

# *The Nobel Peace Prize Watch*

## *Lay down your arms*

*www.nobelwill.org* <sup>1</sup>

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Cc.: Jan F. Glent, Head of International Prosecutions Unit

### **REQUEST: SUMMONS FOR CRIMINAL INVESTIGATION – HENRY KISSINGER**

By a preliminary request of November 30 (that is hereby revoked and should be deleted) we informed the Director of Public Prosecutions that former Secretary of State and National Security Advisor of the USA, Henry Kissinger, will be in Norway in the second week of December 2016. He is invited as an honored guest by respected institutions, The Norwegian Nobel Committee and the University of Oslo, to share his views on US foreign policy, by all appearances not to regret or repent, or be held to account.

The discrepancy between the world of Kissinger and the peace by global disarmament and co-operation, the demilitarized “fraternity of nations” ideas, the Nobel committee was supposed to promote, is so glaring that it defies comment. The same applies to the University of Oslo. We wish to draw your attention to Kissinger’s comprehensive, unparalleled record of serious international crimes and the need for prosecutorial action.

**Document 1:** Invitation by the Nobel Committee and the University of Oslo:  
[http://nobelpeaceprize.org/uploads/documents/Press\\_Release\\_Nobel\\_Peace\\_Prize\\_Forum\\_Oslo.pdf](http://nobelpeaceprize.org/uploads/documents/Press_Release_Nobel_Peace_Prize_Forum_Oslo.pdf)

A book by the famous journalist Christopher Hitchens has given a comprehensive survey of Kissinger’s international crimes:

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**Document 2:** *The Trial of Henry Kissinger* (Verso, 2001).

A recent article in *The New Yorker* refers to new evidence, documents recently released under the Freedom of Information Act:

**Document 3:** DOES HENRY KISSINGER HAVE A CONSCIENCE?

By Jon Lee Anderson , in *The New Yorker*, August 20, 2016

<http://www.newyorker.com/news/news-desk/does-henry-kissinger-have-a-conscience>

*The Trial of Henry Kissinger* is not available in Norwegian, but can be downloaded (Atlantic Books). We attach a resume of some points relevant to the prosecutorial evaluation, translated into Norwegian, with some remarks. A good resume is found in the foreword to the 2002 edition.

**Annex 1:** In Norwegian; oversikt over omtalt kriminell virksomhet (criminal activities) i Hitchens "The Trial ..." (2001) with some remarks, p. 10 below.

**Annex 2:** Foreword Christopher Hitchens, *The Trial ...* (2002), p. 14 below.

The menu of crimes ordered or organized by Kissinger, war crimes, torture, aggression, subversion, interference and interventions in violation of international law is without end. The cases most suited for prosecutorial action seems to be 1) the warfare in Vietnam, 2) the "secret" bombing of Cambodia and Laos, 3) the genocide in East Timor.

## 1. HENRY KISSINGER – A FUGITIVE FROM JUSTICE

It is well known that, for fear of being apprehended and tried for a unique record of serious crimes under international law, Kissinger is very careful about where he travels. See Hitchens opening chapter (Document 2) and

**Document 4:** Christopher Hitchens, "The Fugitive" (*The Nation*, June 7, 2001). <https://www.thenation.com/article/fugitive/>

In 2001, in Paris, Kissinger was served with summons to appear before a judge the next day, and then immediately checked out of the Ritz Hotel and left the country. The summons was for his role in the "Operation Condor"

in the 1970s, a coordinated effort by the secret police forces of seven South American dictatorships. The death squads of Chile, Argentina, Brazil, Uruguay, Paraguay, Ecuador and Bolivia agreed to pool resources and to hunt down, torture, murder and otherwise “disappear” one another’s dissidents. They did this not just on their own soil but as far away as Rome and Washington, where assassins and car-bombs were deployed to maim Christian Democratic Senator Bernardo Leighton in 1975 and to murder the Socialist Orlando Letelier in 1976. The main architect and supervisor of these grave crimes was Henry Kissinger, wrote Hitchens.

Hitchens further explains that the French judge learnt that

“the inquiry can go no further until US government figures agree to answer questions. In refusing to do this, Kissinger received the shameful support of the US Embassy in Paris and the State Department, which coldly advised the French to go through bureaucratic channels in seeking information. Judge Le Loire replied that he had already written to Washington in 1999, during the Clinton years, but had received no response.

On the Friday immediately preceding Memorial Day, another magistrate in a democratic country made an identical request. In order to discover what happened to so many people during the years of Condor terror, said Argentine Judge Rodolfo Canicoba Corral, it would be necessary to secure a deposition from Kissinger. And on June 4 the Chilean judge Juan Guzmán Tapia asked US authorities to question Kissinger about the disappearance of the American citizen Charles Horman, murdered by Pinochet’s agents in 1973 and subject of the Costa-Gavras movie *Missing* .... So that, in effect, we have a situation in which the Bush regime is sheltering a man who is wanted for questioning on two continents.”

