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War Crimes Prosecution Watch is a bi-weekly e-newsletter that compiles official documents and articles from major news sources detailing and analyzing salient issues pertaining to the investigation and prosecution of war crimes throughout the world. To subscribe, please email warcrimesswatch@pilpg.org and type "subscribe" in the subject line.

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NORTH AFRICA

Libya

Libya court sentences 23 to death for Islamic State campaign (Reuters) May 29, 2023

MISRATA, Libya, May 29 (Reuters) - A Libyan court sentenced 23 people to death and another 14 to life in prison on Monday for their role in a deadly Islamic State militant campaign that included beheading a group of Egyptian Christians and seizing the city of Sirte in 2015.

The Attorney General's office said in a statement that one other person was sentenced to 12 years in prison, six to 10 years, one to five years and six to three years while five were acquitted and three others died before their case came to trial.

In 2015 it launched an attack on the luxury Corinthia Hotel in Tripoli, killing nine people, before abducting and beheading dozens of Egyptian Christians whose deaths it featured in grisly propaganda films.

After gaining territory in Benghazi, Derna and Ajdabiya in eastern Libya, the group seized the central coastal city of Sirte, holding it until late 2016 as it enforced a harsh regime of public morality backed up by brutal punishments.

Mustafa Salem Trabulsi, head of an organisation for bereaved families of people killed or disappeared by the group said he had hoped that all the suspects would face the death penalty but he accepted the outcome.

"My son is missing and my relative, my brother-in-law, was murdered in Sirte Square," he said.

Speaking in court on Monday, Fawzia Arhuma said she welcomed the death sentences after her son was killed by the group at a power station near Sirte.

"Today my son raised my head. Today I buried my son," she said.

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Mali

Wagner Group fighters implicated in the killing of hundreds of unarmed civilians in West African village: UN report (Insider) By Isobel van Hagen

May 21, 2023

The Wagner Group is linked to a massacre of 500 people in a village in Mali, a UN report found.

The vast majority of those who were killed were unarmed civilians, The Guardian reported.

The Russian paramilitary organization has a long-standing presence across Africa.

The Wagner Group, a Russian paramilitary organization, is linked to the massacre of 500 people in a village in Mali, a recent UN report found.

In March of 2022, government forces descended on the village of Moura in the Mopti region of Mali, ordering men into the center of the town and shooting those who tried to escape, according to an in-depth analysis of the UN report by The Guardian's Africa correspondent Jason Burke.

Most of those killed were unarmed civilians and a dozen alleged members of an al-Qaida-affiliated Islamist group.

Over five days, hundreds of people were killed in the village during the atrocity. The UN report, published last week after months of research, found evidence that 500 people were killed by the Malian military and foreign Russian troops, underscoring the extent of the human rights abuses at the time.

Outside the war in Ukraine, the event is the worst atrocity associated with the Wagner Group, The Guardian reported.

According to the UN report, witnesses of the tragedy said they saw "armed white men" speaking a foreign language working with the Malian military.

A Malian government spokesperson called the report "biased" and "based on a fictional account."

The spokesperson said a Malian investigation found only "armed terrorists" and "not a single civilian in Moura" were killed during the military operation, per The Guardian.

The Russian mercenary troops, founded by Yevgeny Prigozhin, have supported Putin's military invasion of Ukraine. But the military group also has various ties to African countries, according to the Associated Press, and has been accused of supporting other violent military operations in the region, per The Guardian.

While in many cases, it is difficult to categorically link the private Russian troops' involvement in these operations, there is exhaustive evidence in the UN report providing an hour-by-hour account of how Wagner Group soldiers were behind the March 2022 attack, per The Guardian.

"These are extremely disturbing findings," said Volker Türk, the UN high commissioner for human rights, according to The Guardian.

"Summary executions, rape and torture during armed conflict amount to war crimes and could, depending on the circumstances, amount to crimes against humanity."

In the past few years, Russia has had a commanding presence in multiple African countries, with the assistance of the Wagner Group, to advance its global power.

More than a year ago, the Kremlin-linked military contractor group began working with Malian armed forces to quell Islamic extremism in the country, per the AP. Since the Russian soldiers arrived, violence against civilians and human rights abuses have only grown.

Closing arguments begin in trial over Mali war crimes (Court House News) By Molly Quell
May 23, 2023

Prosecutors told the International Criminal Court in their closing statements on Tuesday that an ex-Islamic militia leader was a "central figure" in widespread torture, rape and sexual slavery in Timbuktu a decade ago.

Al Hassan Ag Abdoul Aziz, the former head of the Islamic police force in the Malian city, is facing a possible life sentence for 13 counts of crimes against humanity before The Hague-based court.

"Al Hassan was an important member of the Islamic Police, indeed a central member of the Islamic Police," Gilles Dutertre, the prosecution's senior trial lawyer, told the three-judge panel.

Wearing a stark white tagelmust, the traditional head and face covering of Tuareg men, Al Hassan listened to the prosecutor's closing arguments without affect.

According to his indictment, the 46-year-old was the de facto leader of the police force in the ancient city, implementing strict religious rules after large parts of Mali fell to Islamic separatist groups following a 2012 coup. A French-led military force ultimately forced them from power in 2013.

"Overnight everything had become haram and forbidden," said one anonymous witness, quoted by the prosecution.

Cities in the western African country, including Timbuktu, were overrun by separatists, who in turn succumbed to Islamist groups that enforced strict religious rules, including banning music, forcing women to wear headscarves and destroying non-Muslim religious sites. The charges against Al Hassan date from April 2012 until January 2013.

Prosecutors showed a video of a much-younger Al Hassan describing the activities of the police, including floggings and beatings for residents who refused to comply with the religious rules.

"Women could no longer go about their normal activities for fear of being tortured," Seydou Doumbia, one of the two legal representatives of victims said in his opening statement in 2022. He represents the 2,196 confirmed victims in the case.

Al Hassan is the first defendant before the court where gender-based violence undergirds the bulk of his charges. Former Congolese warlord Bosco Ntaganda was convicted of rape and sexual slavery in 2019, the first gender-related charge successfully prosecuted at the ICC. But most of his 18 charges focused on other war crimes, including murder, torture and the conscription of child soldiers. The ex-vice president of the Democratic Republic of Congo, Jean-Pierre Bemba, was also convicted of rape but his conviction was overturned on appeal.

When Al Hassan first appeared before the court in 2019, he refused to enter a plea. Defense lawyers say their client is suffering from post-traumatic stress disorder as a result of torture at the hands of Malian authorities, but the court has pressed on with the proceedings, which opened in 2021. The national government turned Al Hassan over to ICC officials in 2018.

The ICC decided to move forward with the charges last year, despite arguments from Al Hassan's lawyer that he played too small a role in the conflict to warrant charges at the world's only permanent court for crimes against humanity. The

Malian government in Bamako referred the situation to the court in 2012.

“Instead of trawling for small fry, we ask you to release this sardine back into the sea,” lead defense counsel Melinda Taylor argued before the ICC’s pretrial chamber in July 2019. She will take the floor tomorrow for her final arguments.

Al Hassan is the second person to be charged with crimes relating to the conflict in Mali. Ahmad al-Faqi al-Mahdi was sentenced to nine years in prison in 2016 for destroying religious monuments in Mali.

The Hague-based court was established by the Rome Statute in 2002 to prosecute genocide and crimes against humanity that take place in a member state or are committed by a member state. It can also take up a case that is referred to it by the United Nations Security Council.

3 Bangladeshi peacekeepers injured in Mali IED attack (The Business Post) May 29, 2023

Three Bangladeshi peacekeepers were injured when a motorcade of a patrol team of the Bangladesh Formed Police Unit (BANFPU-2) came under an improvised explosive device (IED) attack in Mali on Sunday morning.

The armoured personnel carrier (APC), which was carrying the police members, was also damaged in the incident, read a press release issued by the Bangladesh Police headquarters on Monday evening.

Identities of the three members of BANFPU-2, MINUSMA (The United Nations Multidimensional Integrated Stabilization Mission in Mali), were not disclosed in the press statement.

The incident took place around 9:30am (local time) when the patrol team of the BANFPU-2 reached a remote desert road along the mountains of Gundam-Tongka-Niaphungke Highway, some 15km off the Gundam Super Camp in Mali’s Timbuktu Region, it read.

Several IED blasts occurred in this area in the past.

The patrol team spotted a suspicious hole in the middle of the road and the IED exploded while they were crossing it tactfully, the release read.

“Due to the intelligence of the police peacekeepers and the APC’s’ capability to withstand the high-level explosions, they escaped from greater danger,” it added.

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EAST AFRICA

Uganda

**Official Website of the International Criminal Court
ICC Public Documents - Situation in Uganda**

Lukodi Massacre: Locals mark 19th anniversary with calls for speedy reparation (The Independent) May 27, 2023

Hundreds of residents on Friday gathered at Lukodi Village in Bungatira Sub-county, Gulu District to mark the 19th anniversary of the infamous Lord's Resistance Army rebel attack that left 69 people dead.

The LRA rebels raided the village located about 17 kilometers outside Gulu Town on the evening of May 19 2004 and committed one of the most brutal massacres in the region.

Today's belated memorial is being held under the theme "transparency matters for victim's reparation and recovery process".

Gloria Akello 37 is one of the survivors of the senseless LRA attack who came with her family members to commemorate the dreadful event. Akello recalls the rebels raided the village at about 6 pm and began indiscriminate shooting and torching of grass-thatched huts.

She said six of her family members were killed during the raid before the rebels abducted her along with her three-month-old baby boy.

Akello noted that after trekking some distance away from Lukodi village, one of the rebel commanders ordered her to throw away her son since it was slowing her movement.

Akello added that when she resisted, she was forced to kill him by stepping on his chest, an order she painfully executed before abandoning the unconscious toddler in the jungles.

She however said her child survived after escaped abductees found her on the way from captivity.

More than a decade after the raid, Akello said she still feels traumatized and guilty of making an attempt to kill her own son to save her life.

Wilson Kilama 67, another survivor of the massacre recounts how he escaped from the rebels when they raided Lukodi village on the fateful evening. He said about 200 rebels rounded the village and overpowered the few Uganda People's Defence Forces Soldiers who were deployed to guard the civilians.

During the attack, Kilama said his father and a younger brother were mercilessly killed by the rebels.

Kilama said although the wounds of the attacks have healed, the scars are still visible since many people like him are still suffering from trauma. He believes the memorial prayers held in honor of those killed and the survivors of the war will help in healing.

The attack on Lukodi village was reportedly commanded by former LRA rebel commander Dominic Ongwen.

Ongwen who commanded the LRA's Sinia Brigade was extradited for trial at the International Criminal Court (ICC) in 2015 and has since been convicted and sentenced to 25 years in prison for 61 counts of war crimes and crimes against humanity committed between 1 July 2002 and 31 December 2005.

Relatives of those killed and survivors of the attack however say with the sentencing of Ongwen by the ICC, there is a need for the World Court to expedite the process of reparation.

Kilama like many of the survivors said time is no longer on their side, especially for those ailing and have been waiting for compensation for the atrocities committed under the command of Ongwen.

Several war victims from other parts of Acholi, West Nile, Teso, and the Rwenzori region, political, religious, and cultural leaders are attending the ongoing memorial service being led by the Northern Uganda Diocese Bishop Rev. Godfrey Loum.

The memorial event was expected to be presided over by the State Minister for Northern Uganda Rehabilitation Grace Freedom Kwiucwinyi.

Uganda: President's approval of anti-LGBTI Bill is a grave assault on human rights. (Amnesty International) May 29, 2023

Responding to the news that President Yoweri Museveni assented to Uganda's Anti-Homosexuality Bill 2023, which criminalizes same-sex sexual acts between consenting adults, Flavia Mwangova, Amnesty International's Deputy Regional Director said:

“This is a desperately dark day for LGBTI rights and for Uganda. The signing of this deeply repressive law is a grave assault on human rights and the Constitution of Uganda and the regional and international human rights instruments to which Uganda is a party . The Anti-Homosexuality Bill, 2023 will do nothing other than enshrine discrimination, hatred and prejudice against LGBTI Ugandans and their allies into law. It’s unconscionable that they risk losing their lives, their freedom, their privacy, their freedom of expression and their ability to live free from discrimination.

“Amnesty International has repeatedly called for this egregious legislation to be scrapped.

