALS OF HENRY KISSINGER

Directed by Eugene Jarecki;

written by Alex Gibney, based on the book “The Trial of Henry Kissinger” by Christopher Hitchens; edited by Simon Barker; music by Peter Nashel; produced by Mr. Gibney and Mr. Jarecki; released by First Run Features. At Film Forum, 209 West Houston Street, South Village.

Running time: 80 inutes. This film is not rated.

WITH: Brian Cox (Narrator).

5. An Assassination, A Failure to Act, A Painful Parallel

By John Dinges and Peter Kornbluh

Sunday, September 22, 2002; Page B01

Could it have been prevented? That’s the key question as a special congressional committee investigates evidence of ignored warnings, intelligence lapses and bureaucratic miscommunication that compromised America’s ability to detect al Qaeda’s preparations for the World Trade Center

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and Pentagon attacks.

That same question has haunted the families of Orlando Letelier and Ronni Moffitt for the past 26 years. On Sept. 21, 1976, as they drove down Massachusetts Avenue in Washington, Letelier, a former Chilean foreign minister and leading critic of Gen. Augusto Pinochet’s military regime, and Moffitt, his 26-year-old American aide, were killed by a car bomb planted by agents of the Chilean secret police. Until last Sept. 11, their assassination was considered by some to be the most egregious act of international terrorism ever committed in the nation’s capital.

Now we have obtained a series of State Department and CIA records that cast a disturbing new light on the Letelier assassination, revealing that the United States had extensive awareness of a secret assassination operation and suggesting that U.S. officials called off actions that might have stopped it.

Letelier and Moffitt were the most famous victims of Operation Condor, a covert program to murder political opponents that was carried out by a network of six South American secret police agencies — from Chile, Argentina, Uruguay, Bolivia, Paraguay and Brazil. For the past 20 years, an FBI field report filed after the killings has been the only known U.S. government document on Condor, leaving the impression that U.S. officials uncovered evidence of these operations only after the murders took place.

Newly obtained materials, however, show that almost four months before the Letelier bombing, State Department officials became concerned that the six military regimes in Latin America had organized an “international ‘Murder Inc.’” “aimed at eliminating leftist political exiles. In late July 1976, the CIA confirmed to State Department officers that these South American military governments, led by Pinochet, had initiated such an effort, code-named Operation Condor. In early August, then-secretary of state Henry Kissinger was informed by his top aide for Latin America, Harry Shlaudeman, that the South American military regimes were planning to use Condor “to find and kill terrorists . . . in their own countries and in Europe.”

Quickly, Kissinger moved to head off the killings. He instructed U.S. ambassadors to warn the countries that Washington was aware of planned Condor assassinations and they were of “deep concern” to the United States. Yet for a month, none of the ambassadors carried out that order, according to the available documents. Then, one day before the car bombing in the heart of Washington’s embassy district, Shlaudeman rescinded Kissinger’s instructions.

“We were remiss,” Shlaudeman’s chief deputy, Hewson Ryan, recalled in a recently discovered oral history recorded in 1988, a few years before his death, by the Association for Diplomatic Studies and Training. “We knew fairly early on that the governments of the Southern Cone countries were planning, or at least talking about, some assassinations abroad in the summer of 1976,” he said. “Whether we might have prevented this, I don’t know. But we didn’t.”

The Pinochet regime created Operation Condor in

November 1975. CIA documents acknowledge an awareness of its existence in March 1976, describing it in favorable terms as a “cooperative effort by the intelligence/security services of several South American countries to combat terrorism and subversion.”

At the same time, a spate of political killings began in Argentina: In April 1976, Edgardo Enriquez, the exiled leader of a Chilean radical group, was detained and later disappeared; in May, two exiled Uruguayan congressmen were murdered; on June 4, a former president of Bolivia, Juan Jose Torres, who was living in Buenos Aires, was found slain.

CIA and State Department cables, recently released under the Freedom of Information Act and in Argentina, reported that Chilean and Uruguayan intelligence officials were operating inside Argentina, conducting detentions, interrogations and torture. On June 4, over Kissinger’s signature, a query went out to the Southern Cone embassies asking for any “evidence to support or deny allegations of international arrangements among governments to carry out such assassinations or executions.” The U.S. embassy in Santiago responded that it had no evidence of formal collaboration but said “we believe these arrangements are possible, and that it is also possible Chilean agents have been involved in killings abroad, possibly in cooperation with foreign governments.”

By early June, as the newly obtained documents make clear, the CIA had concrete intelligence confirming a scheme to commit assassinations as far away as France and Portugal. Yet the CIA waited almost two months to inform State Department officials. In a July 30 briefing on “disturbing developments in [Condor’s] operational attitudes,” an agency official reported that Chile and the other Condor nations were “identifying, locating, and ‘hitting’ guerrilla leaders” wherever they could be found.