Hitchens concludes his article by remarks on the will and the obligation to adjudicate the war crimes of Kissinger and his accomplices:

“The seven Condor countries, groping their way back to democracy after decades of trauma, are making brave and honest attempts to find the truth and to punish the guilty. Time and again, commissions of inquiry have been frustrated because the evidence they need is in archives in Washington. And it is in those archives for the

unspeakable reason that the United States was the patron and armorer of dictatorship.”

Kissinger, his character, activities, and the official US protection of him are well described and condemned by Fred Branfman in a 2013 Altnet article:

**Document 4 B:** <http://www.altnet.org/news-amp-politics/america-keeps-honoring-one-its-worst-mass-murderers-henry-kissinger>

## 2. NORWAY SHOULD PROSECUTE TO UPHOLD INTERNATIONAL LAW

Norway’s wide rules on universal jurisdiction should not pose any problem with the apprehension, questioning and trial of Mr. Kissinger. The rules in Norwegian and international penal law defining international crimes, war crimes, torture etc. have been thoroughly dealt with by the late professor of law at the University of Oslo, Ståle Eskeland

**Document 5:** Ståle Eskeland “De mest alvorlige forbrytelser” (Cappelen Damm 2011).

On page 47 Prof. Eskeland quotes a decision in 2009, where the Norwegian prosecutors refrained from action in a complaint citing war crimes during the 2009 war in Gaza. The prosecutors noted that Norway had a right to initiate investigation and prosecution, but not an obligation,

“and none of the accused have any form of connection to Norway and in our opinion the authority should exercise great caution with opening an investigation in cases of alleged crimes committed abroad by a perpetrator not domiciled in Norway or having any other form of connection to our country.”

The case of Kissinger, however, seems very different. Several of his acts are within a category of crimes where all nations are obliged by treaty to prosecute; they “shall” take action if such criminals come within their jurisdiction. Furthermore, Kissinger has for decades had a major influence upon Norwegian politics and foreign and military affairs, by shaping and conducting the policy of the NATO alliance of which Norway is a member.

Several of Kissinger’s crimes come under one of the treaties where it is

mandatory for Norway to prosecute. He is complicit or main actor in many violations of the CAT, the Convention Against Torture, and the Genocide Convention. However, we are aware of the difficulty that the obligation to prosecute under CAT applies only to acts after its entry into force on June 24, 1987, by which time Henry Kissinger seems no longer to have been in a position to commit war crimes and crimes against humanity. But there is no time limit for prosecution of violations of the Genocide convention.

All nations have comprehensive obligations to protect and realize the provisions of the Geneva Conventions, enact and enforce legislation penalizing any of these crimes, and are also obligated to search for persons who commit these crimes, and to bring them to trial regardless of their nationality and regardless of the place where the crimes took place. Article 85 (1) of the first additional protocol (1977) to the Geneva Conventions extends the agreed obligation to prosecute to military strategy and warfare that a.o. cause "excessive loss" of civilian lives.

Document 2 contains ample documentation of war crimes and excessive loss of civilian lives, see some extracts in Annex 1. Indeed, Kissinger has shown unparalleled cynicism and callous co-operation, he colluded and conspired with foreign despotic leaders. Human rights, international law, mass murder, loss of civilian lives, or even deceiving the US Congress and Constitution, did not concern him if he thought it would serve US interests to ignore them.

Henry Kissinger is famous for, communicating President Nixon's orders for a "massive" bombing of Cambodia in 1969, having said, "Anything that flies on everything that moves". This shows a callous and shocking insouciance about the basic rule of the laws of war, to protect civilian lives.

The responsibility of national prosecutors to take action against the gravest international crimes are the result of a long development where it is seen in the interest of the world community that all countries co-operate to end impunity. If Western political and military leaders shall continue to enjoy impunity this is bound to do serious harm to law and order in the world.

Nations do not commit international crimes, but persons, individuals, acting for the state do, said the post WWII Nuremberg judgment. Therefore acting

for a state or under superior order is no excuse, neither is acting under a broad national consensus. This was a major leap in global ethical awareness. History has shown what disasters can result from the judiciary failing to stand firm against the waves of national emotions that often permeate military and international issues; war and peace.

The Director of Public Prosecutions as a high public official has an individual and personal duty to act to uphold law and order. It is incumbent on him to live up to this responsibility also in the present case, even if it is likely to offend many, at home and abroad, in the street and in high office alike.