“As we wait for the Bill to come into force, Amnesty International urges the international community to urgently put pressure on the Ugandan government to protect the rights of LGBTI persons in the country. We stand in solidarity with Ugandan LGBTI communities, and all Ugandans affected by this hateful legislation.”

Background

The 2023 Anti-Homosexuality Bill imposes a punishment of life imprisonment for same-sex sexual acts, and up to 10 years behind bars for attempted same-sex sexual acts. It also imposed the death penalty for “aggravated homosexuality” and criminalizes the “promotion” of homosexuality, a provision that encourages homophobia.

The Bill further restricts freedom of association and expression by proposing a punishment of up to 20 years in prison for the “promotion of homosexuality.” It vaguely criminalizes provision of support, whether in kind or financially, to facilitate activities that encourage homosexuality ostensibly targeting individuals, media outlets and organizations working on LGBTI rights.

On 21 March 2023, the Ugandan Parliament passed the Anti-Homosexuality Bill, with 387 out of 389 MPs voting in favour. On 21 April 2023, Uganda’s President, Yoweri Museveni refused to sign into law the Anti-Homosexuality Bill, 2023, sending it back to Parliament in Uganda for reconsideration of several clauses. On 2 May, 341 MPs voted for the amended bill and sent it back to President Museveni who assented to it earlier today.

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Kenya

Official Website of the International Criminal Court ICC Public Documents - Situation in the Republic of Kenya

‘Serious human rights abuses’ rife against LGBT refugees in one of Kenya’s largest camps, Amnesty reveals (iNews) By Noah Eastwood

May 19, 2023

LGBT+ asylum seekers living in one of Kenya’s biggest refugee camps regularly suffer sexual assault, hate crimes and violence, according to a report from human rights campaigners.

displaced people at Kakuma camp in north-western Kenya.

Under Kenya’s constitution, which enshrines “life and dignity for all”, the country should offer them a safe haven. But research by Amnesty International and the National Gay and Lesbian Human Rights Commission has revealed how, for many in sexual minority groups, this could not be further from the truth.

The report, based on 41 interviews with LGBT asylum seekers between 2018 and 2023, makes for difficult reading, as it documents how the perpetrators of violent sexual assault are allowed to act with near-total impunity at Kakuma.

In one testimony collected in the report, Esther, a 41-year-old lesbian woman, reported being raped at Kakuma camp in early 2018. She said she was attacked by two men carrying knives while showering at a site near the camp gates. The mother-of-one said that, in the same year, she was again raped by four men who broke into her home where she lives with her seven-year-old son.

Another lesbian woman, Winnie, told of how her small business in the camp's market, which had become a hub for the local LGBT+ community, was destroyed in 2019 when she briefly left her child to mind the stall. A group of people were said to have ruined the shop and injured the child. Upon reporting the incident to police, Winnie said they told her to find the perpetrators and bring them to be arrested herself.

Another refugee, whose identity is protected, was on the run from homophobic attackers in his village in Uganda when he was told that was being taken to Kakuma, which is administered by the UN refugee agency UNHCR.

He said he thought his "prayers had been answered", but upon arrival he soon learnt that the camp was far from safe.

He said: "They took us to the Kakuma reception centre. But guess what? The minute we got into that blue gate, some people were like... these are very good shogas [slur for homosexuals]."

After he was moved from the reception to the camp's community, he said hate crimes and violence were everyday occurrences. "I remember I got several attacks there," he said, about the housing unit he shared with almost 200 other LGBT+ refugees.

"We were getting very, very, very serious attacks. We were getting serious arson attacks. Lesbians were being raped. Transgenders were being sexually harassed. Discrimination, denial of services at several service point centres in the camp."

Irungu Houghton, executive director for Kenya at Amnesty, told i that "a repeated failure on the part of law enforcement agencies to take action on reports of violence and assault" was to blame for Kakuma's culture of violence against LGBT+ people.

He said that countries in North America and Europe had not provided "swift and safe passage" for Kenyan refugees to seek asylum, leaving them stuck in Kakuma, where they face violence and even death.

Chriton Atuhwera, 22, was burned alive in Kakuma camp in April 2021 by homophobic attackers. Over two years later, his killers remain free with no charges being brought against them.

The report comes after prominent Kenyan fashion designer and LGBT+ activist, Edwin Chiloba, was murdered in Uasin Gishu county, south-eastern Kenya, in January. It is believed he was targeted because of his sexuality.

Despite being the only country in East Africa that provides asylum to individuals who face persecution on the basis of sexual orientation and gender identity, Kenya's national legislation criminalises same-sex relationships and sexual minorities still face violence and abuse.

Makenzi to be charged with genocide, says Kindiki (The Standard) By Marion Kithi
May 26, 2023

There is enough evidence to charge pastor Paul Makenzi with genocide, Interior Cabinet Secretary Kithure Kindiki has said.

Speaking after the second phase of postmortems on 129 bodies exhumed from Shakahola Forest began, Kindiki said that there were more mass graves in the area.

"We have evidence and data showing more mass graves, and victims holed up in that forest. It is sad, but we will comb the entire land to ensure that no Kenyan dead or alive will be left there," he said.

The CS also confirmed that a survivor rescued last week succumbed to dehydration on Wednesday at the Malindi Sub-County Hospital.

"The particular survivor continued to resist eating, we tried our best to feed the victim, but he died after his organs failed," said Kindiki.

Kindiki said that the homicide and forensic experts would resume the third phase of exhumation after the postmortem.

"The suspension was meant to allow the postmortem exercise and to free the morgue for public use. After the autopsy we transfer the bodies to a temporary morgue," he said.

He added that the rescue, recovery, and identification of bodies would take longer than anticipated.

“We have also involved the director of survey to make sure that the entire Chakama ranch is combed. We are contemplating charging Makenzi and his aides with genocide and other human crime offences,” he said.

So far, 91 people have been rescued from the forest. Kindiki said all government officers who were on duty when the Shakahola massacre happened would be investigated.

“Between the commission of inquiry and the task force there would be accountability for all public officers whose conducts or misconducts, omission or commission led us to this horrible event, and whoever will be found guilty the law will take its course,” said Kindi, who was accompanied by Kilifi Governor Gideon Mung’aro.

Kindiki extended the curfew at the 50,000-acre Chakama ranch. “I have signed another gazette notice and Shakahola Forest will continue to be a crime scene for the next 30 days.”

The Shakahola deaths hit 241 after five skeletons were recovered last week.

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Rwanda (International Criminal Tribunal for Rwanda)

Official Website of the ICTR

Congo files new complaint to ICC against Rwanda's military and M23 rebels (Reuters) May 23, 2023

Democratic Republic of Congo on Tuesday made another formal referral to the International Criminal Court (ICC) to ensure the court will focus on what it calls the systematic pillaging of its natural resources in eastern Congo by the Rwanda Defence Forces (RDF) and the M23 rebel group.

Democratic Republic of Congo on Tuesday made another formal referral to the International Criminal Court (ICC) to ensure the court will focus on what it calls the systematic pillaging of its natural resources in eastern Congo by the Rwanda Defence Forces (RDF) and the M23 rebel group.

The ICC already has an ongoing investigation into eastern Congo since 2004 and it is not clear if the new referral would shift the court's focus.

"The government of the DRC remains deeply concerned about the suffering of the populations in the part of its territory affected by the acts referred to in this case," Congo's Justice Ministry said in a statement.

The referral's goal would be to investigate and prosecute any person involved in human rights violations between 2022 and 2023, it added.

The Tutsi-led M23 rebel group launched a fresh offensive in eastern Congo in March last year, seizing towns and villages in the area that borders with Uganda. The fighting forced more than 1 million people to flee.

Congo has accused neighbouring Rwanda of backing the M23. The government of Rwanda has denied any involvement.

The ICC office of the prosecutor has given no details other than that the focus is on alleged war crimes and crimes against humanity committed since July 2002 in the Ituri region and the North and South Kivu provinces.

To date the ICC has convicted three different Congolese militia leaders, one of war crimes, the others of war crimes and crimes against humanity for their roles in atrocities committed in the eastern DRC.

ICC Prosecutor Karim Khan is expected to visit Kinshasa and Congo's provinces affected by rebel groups from May 28 to May 31.

Witnesses pin Philippe Hategekimana on role in Genocide (The New Times) By Aurore Teta

Ufitiwabo
May 23, 2023

Numerous witnesses in the trial of genocide suspect Philippe Hategekimana, also known as 'Biguma,' have provided testimony regarding his involvement in the 1994 Genocide against the Tutsi, primarily in Nyanza District, Southern Province.

The trial is currently taking place at the Cour d'assises de Paris and commenced on May 10, with an expected conclusion on June 30.

A former co-worker of Hategekimana, a 54-year-old woman, testified that his decisions played a significant role in the Tutsi killings during the Genocide. The witness recounted observing the suspect transporting the late bourgmestre of Ntyazo, Tharcisse Nyagasaza, before his execution.

The witness also recalled Hategekimana using offensive language towards Tutsis, referring to them as 'dogs.'

Cyriaque Habyarabatuma, a Genocide convict and former Major in the gendarmerie in Butare, testified in court, describing Biguma as an extremist officer and indicating that he had heard of his involvement in the killing of bourgmestre Nyagasaza.

Erasme Ntazinda, the Mayor of Nyanza District, testified as a contextual witness, shedding light on the district's dark past, the atrocities committed in the area, and their enduring impact. He also mentioned that the discovery and proper burial of Genocide victims are ongoing.

Regarding the death of bourgmestre Nyagasaza, Ntazinda explained that, initially, Tutsis would flee to Burundi at the onset of the Genocide. However, Nyagasaza was apprehended and brought back by police officers, including Biguma, before being killed.

Among the witnesses called to testify were Augustin Ndindiliyimana, former Chief of Staff of the Gendarmerie at the national level, and Father Hormisdas Nsengimana, the rector of Collège Christ-Roi secondary school in Nyanza Sector, Huye district.

Father Nsengimana had been indicted for alleged involvement in a group of Hutu extremists responsible for planned and targeted attacks in Nyanza Sector.

Prosecutors charged Nsengimana with direct and superior responsibility for genocide, murder as a crime against humanity, and extermination as a crime against humanity. However, in 2009, an ICTR Trial Chamber acquitted him of all charges, citing insufficient factual or legal basis.

The court anticipates testimony from more than 100 witnesses over a two-month period, representing both sides.

Hategekimana, 66 years old, stands accused of orchestrating the murder of Tutsis and establishing roadblocks to intercept and execute Tutsis in the hills of Nyamure and Nyabubare, as well as the former Ntyazo, Nyabisindu, and Rusatira communes, all situated in southern Rwanda.

Rwandan Genocide Suspect Appears in Court Holding Bible After 22 Years on the Run (US News) May 26, 2023

One of Rwanda's most wanted suspects for the country's 1994 genocide appeared in a South African courtroom Friday, clutching a Bible and another book inscribed with "Jesus First" on the cover.

Fulgence Kayishema was a police officer with the rank of inspector when he allegedly orchestrated the killings of more than 2,000 people - including children - as they tried to seek refuge in a church during the first days of the genocide.

He was arrested Wednesday in a small town in a wine-making region about 30 miles east of Cape Town having managed to evade justice for nearly 30 years. South African authorities gave his age as 61.

Wearing glasses and a blue winter jacket with a hood, Kayishema confirmed his identity when asked by a judge during his brief appearance at the Cape Town Magistrates Court. He held up the religious books for journalists and others in the courtroom to see before the hearing began and sat through much of the proceedings with his hands clasped in his lap.

He was indicted for genocide and crimes against humanity in 2001 by a tribunal investigating the horrors of the Rwandan genocide, where more than 800,000 people were slaughtered when members of the ethnic Hutu group turned on the minority Tutsis and other Hutus trying to protect them.

Kayishema will be held in custody until another hearing at the same courthouse next Friday, the judge said. He is expected to be extradited to Rwanda and ultimately go on trial for genocide and crimes against humanity.

The five charges South African prosecutors brought against him Friday relate only to him making false statements on immigration forms as far back as 23 years ago to enter and stay in South Africa.

In January 2000, Kayishema lied to South African authorities by using a fake name - Fulgence Dende-Minani - and claiming to be a refugee from Burundi, prosecutors alleged in court documents. He was granted asylum in 2004, but that expired two years later according to prosecutors. He had apparently still been living in South Africa for the last 17 years.

It was unclear if he would go on trial on those charges in South Africa before his extradition to stand trial for genocide.