This information was conveyed to Kissinger in a 14-page report a few days later. The report, classified “Secret” and titled “The ‘Third World War’ and South America,” was found among 4,700 documents on Argentina declassified last month. In the report, Shlaudeman informed Kissinger that through the newly formed Operation Condor, the Southern Cone military regimes were “joining forces to eradicate ‘subversion,’ a word that increasingly translates into nonviolent dissent from the left and center left.”

What to do? Too much U.S. pressure on Chile and the other Condor countries might lead them to unite “into formation of a political bloc,” less responsive to U.S. influence, Shlaudeman warned. But the United States had an image problem. “Internationally, the Latin generals look like our guys. We are especially identified with Chile,” Shlaudeman noted. “It cannot do us any good.”

Shlaudeman’s report to Kissinger was dated Aug. 3, 1976. About that time, he and other U.S. officials unwittingly received an important clue that the plot to kill Letelier was already underway. Pinochet’s secret police had sent two agents to Asuncion, Paraguay, to obtain false

passports and visas for a trip to the United States. U.S. officials were told the agents’ mission was to travel to Washington to meet with CIA deputy director Vernon Walters and spy on Chilean dissidents.

Ambassador George Landau issued the visas but photocopied the passports — which included photographs of the two agents — and pouched them to the CIA on July 28; the CIA forwarded them to Shlaudeman’s office on Aug. 6. Walters, told of the agents’ claim that they were going to meet with him, replied that he knew nothing of these two agents, bolstering suspicions by Landau and Shlaudeman about the agents’ true mission in the United States.

“If there is still time, and if there is a possibility of turning off this harebrained scheme,” Shlaudeman stated in an urgent cable, “you are authorized . . . to urge that the Chileans be persuaded not repeat not to travel.” By that time, however, the two agents had abandoned their effort to travel on the Paraguayan passports. Subsequently, using false Chilean passports, the same two agents flew to Washington to plant the bomb that would kill Letelier and Moffitt.

Meanwhile, without connecting the activity in Paraguay to the Condor information, Shlaudeman and his deputies, Ryan and William Luers, worked on a cable warning the Southern Cone regimes to stop any planned assassinations. Some “20 drafts” were written, Luers remembers. A top Kissinger aide, Philip Habib, served as liaison with the CIA to obtain its support for the *démarche*.

On Aug. 23, Kissinger sent a Roger Channel (urgent consideration, very limited distribution) cable — “Subject: Operation Condor” — to U.S. ambassadors in all Condor nations. “You are aware of a series of CIA reports on ‘Operation Condor,’ “ the cable began. The cable instructed the U.S. ambassadors in Chile, Argentina and Uruguay to approach “the highest appropriate official, preferably the chief of state” and issue a carefully worded *démarche* along the following lines: The United States is aware of “information exchange and coordination . . . with regard to subversive activities. This we consider useful. There are in addition, however, rumors that this cooperation may extend beyond information exchange to include plans for the assassination of subversives, politicians and prominent figures both within the national borders of certain Southern Cone countries and abroad. While we cannot substantiate the assassination rumors, we feel impelled to bring to your attention our deep concern. If these rumors were to have any shred of truth, they would create a most serious moral and political problem.”

Chile was known to be Condor’s command center of these plots. Therefore, Kissinger’s cable stressed the diplomatic *démarche* to Pinochet. Kissinger instructed the ambassador to Chile, David Popper, to “discuss [with CIA station chief Stewart Burton] the possibility of a parallel approach by him” to his counterpart in the Chilean secret police, DINA.

Popper, Burton and Deputy Chief of Mission Thomas Boyatt met and came up with an alternative course of action. On Aug. 24, Popper cabled the State Department:

“In my judgment, given Pinochet’s sensitivity regarding pressures by the [U.S. government], he might well take as an insult any inference that he was connected with such assassination plots.”

Instead, Popper’s cable recommended that the CIA station chief meet with DINA’s head, Col. Manuel Contreras. “Has department received any word that would indicate that assassination activities are imminent?” Popper asked, unaware that Contreras had already set the Letelier plot in motion. His cable concluded, “please advise.”

On Aug. 27, at the weekly meeting of CIA and State officials on Latin America, Shlaudemán declared that approaching Pinochet “would be futile.” But, despite Popper’s urgency, over the next four weeks no additional instructions were recorded. As far as can be ascertained from available documents and interviews, none of the ambassadors delivered any warning about Condor.

On Sept. 20, 1976, one day before the assassination, Shlaudemán rescinded Kissinger’s instructions entirely. According to a newly discovered cable, Shlaudemán ordered his deputy, Luers, to “simply instruct the Ambassadors to take no further action, noting that there have been no reports in some weeks indicating an intention to activate the Condor scheme.”

In fact, the “Condor scheme” had been active for weeks. On Aug. 26, a DINA agent flew to the United States to do surveillance on Letelier’s movements. On Sept. 9, DINA’s veteran assassin, American expatriate Michael Townley, arrived in New York City. On Sept. 18, Townley taped the remote control bomb under Letelier’s car as it sat in the driveway of his suburban Maryland home. Less than 18 hours after Shlaudemán’s “no further action” order, Letelier’s car exploded as he, Ronni Moffitt and her husband, Michael, drove to work along Embassy Row. Only Michael Moffitt survived.