Kayishema was indicted for the Rwandan killings more than 20 years ago by the International Criminal Tribunal for Rwanda, which was set up by the United Nations to investigate the genocide and bring killers to justice. The International Residual Mechanism for Criminal Tribunals has continued the work of that tribunal, and announced Kayishema's arrest on Thursday.

It called him "one of the most wanted suspects" in the Rwandan genocide.

According to the South African prosecutors' documents, he had fled from Rwanda at least a year before his indictment on the killing of 2,000 Tutsi refugees.

Kayishema was among the leaders of a group that first tried to burn the church down. When that plan failed, he and others used a bulldozer to raze the building, crushing and killing the people inside, the indictment said.

He was also involved in moving the bodies to a mass grave over the next two days, according to the indictment.

He was ultimately tracked down to the town of Paarl in South Africa's Western Cape province, an historic old town known mostly for its wine making and for having one of South Africa's most prestigious rugby-playing schools.

Kayishema was tracked down by the genocide tribunal's fugitive tracking team and Interpol, with help from authorities in Rwanda, South Africa, Mozambique, Eswatini, Britain, Canada and the United States, the tribunal said.

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The Court of Bosnia and Herzegovina, War Crimes Chamber

Official Court Website [English translation]

Kemal Mrnadzic, who is accused of War Crimes in the Concentration Camp, was arrested in the USA (Sarajevo Times) May 18, 2023

Kemal Mrndžić, who during the war in Bosnia and Herzegovina was a guard supervisor in the notorious Čelebići camp, was arrested in the USA and accused on several counts of fraud in obtaining refugee status and later US citizenship.

He was charged Wednesday with falsifying, concealing a material fact from the U.S. government by trick, scheme, or device; using a fraudulently obtained US passport; and possession and use of a fraudulently acquired social security card.

According to the lawsuit, Mrndzic served as a supervisor of guards at an infamous prison camp in Bosnia and Herzegovina during the war.

The UN International Criminal Tribunal for the former Yugoslavia found that the guards in the Čelebići camp committed numerous murders, rapes and participated in torture and other forms of persecution of Serbian detainees in the camp.

Three of Mrndzic's fellow guards were convicted by the tribunal after a trial in The Hague where the survivors testified about the agonizing conditions in the prison camps. Prosecutors said that a number of survivors have since identified Mrndzic as being involved in beatings and other abuses committed in Celebici.

Prosecutors said that after the end of the war, Hague Tribunal investigators spoke with Mrndžić in Sarajevo and accused him of involvement in abuses in Čelebići.

"Mrndžić subsequently hatched a plan to escape the country by crossing the border with Croatia and allegedly registered as a refugee in the United States using a fictitious story," prosecutors said in a statement.

It further states that he falsely claimed in his refugee claim and interview that he fled his home after being captured, interrogated and abused by Serbian forces, and that he could not return home for fear of future persecution. He was admitted to the US as a refugee in 1999 and finally became a naturalized US citizen in 2009, Klix.ba reports.

Bosnia Arrests Serb Ex-Soldier for Wartime Rape of Prisoners (Balkan Transitional Justice)

By Enes Hodzic

May 29, 2023

Borislav Gligorevic, a former Territorial Defence fighter and Bosnian Serb Army soldier who is suspected of raping two Bosniak women prisoners in Liplje in 1992, was arrested at a border crossing with Serbia.

The Bosnian state prosecution announced on Monday that Borislav Gligorevic was arrested on May 26 while attempting to enter Bosnia and Herzegovina from Serbia at the Karakaj border crossing.

The prosecution said that he is suspected, as a member of the Bosnian Serb Army and the Bijeli Orlovi (White Eagles) unit of the Territorial Defence force in the city of Zvornik, of raping two women civilians in Liplje in the Zvornik municipality.

It alleged that he committed the crimes "while a number of Bosniak civilians were being unlawfully held in detention

in the village of Liplje while being abused multiple times and a number of women were being sexually abused”.

He and others allegedly went to the houses where the detainees were being held and raped two women who were threatened with violence and death.

After the start of the war in April 1992, a school in Liplje and two private houses nearby were turned into one of the most notorious detention facilities in the Zvornik municipality, where according to testimonies from survivors, around 460 people were imprisoned, a BIRN investigation found in 2020.

Men and women who were detained there were tortured, raped and killed.

Another man suspected of committing war crimes in Liplje, Rade Grujic, an alleged member of the Snagovo Company of the Territorial Defence force in Zvornik, was arrested in February this year. He is now on trial for raping a Bosniak woman in Liplje.

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International Criminal Tribunal for the Former Yugoslavia (ICTY)

Official Website of the ICTY

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Domestic Prosecutions In The Former Yugoslavia

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Turkey

Erdogan hails 'special relationship' with Putin ahead of crucial Turkey runoff vote (CNN) By Tamara Qiblawi and Isil Sariyuce
May 19, 2023

Turkey has a “special” and growing relationship with Russian President Vladimir Putin despite mounting pressure on Ankara to help bolster Western sanctions against Moscow, Turkish President Recep Tayyip Erdogan said in an exclusive interview ahead of next week’s presidential election runoff.

“We are not at a point where we would impose sanctions on Russia like the West have done. We are not bound by the West’s sanctions,” Erdogan told CNN’s Becky Anderson. “We are a strong state and we have a positive relationship with Russia.”

“Russia and Turkey need each other in every field possible,” he added.

Erdogan is the apparent frontrunner in the Turkish presidential race which heads to a runoff vote on May 28. He and his principal rival, Kemal Kilicdaroglu, have diverged on a number of foreign policy issues, including diplomacy with

the West and Russia.

Kilicdaroglu has vowed to repair years of strained diplomacy with the West.

He has also said he would not seek to emulate Erdogan's personality-driven relationship with Putin, and instead recalibrate Ankara's relationship to Moscow to be "state-driven."

But in the days leading up to the first round of the presidential race on May 14, Kilicdaroglu sharpened his tone on the Kremlin, accusing it of meddling in Turkey's election and threatening to rupture the relationship between the two countries.

"Dear Russian friends, you are behind the montages, conspiracies, deep fake content and tapes that were exposed in this country yesterday," he said on Twitter.

"If you want the continuation of our friendship after May 15, get your hands off the Turkish state," Kilicdaroglu said.

By contrast, Erdogan has doubled down on his relationship with Putin – and he thinks the West should follow suit. "The West is not leading a very balanced approach," he told CNN. "You need a balanced approach towards a country such as Russia, which would have been a much more fortunate approach."

He has accused his rival of seeking to "detach" Turkey from Russia.

Since Russia launched its invasion of Ukraine in February 2022, the Turkish strongman has emerged as a key powerbroker, adopting a crucial balancing act between the two sides, widely known as "pro-Ukrainian neutrality."

He helped broker a key agreement known as the Black Sea Grain Corridor Initiative that unlocked millions of tons of wheat caught up in Russia's invasion of Ukraine, averting a global hunger crisis. The agreement was extended for another two months on Wednesday, one day before it was set to expire.

"This was possible because of our special relationship with President Putin," he told CNN, referring to the grain deal.

Russian-Turkish trade comes to \$62 billion annually. Earlier this year, Putin waived Turkish gas payments to Russia in a move that was believed to help bolster Erdogan's chances in the election.

Erdogan also helped secure an exchange of prisoners of war between Ukraine and Russia, in addition to hosting some liberated Ukrainian POWs in Turkey, and providing Kyiv with arms. Still his close ties with Putin have made his Western allies nervous.

In his interview with CNN, Erdogan tackled another key flashpoint in Turkish tensions with the West: Sweden's accession to NATO. Turkey – NATO's second largest army – has blocked Stockholm's membership in the alliance, accusing it of harboring militants from the banned Kurdistan Workers Party (PKK).

"As long as Sweden continues to allow the offshoots of terror groups in Turkey to roam free in Sweden, in the streets of Stockholm, we cannot look favorably on Sweden's membership in NATO," Erdogan said.

"We're not ready for Sweden right now," he added. "Because a NATO country should have a strong stance when it comes to fighting terrorism."

Sweden has refused Turkey's repeated requests to extradite individuals Ankara describes as terrorists, arguing that the issue can only be decided by Swedish courts.

Erdogan also criticized US President Joe Biden for calling him an "autocrat" in his 2020 campaign for the White House. "Would a dictator ever enter a runoff election?" Erdogan questioned.

A high-stakes election

Erdogan struck an optimistic note about the ongoing presidential race. "This is a new experience for Turkish democracy. I believe my people will turn up for a strong democracy in next Sunday's elections," he said.

He secured a nearly five-point lead over Kilicdaroglu in the election's first round on May 14. His ruling Justice and Development (AK) party also won a comfortable parliamentary majority.

Erdogan told CNN that he expected his party's strong performance in the parliamentary contest to boost his chances in the presidential runoff, arguing that voters may be deterred by the prospect of voting for a hung parliament. "Stability

and confidence are very important and people who look for stability will do what is necessary at the polls,” he said.

Neither candidate surpassed the 50% threshold needed to clinch the presidential win in the first round.

The result defied opinion polls, which predicted a slight lead for Kilicdaroglu, the 74-year-old bureaucrat and leader of the left-leaning CHP.

Six opposition groups had formed an unprecedented unified front to try to wrest power from Erdogan, who also faced headwinds from a flailing economy and the aftermath of the devastating earthquake on February 6 which killed more than 50,000 people.

The opposition has described the election as a last stand for Turkish democracy, accusing Erdogan of hollowing out the country’s democratic institutions during his 20-year rule, eroding the power of the judiciary and repressing dissent.

The president’s detractors also blamed his unorthodox economic policies – namely his refusal to raise interest rates – for unfettered inflation and a plummeting lira.

In his interview with CNN, Erdogan denied cracking down on freedoms, claiming that “nobody is behind bars for their ideas in Turkey.” According to Reporters Without Borders, more than 100 journalists, lawyers and local politicians were arrested in the weeks leading up to Sunday’s elections.

He also defended his decision to suppress interest rates and claimed it has already yielded positive results. “I have a thesis that interest rates and inflation are positively correlated. The lower the interest rates, the lower inflation will be,” said Erdogan. “We have seen results in terms of the steps we have taken.”

The government’s shambolic initial response to the massive earthquake – which officials have acknowledged and apologized for – was also expected to buoy the opposition. But on May 14, Erdogan won the majority of votes in Turkey’s devastated southeast.

Turkey’s nearly 4 million-strong Syrian refugee population is also a tinderbox issue in this election. Kilicdaroglu has promised to deport Syrian refugees. The race’s third-place candidate, Sinan Ogan, is an ultra-nationalist who has said he would endorse the candidate with the more stringent refugee policy.

This appears to have prompted Kilicdaroglu to take on a hardened stance on refugees in his campaign videos. Meanwhile, Erdogan has told CNN that he won’t bend to Ogan’s wishes.

“I’m not a person who likes to negotiate in such a manner,” he said, responding to speculation about Ogan emerging as a kingmaker in the runoff. “It will be the people who are the kingmakers.”

Erdogan has dismissed opposition calls for a comprehensive deportation of refugees and has said that he will instead “encourage” around a million refugees to return to Syria. He said Turkey was building infrastructure and homes in Turkish-controlled parts of the war-torn country to facilitate their repatriation.

“Turkish NGOs are building residential units in northern Syria so that refugees here can go back to their homeland. This process has already started,” he told CNN. “We are encouraging one million refugees to go back to their homeland.”

Electoral campaigns around deporting Syrians in Turkey come as part of a regional drive to push displaced Syrians back to the crisis-ridden country. Jordan and Lebanon, which also host millions of Syrian refugees, have also called for mass repatriation.

It also comes as part of a wave of regional normalization with the regime of Syrian President Bashar al-Assad, despite numerous allegations of war crimes and crimes against humanity levelled against the dictator.

Erdogan, who backed armed Islamist opposition groups in Syria’s civil war, said he is also keen to turn the page, through Assad’s main backer, Putin.

“(Through) my friendship with President Putin, we thought we could open a door, specifically in our fight against terrorism in the northern part of Syria, which requires close cooperation and solidarity,” he said, referring to Kurdish militants in northeast Syria.

“If we can do that, I said I see no obstacle that would remain in the way of our reconciliation,” he said, while promising to maintain Turkey’s presence in northern Syria despite Assad preconditioning talks on Ankara’s withdrawal from the territory.

“We have more than 900 kilometres of border and there is a constant terror threat from those borders on our country,” he said. “The only reason we have a military presence on the border is to fight against terrorism. That’s the sole reason.”

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Russia

Prosecutor General’s Office records over 88,500 Russian war crimes, crimes of aggression in Ukraine (Kyiv Independent) May 22, 2023

Russian forces have committed 88,517 war crimes and crimes of aggression in Ukraine since the start of Russia’s all-out war, Ukraine’s Prosecutor General’s Office reported on May 21.

Ukrainian law enforcement agencies also said that Russia’s war against Ukraine has killed at least 482 children and wounded at least 981 since Feb. 24, 2022.

The real number of children killed and injured due to Russia’s war is expected to be higher as the current count does not include casualties in Russian-occupied territories or where hostilities are ongoing.

Prosecutor General’s Office reported that 651 suspects allegedly responsible for those crimes are the Russian soldiers and the country’s political leadership.

Earlier, two former Wagner mercenaries told Russian opposition media that they had allegedly killed dozens of Ukrainian civilians, including children.

“We were ordered to clean up and destroy everyone (in Soledar and Bakhmut). We came with 150 Wagner fighters killing everyone (on our way) - women, men, elderly, and children, including small, five-year-olds,” Ex-prisoner and former Wagner mercenary Azamat Uldarov said on April 17.

On May 17, the Council of Europe announced that it had established a “Register of Damage” for Russian crimes of aggression in Ukraine.

Russian attack on Ukrainian clinic kills two and wounds 30, Kyiv says (Reuters) By Olena Harmash and Max Hunder
May 27, 2023

A Russian missile hit a clinic in the eastern Ukrainian city of Dnipro on Friday, killing two people and wounding 30 in an attack that President Volodymyr Zelenskiy called a crime against humanity.

Video footage showed a devastated building with smoke pouring out of it and rescue workers looking on. Much of the upper floor of what appeared to be a three-storey building had been badly damaged. A covered corpse lay in the road nearby.

"Another (Russian) missile attack, another crime against humanity," Zelenskiy wrote on Twitter.

He said a psychological clinic and a veterinary clinic had been hit, and added: "Only an evil state can fight against clinics. There can be no military purpose in this. It is pure Russian terror."

Regional governor Serhiy Lysak said a 69-year-old man had been killed as he passed the clinic and another man's body had been pulled from the rubble.

He said 30 people had been wounded, including two children, and contact had not yet been made with three people thought to have been in the building when it was hit.

Ukraine's Defence Ministry called the attack a serious war crime under the Geneva Conventions, which set out how soldiers and civilians should be treated in war.

Russia's Defence Ministry said it had carried out an overnight strike on Ukrainian ammunition depots.

"The target of the strike has been achieved. All designated facilities were hit," the RIA news agency quoted it as saying.

Moscow has dismissed allegations that its soldiers have committed war crimes and denies deliberately targeting civilians although it has bombarded cities across Ukraine since invading 15 months ago.

OVERNIGHT ATTACKS

Moscow said earlier on Friday Ukraine had struck two regions in southern Russia with a rocket and a drone, but the missile was shot down.

Ukraine said it had shot down 10 missiles and more than 20 drones launched by Russia in overnight attacks on Dnipro, Kyiv and eastern regions.

Zelenskiy's office said a fire had broken out on the outskirts of the northeastern city of Kharkiv after an oil depot was hit twice, and that equipment for pumping oil products had been damaged.

After months of attacks on energy infrastructure, Russia has shifted the focus of its missile strikes to try to disrupt preparations for a Ukrainian counterattack, a senior military intelligence official said last week. Attacks were increasingly targeting military facilities and supplies, he said.

South Africa plans law change over Putin ICC arrest warrant (BBC) By Farouk Chothia and Robert Greenall
May 30, 2023

South Africa plans to change its law so that it has the power to decide whether or not to arrest a leader wanted by the International Criminal Court (ICC), a deputy minister has told the BBC.

Obed Bapela's remarks come amid intense speculation over whether South Africa stands by its invitation to Russia's President Putin to visit in August.

The ICC has issued an arrest warrant for Mr Putin over the Ukraine war.

South Africa had earlier invited him to attend a summit of Brics leaders.

Russia has not said whether Mr Putin plans to attend the summit.

Meanwhile Pretoria has also granted diplomatic immunity to Russian officials attending, something that its foreign affairs department described as standard procedure.

Brics is intended to strengthen ties between the nations that make it up - Brazil, Russia, India, China and South Africa.

"In June we'll be submitting the law in parliament," Obed Bapela, a deputy minister in the South African presidency, told the BBC World Service's Newshour programme.

Through the law, South Africa "will give itself exemptions of who to arrest and who not to arrest," Mr Bapela said.

Under its current laws, South Africa is obliged to arrest Mr Putin if he arrives on its shores, as it is a member of the ICC.

But South Africa has refused to condemn Russia's invasion of Ukraine, insisting it wants to remain neutral.

The ICC issued its warrant for Mr Putin in March, accusing him of being responsible for war crimes - though Moscow has rejected such allegations.

South Africa's main opposition party, the Democratic Alliance (DA), has launched a court application to compel the authorities to arrest Mr Putin should he arrive in August.

Mr Bapela said that South Africa was also writing to the ICC about a waiver.

This refers to article 98 of the Rome Statute, the treaty which established the court in 2002.

While article 27 says no-one is immune from prosecution by the ICC, article 98 appears to suggest that the ICC could not ask South Africa to arrest the Russian leader unless Russia agreed to waive Mr Putin's immunity from prosecution.

The deputy minister also lashed out at the ICC for its "double standards", saying the late Nelson Mandela, South Africa's first democratically elected president, would have been disappointed by the war crimes court.

"We never thought that the ICC that we have today will be what it is. They never indicted Tony Blair, they never indicted [George W] Bush for their killings of Iraq people," he said, referring to the former UK and US leaders and their invasion of Iraq in 2003.

"Mandela would have said [that] the inequality, the inconsistency by the ICC, is a problem."

Mr Bapela also pointed to past examples of exemptions of international justice, like the UK's decision not to extradite General Augusto Pinochet in 1998.

The former Chilean dictator was arrested in London at the request of a Spanish judge seeking to put him on trial for human rights abuses during his 17-year rule, but the UK government freed him after 16 months on the advice of medical experts who said he was unfit to stand trial. He died back home in 2006.

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Special Tribunal for Lebanon

Official Website of the Special Tribunal for Lebanon
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ASIA

Afghanistan

In Australian defamation court, a proxy ‘war crimes trial’ nears judgement (Reuters) By Byron Kaye
May 29, 2023

Australian special forces soldier Ben Roberts-Smith was lauded as a hero and

awarded Australia's highest military honour for "conspicuous gallantry" during a 2010 attack on two Taliban machine-gun posts during his fifth tour of Afghanistan.

But according to three newspapers, backed by accounts of other soldiers who said they were there, the Victoria Cross recipient also played a part in the unlawful killings of six Afghans during his deployment.

The accusations are at the heart of Australia's costliest and second longest-running defamation lawsuit for which a judgement is scheduled on Thursday.

Legal experts say that while the civil hearing focused on reputational damage brought by a series of 2018 articles, it effectively played out as the country's first war crimes trial.

"Because the principle defence here is truth, what the trial has become is a de facto war crimes trial," said David Rolph, a professor at University of Sydney law school who specialises in media law, referring to one of the available defences in Australian defamation cases. "The stakes are incredibly high," he added.

The judgement comes at a time of heightened sensitivity around Australia's military after a 2020 report said there was credible evidence members of the special forces killed dozens of unarmed prisoners in Afghanistan.

No soldiers were named in the redacted report but about two dozen current and former Australian soldiers were referred for potential criminal prosecution.

The Sydney Morning Herald, the Age and the Canberra Times newspapers in 2018 ran articles accusing Roberts-Smith of unacceptable use of force against unarmed Afghans from 2009 to 2012.

Roberts-Smith, one of just 101 soldiers to receive the Victoria Cross, sued the newspapers in 2020, saying they falsely accused him of being complicit in war crimes.

By then an in-demand public speaker and an executive at broadcaster Seven West Media (SWM.AX), Roberts-Smith said he lost substantial future earnings as a result.

The newspapers, in 110 days of judge-only hearings spread over a year that was interrupted by COVID-19 restrictions, maintained their claims were true and put forward witnesses, including soldiers and Afghan civilians, to support their claims. Roberts-Smith, who funded his lawsuit partly with a loan from billionaire Seven boss Kerry Stokes, claimed the opposition witnesses were fantasists and disgruntled failed soldiers. He also put forward former soldiers as witnesses who supported his actions.

He seeks compensatory damages, aggravated damages and damages for future economic loss, although his lawyers did not give a total amount sought.

The Nine Entertainment Co Holdings Ltd-owned (NEC.AX) Herald, one of the defendants, reported the trial's legal costs totalled A\$25 million (\$17 million), which the losing side may be ordered to pay, legal experts said.

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Extraordinary Chambers in the Courts of Cambodia (ECCC)

Official Website of the Extraordinary Chambers [English]

Official Website of the United Nations Assistance to the Khmer Rouge Trials (UNAKRT)

Cambodia Tribunal Monitor

Blood On His Hands (The Intercept) By Nick Turse

May 23, 2023

At the end of a dusty path snaking through rice paddies lives a woman who

survived multiple U.S. airstrikes as a child.

Round-faced and just over 5 feet tall in plastic sandals, Meas Lorn lost an older brother to a helicopter gunship attack and an uncle and cousins to artillery fire. For decades, one question haunted her: “I still wonder why those aircraft always attacked in this area. Why did they drop bombs here?”

The U.S. carpet bombing of Cambodia between 1969 and 1973 has been well documented, but its architect, former national security adviser and Secretary of State Henry Kissinger, who will turn 100 on Saturday, bears responsibility for more violence than has been previously reported. An investigation by *The Intercept* provides evidence of previously unreported attacks that killed or wounded hundreds of Cambodian civilians during Kissinger’s tenure in the White House. When questioned about his culpability for these deaths, Kissinger responded with sarcasm and refused to provide answers.

An exclusive archive of formerly classified U.S. military documents — assembled from the files of a secret Pentagon task force that investigated war crimes during the 1970s, inspector generals’ inquiries buried amid thousands of pages of unrelated documents, and other materials discovered during hundreds of hours of research at the U.S. National Archives — offers previously unpublished, unreported, and underappreciated evidence of civilian deaths that were kept secret during the war and remain almost entirely unknown to the American people. The documents also provided a rudimentary road map for on-the-ground reporting in Southeast Asia that yielded evidence of scores of additional bombings and ground raids that have never been reported to the outside world.

Survivors from 13 Cambodian villages along the Vietnamese border told *The Intercept* about attacks that killed hundreds of their relatives and neighbors during Kissinger’s tenure in President Richard Nixon’s White House. The interviews with more than 75 Cambodian witnesses and survivors, published here for the first time, reveal in new detail the long-term trauma borne by survivors of the American war. These attacks were far more intimate and perhaps even more horrific than the violence already attributed to Kissinger’s policies, because the villages were not just bombed, but also strafed by helicopter gunships and burned and looted by U.S. and allied troops.

The incidents detailed in the files and the testimony of survivors include accounts of both deliberate attacks inside Cambodia and accidental or careless strikes by U.S. forces operating on the border with South Vietnam. These latter attacks were infrequently reported through military channels, covered only sparingly by the press at the time, and have mostly been lost to history. Together, they increase an already sizable number of Cambodian deaths for which Kissinger bears responsibility and raise questions among experts about whether long-dormant efforts to hold him accountable for war crimes might be renewed.

The Army files and interviews with Cambodian survivors, American military personnel, Kissinger confidants, and experts demonstrate that impunity extended from the White House to American soldiers in the field. The records show that U.S. troops implicated in killing and maiming civilians received no meaningful punishments.

Together, the interviews and documents demonstrate a consistent disregard for Cambodian lives: failing to detect or protect civilians; to conduct post-strike assessments; to investigate civilian harm allegations; to prevent such damage from recurring; and to punish or otherwise hold U.S. personnel accountable for injuries and deaths. These policies not only obscured the true toll of the conflict in Cambodia but also set the stage for the civilian carnage of the U.S. war on terror from Afghanistan to Iraq, Syria to Somalia, and beyond.

“You can trace a line from the bombing of Cambodia to the present,” said Greg Grandin, author of “Kissinger’s Shadow.” “The covert justifications for illegally bombing Cambodia became the framework for the justifications of drone strikes and forever war. It’s a perfect expression of American militarism’s unbroken circle.”