This tragic story does not end there. Washington’s actions following the assassination were just as bewildering. Instructions to finally reinstate the *démarche* to the Chileans came 12 days after the murders. “We agree that our purpose can best be served through [the CIA station] approach to Contreras, and that the issue should not repeat not be raised with Pinochet,” a cable from Shlaudemán read.

Despite what officials knew about Condor and the Paraguay scheme, the U.S. government’s initial reaction was to echo the Chilean contention that leftists had killed Letelier to create a martyr. It took more than a year for the Justice Department to examine the Paraguay passport photos, which quickly identified the assassination team.

The Letelier-Moffitt bombing provides a case study of forfeited opportunities to prevent terrorism from reaching U.S. shores. Official actions that could — and should — have deterred this murderous attack were not taken. As in the Sept. 11 terrorism, an official congressional inquiry is warranted to fully explain this failure. After 26 years, the Letelier and Moffitt families deserve to know what exactly the U.S. government knew — and why it failed to act on that knowledge. We hope the families of Sept. 11’s victims
Kissinger Watch

won’t have to wait so long.

John Dinges is the author of the forthcoming “The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents” (The New Press). Peter Kornbluh, a senior analyst at the National Security Archive, is author of the forthcoming “The Pinochet File” (The New Press). Archive analyst Carlos Osorio contributed to this article.

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6. Argentina Felt U.S. ‘Understood’ Junta Tactics, Human Rights Violations Left Over 9,000 People Dead or Missing

By Peter Slevin

Washington Post Staff Writer

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Argentina’s ruling military junta believed in 1976 the U.S. government supported its war against the leftist opposition and would not make an issue of human rights violations that in the next seven years would leave more than 9,000 people dead or missing, according to recently declassified diplomatic cable traffic.

A string of messages to the State Department from the U.S. Embassy in Buenos Aires reported that the leaders of Argentina’s dictatorship returned from meetings with Secretary of State Henry A. Kissinger and Vice President Nelson A. Rockefeller with the conviction that the United States “understood” the junta’s tactics and would not directly oppose them.

In an October 1976 cable, U.S. Ambassador Robert Hill told his superiors that the Argentine foreign minister, Adm. Carlos Guzzetti, had expected members of the Ford administration to deliver a firm warning about Argentina’s human rights violations. Instead, Hill reported, Guzzetti returned “in a state of jubilation, convinced that there is no real problem with the USG [U.S. government] over this issue.”

The documents are among 4,677 pages released Monday by the State Department after years of lobbying by Argentine survivors and concerned U.S. organizations. They suggest that the Ford administration did little to deter the junta and its death squads even as the U.S. Embassy was complaining to the Argentine government about the disappearance, abduction or torture of several dozen U.S. citizens, said Thomas S. Blanton, executive director of the National Security Archive.

“You’ve got the Argentines telling the ambassador, ‘Washington understands. What’s your problem?’ “ said Blanton, whose organization lobbied for the release of the documents. “These documents show that the Argentine military really believed that the highest levels of the U.S. government approved of their all-out attack on terrorism, no matter what the cost was in human rights.”

Critics of Kissinger have long charged that means were

secondary to ends in his approach to geopolitics, whether in Latin America or Southeast Asia. In Chile, activists have filed a lawsuit against him and administration colleagues, charging that they helped organize Operation Condor, a covert program of repression among right-wing dictatorships in Argentina, Chile, Bolivia, Brazil, Paraguay and Uruguay.

Yet a member of Kissinger's staff, in one of the declassified documents, suggested the Argentine foreign minister had heard what he wanted to hear. Last night, William Rogers, assistant secretary of state for Latin America during this period, called it "inconceivable" that Kissinger gave any signal of approval to Guzzetti.

"The idea that he was giving green lights was a legend, fabricated out of whole cloth," Rogers said, adding that Kissinger's likely message was "of course we want you to end the terrorism. It's destabilizing Argentina. But you must do it within the rule of law. Murder is not an acceptable method."

Hill reported that Guzzetti drew a dramatically different conclusion, that Kissinger simply wanted the Argentines to conclude their anti-terrorism campaign "as

quickly as possible." In a September 1976 cable, Hill reported that he was dispatched by the State Department to tell the junta leadership of growing U.S. alarm at the repression in Argentina.

Guzzetti reacted with surprise, Hill said, to news that rights abuses were the "burning issue" in U.S.-Argentine relations.

"We believed murdering priests and dumping 47 bodies in the street in one day could not be seen in context of defeating terrorists quickly," Hill wrote on Sept. 24, 1976. "What USG hoped was that GOA [the Argentine government] could soon defeat terrorists, yes, but do so as nearly as possible within the law. I said if any other meaning had been placed on the secretary's remarks, I was sure it was a misinterpretation."

Kissinger could not be reached for comment.

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