Kissinger bears significant responsibility for attacks in Cambodia that killed as many as 150,000 civilians, according to Ben Kiernan, former director of the Genocide Studies Program at Yale University and one of the foremost authorities on the U.S. air campaign in Cambodia. That’s up to six times the number of noncombatants thought to have died in U.S. airstrikes in Afghanistan, Iraq, Libya, Pakistan, Somalia, Syria, and Yemen during the first 20 years of the war on terror. Grandin estimated that, overall, Kissinger — who also helped to prolong the Vietnam War and facilitate genocides in Cambodia, East Timor, and Bangladesh; accelerated civil wars in southern Africa; and supported coups and death squads throughout Latin America — has the blood of at least 3 million people on his hands

All the while, as Kissinger dated starlets, won coveted awards, and rubbed shoulders with billionaires at black-tie White House dinners, Hamptons galas, and other invitation-only soirées, survivors of the U.S. war in Cambodia were left to grapple with loss, trauma, and unanswered questions. They did so largely alone and invisible to the wider world, including to Americans whose leaders had upended their lives.

Henry Kissinger dodged questions about the bombing of Cambodia for decades and has spent half his life lying about his role in the killings there. In 1973, during his Senate confirmation hearings to become secretary of state, Kissinger was asked if he approved of deliberately keeping attacks on Cambodia secret, to which he responded with a wall of words justifying the assaults. "I just wanted to make clear that it was not a bombing of Cambodia, but it was a bombing of North Vietnamese in Cambodia," he insisted. The evidence from U.S. military records and eyewitness testimony directly contradicts that claim. So did Kissinger himself.

In his 2003 book, "Ending the Vietnam War," Kissinger offered an estimate of 50,000 Cambodian civilian deaths from U.S. attacks during his involvement in the conflict — a number given to him by a Pentagon historian. But documents obtained by The Intercept show that number was conjured almost out of thin air. In reality, the U.S. bombardment of Cambodia ranks among the most intense air campaigns in history. More than 231,000 U.S. bombing sorties were flown over Cambodia from 1965 to 1973. Between 1969 and 1973, while Kissinger was national security adviser, U.S. aircraft dropped 500,000 or more tons of munitions. (During all of World War II, including the atomic bombings, the United States dropped around 160,000 tons of munitions on Japan.)

At a 2010 State Department conference on U.S. involvement in Southeast Asia from 1946 through the close of the Vietnam War, I asked Kissinger how he would amend his testimony before the Senate, given his own contention that tens of thousands of Cambodian civilians died from his escalation of the war.

"Why should I amend my testimony?" he replied. "I don't quite understand the question, except that I didn't tell the truth."

"Anything That Flies on Anything That Moves"

One night in December 1970, Nixon called his national security adviser in a rage about Cambodia. "I want the helicopter ships. I want everything that can fly to go in and crack the hell out of them," he barked at Kissinger, according to a transcript. "I want gunships in there. That means armed helicopters. ... I want it done! Get them off their ass. ... I want them to hit everything."

Five minutes later, Kissinger was on the phone with Gen. Alexander Haig, his military aide, relaying the command for a relentless assault on Cambodia. "It's an order, it's to be done. Anything that flies on anything that moves. You got that?"

Two years earlier, Nixon had won the White House promising to end America's war in Vietnam, but instead expanded the conflict into neighboring Cambodia. Fearing public backlash and believing that Congress would never approve an attack on a neutral country, Kissinger and Haig began planning — a month after Nixon took office — an operation that was kept secret from the American people, Congress, and even top Pentagon officials via a conspiracy of cover stories, coded messages, and a dual bookkeeping system that logged airstrikes in Cambodia as occurring in South Vietnam. Ray Sitton, a colonel serving the Joint Chiefs of Staff, would bring a list of targets to the White House for approval. "Strike here in this area," Kissinger would tell him, and Sitton would backchannel the coordinates into the field, circumventing the military chain of command. Authentic documents associated with the strikes were burned, and phony target coordinates and other forged data were provided to the Pentagon and Congress.

Kissinger, who went on to serve as secretary of state in the Nixon and Gerald Ford administrations, was awarded the Nobel Peace Prize in 1973 and the Presidential Medal of Freedom — America's highest civilian award — in 1977. In the decades that followed, he has continued to counsel U.S. presidents, most recently Donald Trump; served on numerous corporate and government advisory boards; and authored a small library of bestselling books on history and diplomacy. Born Heinz Alfred Kissinger in Fürth, Germany, on May 27, 1923, he came to the United States in 1938, amid a flood of Jews fleeing Nazi oppression. He became a U.S. citizen in 1943 and served in the U.S. Army in Europe during World War II. After graduating summa cum laude from Harvard College in 1950, he continued on to an M.A. in 1952 and a Ph.D. in 1954. He subsequently joined the Harvard faculty, working in the Department of Government and at the Center for International Affairs until 1969. While teaching at Harvard, he served as a consultant for the administrations of John F. Kennedy and Lyndon B. Johnson before his senior roles in the Nixon and Ford administrations. A believer in Realpolitik, Kissinger heavily influenced U.S. foreign policy between 1969 and 1977.

Through a combination of relentless ambition, media savvy, and the ability to muddy the truth and slip free of scandal, Kissinger transformed himself from a college professor and government functionary into the most celebrated American diplomat of the 20th century and a bona fide celebrity. While dozens of his White House colleagues were engulfed in the swirling Watergate scandal, which cost Nixon his job in 1974, Kissinger emerged unscathed, all the while providing fodder for the tabloids and spouting lines like "Power is the ultimate aphrodisiac."

Kissinger was the chief architect of U.S. war policy in Southeast Asia, achieving almost co-president status in such

matters. Kissinger and Nixon were also uniquely responsible for attacks that killed, wounded, or displaced hundreds of thousands of Cambodians and laid the groundwork for the Khmer Rouge genocide.

Pol Pot and the Khmer Rouge leadership cannot be exonerated for committing genocide on the Cambodian people, said Kiernan, the Yale scholar, but neither can Nixon nor Kissinger escape responsibility for their role in the slaughter that precipitated it. The duo so destabilized the tiny country that Pol Pot's nascent revolutionary movement took over Cambodia in 1975 and unleashed horrors, from massacres to mass starvation, that would kill around 2 million people.

Kaing Guek Eav (known as "Duch") who ran the Khmer Rouge's Tuol Sleng prison, where thousands of Cambodians were tortured and murdered in the late 1970s, made the same observation. "Mister Richard Nixon and Kissinger," he told a United Nations-backed tribunal, "allowed the Khmer Rouge to grasp golden opportunities." After he was overthrown in a military coup and his country was plunged into genocide, Cambodia's deposed monarch, Prince Norodom Sihanouk, leveled similar blame. "There are only two men responsible for the tragedy in Cambodia," he said in the 1970s. "Mr. Nixon and Dr. Kissinger."

In his 2001 book-length indictment, "The Trial of Henry Kissinger," Christopher Hitchens called for Kissinger's prosecution "for war crimes, for crimes against humanity, and for offenses against common or customary or international law, including conspiracy to commit murder, kidnap, and torture" from Argentina, Bangladesh, and Chile to East Timor, Laos, and Uruguay. But Hitchens reserved special opprobrium for Kissinger's role in Cambodia. "The bombing campaign," he wrote, "began as it was to go on — with full knowledge of its effect on civilians, and with flagrant deceit by Mr. Kissinger in this precise respect."

Others went beyond theoretical indictments. As a teenager, Australian-born human rights activist Peter Tatchell felt greatly affected by the U.S. war — and war crimes — in Indochina. Decades later, believing that there was a strong case to be made, he took action. "It surprised me that no one had tried to prosecute Kissinger under international law, so I decided to have a go," he told *The Intercept* by email.

In 2002, with Slobodan Milošević, the former president of the Federal Republic of Yugoslavia, on trial for war crimes, Tatchell applied for an arrest warrant at Bow Street Magistrates' Court in London under the Geneva Conventions Act of 1957, an act of Parliament that incorporated some components of the laws of war as defined by the 1949 Geneva Conventions into British law. He alleged that while Kissinger "was National Security Advisor to the U.S. President 1969-75 and U.S. Secretary of State 1973-77 he commissioned, aided and abetted and procured war crimes in Vietnam, Laos and Cambodia." Judge Nicholas Evans denied the application, stating that he was not "presently" able to draft a "suitably precise charge" based on the evidence Tatchell submitted.

When the arrest warrant was denied, Tatchell tried to engage international humanitarian organizations to help or take over the case, he told *The Intercept*, but they "did not see it as a priority." He tried unsuccessfully to contact potential American witnesses and engage U.S. human rights groups.

But Tatchell maintains that Kissinger should still have his day in court. "I believe that age should never be a barrier to justice. Those who commit or authorise war crimes should be held to account, regardless of their age," he wrote, "providing they have the mental capacity for a fair trial, which I understand is the case with Kissinger."

Five Decades of Impunity

Kissinger and his acolytes frequently cast blame for the American war in Cambodia on the North Vietnamese troops and South Vietnamese guerrillas who used the country as a base and logistics hub, while giving short shrift to U.S. involvement there. "What destabilized Cambodia was North Vietnam's occupation of chunks of Cambodian territory from 1965 onwards," wrote former Kissinger aide Peter Rodman. But three years earlier — long before most Americans knew their country was at war in Southeast Asia — U.S. "bombs hit a Cambodian village by accident ... killing several civilians," according to an Air Force history. And the "accidents" never stopped. Between 1962 and 1969, the Cambodian government tallied 1,864 border violations; 6,149 violations of its air space by U.S. and South Vietnamese forces; and nearly 1,000 civilian casualties.

To Nixon and Kissinger, Cambodia was a sideshow: a tiny war waged in the shadow of the larger conflict in Vietnam and entirely subsumed to U.S. objectives there. To Cambodians on the front lines of the conflict — farming folk living hardscabble lives — the war was a shock and a horror. At first, people were awed by the aircraft that began flying above their thatched-roof homes. They called Huey Cobra attack helicopters "lobster legs" for their skids, which resembled crustacean limbs, while small bubble-like Loaches became "coconut shells" in local parlance. But Cambodians quickly learned to fear the aircraft's machine guns and rockets, the bombs of F-4 Phantoms, and the ground-shaking strikes of B-52s. Decades later, survivors still had little understanding of why they were attacked and why so many loved ones were maimed or killed. They had no idea that their suffering was due in large part to a man

named Henry Kissinger and his failed schemes to achieve his boss's promised "honorable end to the war in Vietnam" by expanding, escalating, and prolonging that conflict.

In 2010, I traveled to Cambodia to investigate decades-old U.S. war crimes. I searched the borderlands, looking for villages mentioned in U.S. military documents, carrying binders filled with photos of Cobras, Loaches, and other aircraft, asking villagers to point out the military hardware that killed their loved ones and neighbors. My interviewees were uniformly shocked that an American knew about attacks on their village and had traveled across the globe to speak with them.

For decades, the U.S. government has shown little interest in examining allegations of civilian harm caused by its military operations around the world. A 2020 study of post-9/11 civilian casualty incidents found that most have gone completely uninvestigated, and in those cases that have come under official scrutiny, U.S. investigators regularly interview American military witnesses but almost totally ignore civilians — victims, survivors, family members, and bystanders — "severely compromising the effectiveness of investigations," according to researchers from the Center for Civilians in Conflict and the Columbia Law School Human Rights Institute. The U.S. military rarely conducted investigations of civilian harm allegations in Cambodia and almost never interviewed Cambodian victims. In all 13 Cambodian villages I visited in 2010, I was the first person to ever interview victims of wartime attacks initiated 9,000 miles away in Washington, D.C.

Over the last two decades, investigative reporters and human rights groups have documented systemic killing of civilians, underreporting of noncombatant casualties, failures of accountability, and outright impunity extending from the drone pilots who slay innocent people to the architects of America's 21st-century wars in Libya, Somalia, Syria, Yemen and elsewhere. A 2021 investigation by New York Times reporter Azmat Khan — which revealed that the U.S. air war in Iraq and Syria was marked by flawed intelligence and inaccurate targeting, resulting in the deaths of thousands of innocent people — finally forced the Defense Department to unveil a comprehensive plan for preventing, mitigating, and responding to civilian casualties. The 36-page Civilian Harm Mitigation and Response Action Plan provides a blueprint for improving how the Pentagon addresses noncombatant deaths but lacks a concrete mechanism for addressing past civilian harm.

The Defense Department has been clear that it isn't interested in looking back. "At this point we don't have an intent to re-litigate cases," Defense Secretary Lloyd Austin told Rep. Sara Jacobs, D-Calif., when she asked last year whether the Pentagon was planning to revisit past civilian harm allegations from the forever wars. The possibility that the Defense Department will investigate civilian harm in Cambodia 50 years later is nil.

I share some responsibility for the delay in publishing these accounts. For 13 years — while I was reporting on drone strike victims in Somalia, ethnic cleansing in the Democratic Republic of Congo, and civil wars from Libya to South Sudan — survivors' accounts from Cambodian villages like An Lung Kreas, Bos Phlung, Bos Mon (upper), Doun Rath, Doun Rath 2, Mroan, Por, Sati, Ta Sous, Tropeang, Phlong, Ta Hang, and Udom were lodged in my notebooks. Other projects and imperatives, coupled with the vagaries of the news industry that doesn't always view past atrocities as "news," kept them there.

When I conducted my interviews, in 2010, the life expectancy in Cambodia was about 66 years. Many of the people I spoke with — their ages in this article pegged to the date we spoke — are likely dead. Few in these rural villages had cellphones 13 years ago, so I have no way to reach them. But their accounts remain vibrant and the horrors they recounted have not diminished. Nor has their pain necessarily passed on with them from this world. We know from Holocaust survivors, for example, that trauma can have intergenerational effects; it can be passed on, whether genetically or otherwise. Even at this late date, the pain of America's war in Cambodia lives on — along with the architect of that country's agony.

Memories of Atrocity

Crossing a bridge over the Mekong River, I sped into the Cambodian countryside, along highways where SUVs passed tiny carts pulled by tiny ponies, motorbikes loaded with sheaves of bamboo or brightly colored textiles or baskets of squealing pigs, and ancient flatbed trucks piled high with rough-hewn, ochre bricks. I rolled through market towns of open-air butcher shops and wooden stalls selling cases of motor oil or motorcycle helmets or child-sized bags of rice or cases of Angkor Beer. I raced past thick, unruly forests and rubber plantations and rice fields where you could spot lines of water buffalo loping, single file, along the paddy dikes. Finally, I turned off the pavement onto a path of rutted, red dirt, looking for villages unknown even to the local police. At the end of one of these dusty, pitted trails, I found a hamlet straddling the border with Vietnam.

The air in Doun Rath was dry and musty during the day and punctuated, in the late afternoon, by the comforting smell of cooking fires that wafted up to wooden homes built on stilts to maximize air circulation on sweltering days like

these.

I came looking for members of a ravaged generation who had survived both the American war and the Khmer Rouge genocide that followed. One of them, Phok Horm, spry and 84 years old at the time of our meeting, with close-cropped salt and pepper hair, told me: “Bombing was very common in this area. Sometimes, it happened every day. Sometimes there were dive bombers. Sometimes, the aircraft with the legs of a lobster would fly over and shoot at everything.”

Vietnamese guerrillas operated in the nearby forest, Phok and fellow village elders recalled. They came to Doun Rath to buy supplies from residents already living hard lives, growing rice and selling it across the border in Vietnam, before the war flooded the hamlet with refugees from other bomb-ravaged Cambodian villages. But the guerrillas generally weren't present during the attacks. “Many people here were shot,” said Chneang Sous, who was in his 20s during the conflict. “Most of them were Cambodian.”

When the shooting started, villagers would scatter, running for the uncertain protection of paddy dikes and, as the war dragged on, subterranean bunkers that families dug beside their homes. Min Keun, a teenager in 1969, remembered the regular intrusion of “lobster legs” in the skies over the village. “People would panic. They would run. Sometimes they made it. Sometimes they would be killed,” she recalled. “There was so much suffering.” Min and others remembered helicopters firing on fleeing villagers. Water buffalo and cattle were repeatedly machine-gunned. At night, the helicopters' bright search beams lit up the darkness as they hunted for enemy forces. Bombs might fall at any time.

Around 1969, Phok's husband was caught in the open during a “bombardment” and hit in the neck with shrapnel. He hung on for seven days before succumbing to his wounds. Chneang recalled an instance when an American Huey gunship popped up from behind a tree line, forcing villagers to bolt for safety. The helicopter raked the area with machine gunfire, killing his aunt and uncle. Nouv Mom told me that his younger sister was gravely wounded in a 1972 bombing. Vietnamese guerrillas arrived after the attack and took her away for medical treatment, but his family never saw her again. All told, survivors believed that more than half of all the villagers living in Doun Rath during the late 1960s and early 1970s were either killed or wounded by American attacks.

In nearby Doun Rath 2, former village chief Kang Vorn said residents led a simple life before the war, growing rice, beans, and sesame seeds. They began to see Vietnamese guerrillas around 1965, but the bombing didn't begin until about 1969. Vet Shea, a one-eyed woman, recalled that the attacks intensified as time went on. “Sometimes we were bombed every day. Once, it was three or four times in one day,” she said. She herself survived a helicopter attack targeting farmers working in the nearby fields. “I ran flat out when I saw it,” Vet told me. “One person was wounded. A few others died.”

Thirteen elders of Doun Rath 2 did their best to recall the names of the dead. “Nul, Pik, Num, Seung,” said Sok Yun, an 85-year-old who relied on a weathered walking stick, as she ticked off the names of four villagers killed when their bomb shelter collapsed under a direct hit from an airstrike. Vet said her aunt was slain in another attack. Tep Sarum was just a teenager when a bomb hit his aunt's house, killing her. Mom Huy, 80 years old at the time of our interview, said deaths and injuries from the bombs were common, while Kang, the former chief, estimated that at least 30 villagers were wounded by airstrikes but survived.

Just how many people in and around Doun Rath and Doun Rath 2 were killed by Nixon and Kissinger's war was already lost to history when I visited. The U.S. documentary record is quite sparse, but it does exist. On the night of August 9 and the morning of August 10, 1969, according to an Army inspector general's report, a U.S. “Nighthawk” helicopter team — consisting of one Huey, equipped with a spotlight and high-powered M-60 machine guns, and a Cobra gunship outfitted with a powerful Gatling gun, rockets, and a grenade launcher — was operating in a so-called free fire zone near the South Vietnamese border with Cambodia.

The previously unreported investigation reveals that while only some members of the helicopter crews mentioned sporadic ground fire that night, they all agreed that lights were seen in “living structures.” Helicopter crew members claimed that radar operators told them they were over South Vietnam, but the radar operators said otherwise. One of them, Rogden Palmer, speaking to investigators about the Huey commander, said:

[H]e told his Tiger bird (the cobra accompanying him) that he thought he saw a light. At this time I advised him that he was close to the Cambodian border, and he rogered my transmission. Night Hawk and Tiger started circling ... about the same time I advised him that he appeared to be over the border. I don't remember if he rogered my transmission, but I believe [sic] he did. At one time I told him he was over the border.

Apparently undaunted, the Huey focused its searchlight on the houses and the Cobra gunship commenced a firing run, blasting three of what the Pentagon documents referred to as “hooches” — shorthand for civilian dwellings — with

machine gunfire and rockets filled with “flechettes,” tiny nails designed to tear through human flesh.

The U.S. investigation determined that the helicopters “did engage a target in the vicinity of the Cambodian border which could have been the village of Doun Rath.” The survivors in Doun Rath and Doun Rath 2 didn’t recall this particular incident, emphasizing that attacks were so common for so long that they blended together. The report concluded that the “aircraft commander exercised poor judgement [sic] in engaging a target under these circumstances.” The inspector general, however, recommended that “no disciplinary action be taken,” and until I arrived decades later no one, apparently, had tried to investigate what actually happened in Doun Rath.

Fifty years on, most U.S. attacks in Cambodia are unknown to the wider world and may never be known. Even those confirmed by the U.S. military were ignored and forgotten: cast into history’s dustbin without additional reviews or follow-up investigations.

On January 6, 1970, for example, five helicopters breached Cambodian airspace and fired on the village of Prastah, killing two civilians and severely wounding an 11-year-old girl, according to an Army inspector general’s summary report. That perfunctory review found that helicopter gunships from the 25th Infantry Division had fired on enemy forces, who allegedly withdrew into Cambodia. The inquiry determined that the “gunships continued to engage and rounds did impact in Cambodia.” As to the question of civilian casualties and property damage resulting from the attack, the report stated only that “it was possible that civilian personnel ... could have been struck by fire from the gunships and some crops could have been destroyed.” There is no indication that anything was done to compensate the survivors.

In the early evening of May 3, 1970, a helicopter circled the Cambodian village of Sre Kandal several times, scaring villagers and forcing them to flee, according to a formerly classified Army report. The file states that witnesses said a “helicopter of unknown type circled their village several times. They became frightened and started to run, at which time the helicopter allegedly fired.” According to Cambodians who the U.S. military encountered just after the attacks, three people suffered burns when a home was set ablaze in the attack and one person was wounded by shrapnel. One of the burn victims, his name likely engraved in the hearts of his Cambodian relatives but otherwise lost to history, later died.

“Everything Was Completely Destroyed”

Less than a month after Kissinger and Haig began planning the secret bombing of Cambodia, the U.S. launched Operation MENU, a callously titled collection of B-52 raids codenamed BREAKFAST, LUNCH, SNACK, DINNER, DESSERT, and SUPPER that were carried out from March 18, 1969, to May 26, 1970. The attacks were kept secret through multiple layers of deception; Kissinger approved each one of the 3,875 sorties.

Survivors say that living through a B-52 bombing is unimaginably terrifying, bordering on the apocalyptic. Even within the confines of a deep, well-built bomb shelter, the concussive force from a nearby strike might burst eardrums. For those more exposed, the earth-shaking strikes could be extraordinarily lethal.

One morning, at the end of a busted dirt and gravel road near the Vietnamese border, I found Vuth Than, 78 years old at the time, with a shorn head of bristly gray hair and a mouth stained red with juice from betel nut, a natural stimulant popular in Southeast Asia.

Both Vuth and her sister, 72-year-old Vuth Thang, broke down as soon as I explained the purpose of my reporting. They were away from their home in the village of Por when a B-52 strike wiped out 17 members of their family. “I lost my mother, father, sisters, brothers, everyone,” Vuth Than told me, tears streaming down her cheeks. “It was so terrible. Everything was completely destroyed.”

Exposed by North Vietnam’s Hanoi Radio and confirmed by the New York Times in May 1969, the secret bombing of Cambodia was officially denied and unknown to the public and the relevant congressional committees at the time. Congress and the American people were kept so deep in the dark that on April 30, 1970, as he announced the first publicly avowed U.S. ground invasion of Cambodia to strike at suspected enemy base areas, Nixon could baldly lie, telling the country: “For five years neither the United States nor South Vietnam has moved against these enemy sanctuaries because we did not wish to violate the territory of a neutral nation.”

It was only in 1973, during the Watergate scandal, that the secret bombing allegations came to the fore, prompting the first effort to impeach Nixon on the grounds that he had waged a secret war in a neutral nation in violation of the U.S. Constitution. Eventually, that article of impeachment was voted down in the name of political expediency. In the face of the other charges, however, Nixon resigned from office.

“That was in essentially unpopulated areas and I don’t believe it had any significant casualties,” Kissinger told me at

the 2010 State Department conference, titled “The American Experience in Southeast Asia, 1946-1975,” when I questioned him about the bombing. It was effectively the same reply he offered British journalist David Frost during a 1979 NBC News interview in which Frost charged that Kissinger’s Cambodia policy set in motion a series of events that would “destroy the country.” Kissinger stormed out of the studio after the taping and Frost quit the project, alleging interference by NBC, which was then also employing Kissinger as a consultant and commentator. NBC later released a transcript of the interview but allowed Kissinger to amend his comments through an attached letter to NBC News President William Small.

“We did not start to destroy a country from anybody’s point of view when we were bombing seven isolated North Vietnamese base areas within some five miles of the Vietnamese border, from which attacks were being launched into South Vietnam,” Kissinger told Frost. In typical fashion of seizing on discrepancies and muddying debates, he accurately denied Frost’s contention that Base Area 704 was bombed — a mistake stemming from a typographic error in a Pentagon document — during the secret B-52 attacks, noting that “base area 740” was actually attacked. He said recommendations of targets were accompanied by a statement “that civilian casualties were expected to be minimal.”

There were in fact 1,136 civilians living in Base Area 740, according to the Pentagon; a formerly top secret Air Force report, declassified decades after the Frost interview, noted that only 250 enemy forces were present there. An Army document I discovered in the National Archives also notes that the military was aware that civilians “were wounded/killed by B-52 strikes in Base area 740” between May 16 and 20, 1970, around the time of the SUPPER attacks. According to the confidential case file, those slain and injured were “Montagnards,” members of an ethnic minority whose “hamlets were not accurately reflected on commonly used maps.”

“I Was the Only Survivor of My Whole Family”

In 2010, the village was officially known as Ta Sous, but to its inhabitants it was still known by its name during the American war: Tralok Bek. “Every house had a bunker during the war. But during the day, if you were out tending to the cows, your life might depend on a termite hill and whether you could hide behind it,” Meas Lorn explained. “Planes dropped bombs. Helicopters strafed. Many people died,” said Meak Satom, a gray-haired man with a gold tooth. A B-52 strike in 1969 killed about 10 people, including a young friend, he recalled.

While I interviewed locals about the many attacks that occurred there during the war, Sdeung Sokheung said little. But when I brought out a binder filled with photographs of many different types of American aircraft, she zeroed in on an F-4 Phantom. Pointing at it, she said that as a girl, she had witnessed the bombing of Ta Hang village, about eight kilometers away, by that type of plane.

After finishing our interviews in Tralok Bek, I traveled winding dirt roads, past stunted bushes and the occasional thin, tan-colored cow, until we reached an area of dry, rock-hard rice paddies and towering palms. A few minutes later, in a rustic wooden home, I found 64-year-old Chan Yath, a woman with a substantial head of dark hair and teeth stained from chewing betel nut. I asked if there had been a bomb strike in the area during the war. She said yes; a family had been nearly wiped out. The lone survivor, she explained, was her cousin, An Seun. A younger woman was dispatched to find An and, 20 minutes or so later, we saw her — a tiny, aging mother of 10 — ambling along a narrow paddy dike path leading to the rear of Chan’s home. “During the time of a full moon,” said An, referring to a Buddhist holy day, she was off visiting her grandfather’s house. “At around 10 a.m., an airplane dropped a bomb on my home. My parents and four siblings were all killed,” she told me with wet eyes and a catch in her throat. “I was the only survivor of my whole family.”

During these same years, the U.S. was also conducting clandestine, cross-border ground operations inside Cambodia. In the two years before Nixon and Kissinger took over the war, U.S. commandos conducted 99 and 287 missions, respectively. In 1969, the number jumped to 454. Between January 1970 and April 1972, when the program was finally shut down, commandos carried out at least 1,045 covert missions inside Cambodia. There may, however, have been others, ostensibly launched by Kissinger, that were never disclosed.

From January to May 1973, between stints as deputy assistant to the president for national security and White House chief of staff, Al Haig served as the vice chief of staff of the Army. Retired Army Brig. Gen. John Johns told me that during this time, he was in Haig’s office at the Pentagon when an important call came in. “I was briefing him on something, and the red phone rang, which I knew was the White House,” Johns recalled. “I got up to leave. He motioned me to sit down. I sat there and heard him tell them how to cover up our intrusions into Cambodia.”

Johns — who had never before revealed the story to a reporter — was relatively sure that Haig was referring to past covert actions, yet did not know if the operations were made public or who was on the other end of the phone line. But Kissinger was responsible for many of the cross-border missions, according to Roger Morris, a Kissinger aide who served on the senior staff of the National Security Council. “A lot of the time, he was authorizing the ongoing covert

excursions into Cambodia,” he told me. “We were running a lot of covert ops there.”

“How Could the People Escape?”

After two days of driving local roads asking for directions, I turned off a highway onto a red dirt track that cut through lush farmland and finally spilled into a border village of simple wooden homes amid a sea of variegated greenery. During the war, these houses had looked much the same, said village chief Sheang Heng, a wiry man with calloused hands and bare feet wearing a loose dress shirt that had once been white. The only real change was that corrugated metal had replaced most of the old thatch and tile roofs.

In 1970, when Sheang was 17 years old, this village was on the front line of America’s Cambodian incursion. Halfway around the world, at Kent State University, members of the Ohio National Guard killed four students during a May 4, 1970, protest against this new stage in the war. While that massacre received worldwide attention, a larger one in Sheang’s village three days earlier went unnoticed.

On May 1, 1970, helicopters circled the Cambodian village of “Moroan” (an American’s phonetic spelling of the name) before opening fire, killing 12 villagers and wounding five, according to a formerly classified U.S. document that, until now, has never been publicly disclosed. After the assault, another helicopter landed and carried off the injured; the survivors fled their village to another named “Kantuot,” located in a neighboring district.

There is no village in Cambodia named “Moroan,” but the hamlet near the Vietnamese border where I located Sheang was, he said, called Mroan. As in the other Cambodian border villages I visited, focusing on a lone attack cited in U.S. military documents left residents baffled, given that they had endured many airstrikes over many years. Still, when asked about the date, Sheang gestured toward what is now the far edge of the village. “Many died in that area at that time,” he recalled. “Afterward, the people left this village for another named Kantuot.”

Sheang and Lim South, who was 14 years old in 1970, said that many types of aircraft battered Mroan, from helicopter gunships to massive B-52 bombers. As Sheang — who lost his mother, father, a grandfather, a nephew, and a niece, among other relatives, to airstrikes — told me about the relentless attacks, his eyes reddened and went vacant. “The explosions tossed the earth into the air. The ‘fire rocket’ burned the houses. Who could survive? People ran, but they were cut down. They were killed immediately. They just died,” he said, trailing off as he moved to a far corner of the room and slumped to his knees.

Each survivor told a similar story. Lim’s sister and three brothers were killed in bombing raids. Thlen Hun, who was in her 20s in the early 1970s, said her older brother was killed in an airstrike. South Chreung — shirtless in dress pants with a vibrant orange krama, the traditional Cambodian scarf, around his neck — told me that he had lost a younger brother in a different attack.

Villagers said that when they first saw American aircraft overhead, they were awestruck. Having never seen anything like the giant machines, people came out to stare at them. Soon, however, residents of Mroan learned to fear them. Cooking rice became dangerous as Americans flying above would see the smoke and launch attacks. Helicopters, survivors said, routinely strafed both the nearby fields and the village itself, then comprised of about 100 homes. “This one was the most vicious,” said Sheang, pointing at a photograph of a Cobra gunship among pictures of other aircraft I provided. When the “coconut shell” helicopter, a U.S. Army OH-6 or “Loach,” marked an area with smoke, villagers recalled, the Cobra would attack, firing rockets that set homes ablaze. “During the American War, almost all houses in the village were burned,” said Sheang.

Sheang and Thlen said that about half the families in Mroan — some 250 people — were wiped out by U.S. attacks. They led me to the edge of the village, a riot of foliage in every shade of green that sloped into a depression, one of several remaining nearby bomb craters. “About 20 people were killed here,” said Sheang gesturing toward the crater. “It used to be deeper, but the land has filled it in.” Thlen — slim, with graying hair, her brown eyes narrowed in a perpetual squint — shook her head and walked to the crater’s edge. “It was disastrous. Just look at the size,” she said, adding that this hole was just one of many that once dotted the landscape. “How could the people escape? Where could they escape to?”

The Stolen Suzuki and the Girl Left to Die

The results of Nixon’s December 1970 telephone tirade and Kissinger’s order to set “anything that flies on anything that moves” were immediately palpable. During that month, sorties by U.S. helicopters and bombers tripled in number. Soon after, in May 1971, U.S. helicopter gunships shot up a Cambodian village, wounding a young girl who couldn’t be taken for treatment because a U.S. officer overloaded his helicopter with a looted motorcycle that was later gifted to a superior, according to an Army investigation and exclusive follow-up reporting by The Intercept. The

Cambodian girl almost certainly died from her wounds, along with seven other civilians, according to previously unreported documents produced by a Pentagon war crimes task force in 1972.

How many similar killings occurred will never be known. Cover-ups were common, investigations were rarely undertaken, and crimes generally evaporated with the fog of war. But there were ample opportunities for mayhem and massacre. In the two years before Nixon took office, there were officially 426 helicopter gunship sorties in Cambodia, according to a Defense Department report. Between January 1970 and April 1972, there were at least 2,116. In January 1971, Congress enacted the Cooper-Church amendment, which prohibited U.S. troops, including advisers, from operating on the ground in Cambodia, but America's war continued unabated. Evidence soon emerged that the U.S. was violating Cooper-Church, but the White House lied about it to Congress and the public. "As long as we didn't set our foot on that ground, we basically weren't there, even though we did missions there every day," Gary Grawey, an Army helicopter crew chief who flew daily missions in Cambodia during the spring of 1971, including the May mission that killed the young girl, told me.

"They attacked that village," Grawey said, noting that both the South Vietnamese and American troops shot up the hamlet. "They were shootin' and they didn't even know who they were shootin' at," he recalled, adding that the victims were "women and children," just "regular villagers."

It started at half past noon on May 18, 1971, according to an Army investigation file and previously unreported summary documents produced by a Pentagon task force in 1972, when three U.S. helicopters — a "hunter-killer team" conducting a reconnaissance mission — skimmed the treetops inside Cambodia. The team came upon a village where they spotted motorcycles and bicycles that, according to crew members' testimony, were suspected of being part of an enemy supply convoy. Hovering above, the Americans tried to motion for people on the ground to open packs on the vehicles. When the villagers instead began moving away, the highest-flying helicopter fired two incendiary rockets, a numbingly common tactic to draw out enemy personnel who might be hiding nearby. While the crew of one of the helicopters reported taking isolated ground fire, no Americans were killed or wounded, nor were any enemy personnel or weapons ever found.

According to a confidential report discovered in the U.S. National Archives and published here for the first time, the high-flying helicopter then "rocketed and strafed the buildings and surrounding area with approximately 15 to 18 rounds of high explosive rockets and machine gun fire."

Capt. Clifford Knight, pilot of the "low bird," said that his gunner shot an apparently unarmed man, clad in civilian clothes, who was "trying to run away." The gunner, John Nicholes, admitted it, noting that the killing took place after the initial rocket barrage.

Capt. David Schweitzer, the "high bird" commander, testified to rocketing and strafing the area and calling for the insertion of South Vietnamese, or Army of the Republic of Vietnam, troops to search for suspected enemy forces. According to a summary of the testimony of Grawey, the helicopter crew chief who ferried an elite ARVN Ranger team and an American captain, Arnold Brooks, to the village:

CPT Brooks and the ARVN Rangers acted "hog wild" when they deplaned, shooting up the area although they received no return fire. ... [H]e did observe 5 to 10 Cambodian personnel that appeared to be wounded, but that he did not know if they were wounded from air or ground fire.

Decades later, Grawey reconfirmed details of the incident in an interview, noting that, as the ARVN deployed from the helicopter, he told Brooks that "he was not to get off my bird." But Brooks, whom Grawey described as "gung ho," pulled rank and ignored him. Brooks — who he said was carrying a non-regulation "machinegun" — started shooting indiscriminately.

Davin McLaughlin, the commander of a replacement "low bird" that was called in when the first helicopter ran short on fuel, similarly noted that the South Vietnamese met no resistance and, according to the documents, "grabbed what they could." A summary of the testimony of his gunner, Len Shattuck, in the investigation file adds:

The ARVN Rangers appeared melodramatic when they were inserted and in his opinion fired excessively in the area. ... He stated that there were approximately 15 wounded personnel in the area and that he observed 2 males 50-60 years of age, and one female 8-10 years of age, that appeared to be dead.

In a 2010 interview, Shattuck told me that he didn't fire a shot that day and stressed that he only saw one section of the village. What he saw there, however, stayed with him. "We came into a smoking village," he said. "I witnessed dead bodies. I witnessed some wounded people that appeared to be civilians. ... We didn't evac[uate] anybody." Shattuck remembered the little girl as even younger than indicated by his testimony, just 3 to 5 years old, and that she was

covered with blood. “She was pretty badly shot up,” he recalled.

As Cambodians lay wounded and dying, the ARVN Rangers looted the village, grabbing ducks, chickens, wallets, clothing, cigarettes, tobacco, civilian radios, and other nonmilitary items, according to numerous American witnesses. “They were stealing everything they could get their hands on,” Capt. Thomas Agness, the pilot of the helicopter that carried Brooks and some of the ARVN, told me. Brooks, however, had the biggest score of all. With the help of South Vietnamese troops, he hauled a blue Suzuki motorcycle onto a helicopter, according to Army documents. Brooks acknowledged his service in Cambodia during a telephone conversation and asked for a formal interview request by email. He did not respond to that request or subsequent ones.

Agness, according to an Army investigator’s summary, said that he received “a radio request to evacuate a wounded girl [but] denied on instructions of CPT Brooks since he was fully loaded with the ARVN Ranger team, a motorcycle and he was low on fuel.” The stolen Suzuki was presented as a gift to his commanding officer, Lt. Col. Carl Putnam, who was later seen tooling around base on it, according to the investigation documents. The Army concluded that the wounded girl, left behind for the sake of the Suzuki, died.

Furious, Gary Grawey resolved to report Arnold Brooks. “I was really pissed at the time,” he told me. “I said I would report him, which I did.” A previously unreported final status report on the “Brooks Incident,” contained in the files of the Pentagon war crimes task force, concluded that allegations of excessive bombardment, pillage, and a violation of the rules of engagement had been “substantiated.” While no enemy weapons or war materiel were found in the village, according to the report, civilian casualties “were estimated at eight dead, including two children, 15 wounded and three or four structures destroyed. There is no evidence that the wounded were provided medical treatment by either U.S. or ARVN forces.”

Putnam and a direct subordinate were issued letters of reprimand — a low-grade punishment — for their “actions and/or inactions” in the case. (Putnam died in 1976.) While court martial charges were filed against Brooks, his commanding general dismissed them in 1972, instead giving him a letter of reprimand. Records indicate that no other troops were charged, let alone punished, in connection with the massacre, the looting, or the failure to render aid to wounded Cambodian civilians.

Backing the Genocidaires

When Henry Kissinger hatched his plans for the secret bombing of Cambodia, Pol Pot’s Khmer Rouge numbered around 5,000. But as a 1973 CIA cable explained, the Khmer Rouge’s recruitment efforts relied heavily on the U.S. bombing:

They are using damage caused by B-52 strikes as the main theme of their propaganda. ... The [Khmer Rouge] cadre tell the people ... the only way to stop “the massive destruction of the country” is to remove [U.S.-backed junta leader] Lon Nol and return Prince Sihanouk to power. The proselyting cadres tell the people that the quickest way to accomplish this is to strengthen [Khmer Rouge] forces so they will be able to defeat Lon Nol and stop the bombing.

The U.S. dropped more than 257,000 tons of munitions on Cambodia in 1973, almost the same amount as during the previous four years combined. A report by the U.S. Agency for International Development found that “the intense American bombing in 1973 increased the cumulative number of refugees to nearly half of the country’s population.”

Those attacks galvanized Pol Pot’s forces, allowing the Khmer Rouge to grow into the 200,000-person force that took over the country and killed about 20 percent of the population. Once the regime was in power, the political winds had shifted and Kissinger, behind closed doors, told Thailand’s foreign minister: “You should also tell the Cambodians that we will be friends with them. They are murderous thugs, but we won’t let that stand in our way. We are prepared to improve relations with them.” He then clarified his statement: The Thai official should not repeat the “murderous thugs” line to the Khmer Rouge, only that the U.S. wanted a warmer relationship.

In late 1978, Vietnamese troops invaded Cambodia to oust the Khmer Rouge from power, driving Pol Pot’s forces to the Thai border. The U.S., however, threw its support behind Pol Pot, encouraging other nations to back his forces, funneling aid to his allies, helping him keep Cambodia’s seat at the United Nations, and opposing efforts to investigate or try Khmer Rouge leaders for genocide.

That same year, Kissinger’s mammoth memoir, “White House Years” was published. As journalist William Shawcross pointed out, Kissinger failed to even mention the carnage in Cambodia because “for Kissinger, Cambodia was a sideshow, its people expendable in the great game of large nations.”

In 2001 and again in 2018, the late chef and cultural critic Anthony Bourdain offered sentiments shared by many, but rarely put so eloquently:

Once you've been to Cambodia, you'll never stop wanting to beat Henry Kissinger to death with your bare hands. You will never again be able to open a newspaper and read about that treacherous, prevaricating, murderous scumbag sitting down for a nice chat with Charlie Rose or attending some black-tie affair for a new glossy magazine without choking. Witness what Henry did in Cambodia — the fruits of his genius for statesmanship — and you will never understand why he's not sitting in the dock at The Hague next to Milošević.

In the early 2000s, Kissinger was sought for questioning in connection with human rights abuses by former South American military dictatorships, but he ducked investigators, once declining to appear before a court in France and quickly leaving Paris after receiving a summons. He was never charged or prosecuted for deaths in Cambodia or anywhere else.

“Play With It. Have a Good Time.” “To spare you is no profit; to destroy you, no loss” was the cold credo of the Khmer Rouge. But it could just as easily have been Kissinger's. In 2010, I followed up with Kissinger, pressing him on the contradiction in his claims about only bombing “North Vietnamese in Cambodia” but somehow killing 50,000 Cambodians, by his count, in the process. “We weren't running around the country bombing Cambodians,” he told me.

The evidence overwhelmingly demonstrates otherwise, and I told him so.

“Oh, come on!” Kissinger exclaimed, protesting that I was merely trying to catch him in a lie. When pressed about the substance of the question — that Cambodians were bombed and killed — Kissinger became visibly angry. “What are you trying to prove?” he growled and then, when I refused to give up, he cut me off: “Play with it,” he told me. “Have a good time.”

I asked him to answer Meas Lorn's question: “Why did they drop bombs here?” He refused.

“I'm not smart enough for you,” Kissinger said sarcastically, as he stomped his cane. “I lack your intelligence and moral quality.” He stalked off.

Cambodians in villages like Tralok Bek, Doun Rath, and Mroan didn't have the luxury of such an easy escape.

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Bangladesh International Crimes Tribunal

RAB arrests fugitive war crimes suspect in Dhaka (The Business Standard) May 22, 2023

Rapid Action Battalion (RAB) arrested a warranted war crimes suspect after eight years of being a fugitive from the city's Ashulia area on Sunday (21 May).

The arrestee is Md Azhar Ali Shikdar, 68, son of late Hazi Ahmed Ali Shikdar of Kachua upazila under Bagherhat district.

The elite force said in a media release on Monday that during the Liberation War in 1971, Azhar Ali Shikder and his associates were directly involved in crimes against humanity such as murder, genocide, rape, illegal detention, torture, kidnapping, looting and arson in Kachua and Morelganj areas of Bagerhat.

On 16 July 2016, the International Crimes Tribunal issued an arrest warrant against the war criminal.

Acting on a tipp-off, a team of RAB-2 conducted a drive in the Ashulia police station area of Dhaka yesterday and arrested him. During interrogation, the arrestee confessed to his involvement in the crimes.

European team in Bangladesh probes genocide by Pakistan army in 1971 (RFI) By Pratap Chakravarty May 28, 2023

Campaigners hailed the 20-26 May Dutch-led mission as a recognition of efforts to bring to justice those responsible for 3 million deaths, 200,000 rapes and exodus of 10 million Bangladeshis to India.

The team – which includes British security expert Chris Blackburn, Dutch genocide scientist Anthonie Holslag and several others – will report to the Netherland government and parliament in The Hague.

Team leader and former MP Harry Van Bommel accused Washington of turning a blind eye to the slaughter because of its support to Cold War ally Pakistan.

"West's friendship with Pakistan is the reason for this dilemma," he said on the sidelines of a conference on the atrocity that began in March 1971 and ended nine months later when India sent its military into what was then East Pakistan.

"Even if it takes a hundred years to get global recognition of the Armenian Genocide, I hope it will not take that long in the case of Bangladeshi genocide.

"We want to have it within a few years, not even decades."

Bommel was speaking in the capital Dhaka, which saw the worst violence after troops on 25 March, 1971, began exterminating university students, professors and critics of the regime in Islamabad.

Western support

Bangladesh, which marks 25 March as Genocide Remembrance Day, has been calling for global recognition of the killings.

In October 2022, two US Congressmen tabled legislation that declared the atrocities against ethnic Bengalis as "crimes against humanity, war crimes, and genocide".

The British parliament has condemned the action in East Pakistan, while France has encouraged Dhaka to research and document the atrocities.

Bilateral ties bloomed ever since the Netherlands became one of the first European nations to recognise Bangladesh as a sovereign state a year after it was carved out from Pakistan's eastern rump in 1971.

Indian putsch The Bangladesh event is counted as India's most successful military campaign against rival Pakistan, which capitulated after 93,000 of its soldiers surrendered 17 days after a full-scale war erupted on 3 December 1971.

But war veterans and diplomats say Pakistan, which fought two more unsuccessful wars with India, must learn its lessons.

"The time has come to bring them to book and we, not only as Indians but the whole of humanity, should spit on them for their dirty affairs," said retired Indian army colonel VK Sahni.

While Prime Minister Sheikh Hasina has acted swiftly against war criminals, many of those who plotted the killing of Sheikh Mujibur Rahman, a former Bangladesh president and her father, have fled to the West.

"She is talking continuously with governments of the US and Canada where individuals who have been declared guilty of the murder of her father in a fair trial in Bangladesh are now living for long years," said Indian diplomat Veena Sikri during a discussion on the genocide.

"So this is a very very serious matter and there has to be a full and complete closure."

Three-star general GG Dwivedi said he saw signs of the atrocities, including Bangladeshi women held as "sex slaves" in battle bunkers, while in Dhaka as a young lieutenant.

In an interview with NewsX TV, Dwivedi compared the genocide to the Holocaust, adding the "Pakistani army got away with it".

"The people tried in Bangladesh were mere collaborators but the real perpetrators got away scot free and so it comes as a great relief that now the investigation has been opened up again."

Rohingya remain 'top priority' for OIC as chief visits refugee camp in Bangladesh (Arab News) By

Shehab Sumon
May 29, 2023

The Organization of Islamic Cooperation, which has said that the Rohingya remain a top priority for the body, saw its chief official visit the refugee camp in Cox's Bazar on Monday as part of a five-day trip to the country.

OIC Secretary-General Hissein Brahim Taha arrived in Bangladesh on Saturday and met with the country's top officials, including Prime Minister Sheikh Hasina.

The Rohingya situation was discussed in Taha's meetings with Bangladeshi officials, as the South Asian nation is hosting more than 1 million refugees from the persecuted minority, most of whom fled from Myanmar's Rakhine State in 2017 to escape a deadly military crackdown.

"(The) Rohingya is one of the top priority issues for (the) OIC ... These Rohingya people are suffering. They deserve peace, security and a better life," Taha told reporters after meeting Bangladesh's Foreign Affairs Minister A.K. Abdul Momen on Sunday.

The OIC chief also called on the organization's member states to support Gambia's case at the International Court of Justice, which alleges that Myanmar has violated the Genocide Convention with its actions against the Rohingya in Rakhine State.

During his meeting with Hasina, Taha thanked the Bangladeshi government and people "for their relentless efforts to provide shelters, protection, hospitality, and necessary assistance to Rohingya refugees," the OIC said in a statement.

Bangladesh is not a signatory to the 1951 UN Refugee Convention, and has spent an estimated \$1.2 billion a year to support the refugees.

"For a long time, we have had them (the OIC) beside us on the Rohingya issue. They have taken a leading role in removing the plight of the Rohingya," Momen told reporters.

Bangladesh's Refugee Relief and Repatriation Commissioner Mizanur Rahman said Taha spoke with members of the Rohingya community in Cox's Bazar during his visit on Monday.

"(The) OIC secretary-general exchanged views with the Rohingya and listened to their plight," he said. "Taha promised to do the best on (the) OIC's part to resolve the Rohingya crisis."

Rohingya refugees in Bangladesh are facing compounding issues, including a further decrease of their rations from the World Food Programme, which said a lack of funding has forced it to cut food aid per person from \$10 to \$8 a month starting June 1.

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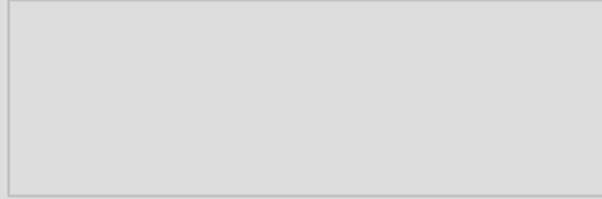
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