The leading Norwegian expert on issue of universal jurisdiction and immunity, Professor of law Jo Martin Stigen, has written these articles:

**Document 6:** (2010). Hvilken immunitet for internasjonale kjerneforbrytelser? *Retfærd. Nordisk Juridisk Tidsskrift*. ISSN 0105-1121. 33(1 = 128), s 57- 94

**Document 7:** (2009). *Universaljurisdiksjon - en kritisk analyse. Tidsskrift for rettsvitenskap*. ISSN 0040-7143. 22(1), s 1- 46

### **3. HAS NORWAY GUARANTEED SAFE PASSAGE TO KISSINGER?**

It is a fact that Mr. Kissinger is very careful about foreign travel. His travel to Norway raises an awkward question: has he decided to go to Norway because he has been promised safe passage, or is he so confident about Norway as a loyal subordinate that he takes it for granted? Neither alternative is very honorable to a presumed independent country. If Kissinger will enjoy automatic impunity it stands out in shameful contrast with denying protection to whistleblower Edward Snowden for a stay of two days to receive the Ossietzky prize from Norwegian PEN. Can Norway really have offered protection to one who has committed the most serious international crimes and at the same time denied it to one who has exposed grave crimes against the US Constitution?

Snowden revealed how the US government are guilty of massive criminality in the form of extensive and invasive surveillance activities, infringing the privacy of people at home and abroad, including foreign governments, and

putting our free societies and civil liberties at risk. Many feel that he should have won this year's Nobel Peace Prize, he is included in the NPPW list: <http://www.nobelwill.org/index.html?tab=7#bolkovac>

The late Christopher Hitchens was disgusted by the way Henry Kissinger was treated as a respected statesman and would have been appalled by Norway's submissive attitude. "Kissinger should have the door shut in his face by every decent person and should be shamed, ostracized, and excluded," Hitchens wrote. "No more dinners in his honor; no more respectful audiences for his absurdly overpriced public appearances; no more smirking photographs with hostesses and celebrities; no more soliciting of his worthless opinions by sycophantic editors and producers."

Rather than fawning on him, Hitchens suggested, "why don't you arrest him?" And this is an idea with wide support.

Millions of people, victims and survivors, will question or be seriously offended if Norway goes through with praise and honors to a person in the top ranks in the history of callous international state criminality. The suffering ordered or managed by Kissinger has led to increasing insecurity and violence for which all citizens of the world pay a high price.

We foresee that our request will be received with the same mixture of the surprise, rejection and incredulity that Hitchens describes in his Foreword 2002 (underlinings by NPPW):

When this little book first appeared, in what may now seem the prehistoric spring of 2001, it attracted a certain amount of derision in some quarters, and on two grounds. A number of reviewers flatly declined to believe that the evidence presented against Henry Kissinger could be true. Others, willing to credit at least the veracity of the official documents, nonetheless scoffed at the mere idea of bringing such a mighty figure within the orbit of the law.

But your high office is obligated to rise above such an immediate automatic reaction and has an obligation to evaluate the case on its merits. Some questions ought to be considered. How would I react to a request for extradition, investigation or action against an individual torturer, death camp manager, killer of civilians? Surely I would not consider acting under order an excuse. But can I then abstain from ensuring that a person who gave the orders is brought to justice? To bow respectfully to one who,

probably more than anyone in the last 70 years, pulled the strings and managed the most and the gravest crimes against humanity and the laws of war, would surely not be in line with the new level of global ethics reached with the Nuremberg principles?

It was more than a paradox when, in her Dec. 10, 1973, speech in honor of Kissinger, the Nobel chair Aase Lionæs offered the very true comment that “peace must be based on rules to which all states, at any rate the great powers, adhere in their conduct.” True, there will neither be peace nor justice if in the law between nations continues to be like cobwebs, strong enough to detain only the weak and too weak to hold the strong.

The International Criminal Court, ICC, is presently in serious danger of being destroyed by the attitudes of hegemonic Western powers. Its application of justice has become so lopsided that Third World countries are starting to withdraw. They cannot be expected to accept forever the guaranteed impunity of the war criminals of powerful nations. A potential collapse of this essential institution ought to concern all tasked with law enforcement and the protection of citizens all over the world against terror and lawlessness.

Many civil servants who once served their nation with unquestioning loyalty have been harshly condemned after shifts of power and in new political settings. We trust the Norwegian prosecutors, mindful that history is watching, will act in a professional and unbiased way and give the right answer to our request.

#### **4. Documentation and evidence**

The articles referred to above are available by links to websites, the books and legal articles are presumed to be in the possession of your office. We shall be glad to assist with further documents and information.

Sincerely yours,  
Nobel Peace Prize Watch

Fredrik S. Heffermehl

Tomas Magnusson

Co-signatories – next page:



We support and join the call for prosecutorial action by Norway:

Richard Falk, Professor of International Law Emeritus, Princeton University, USA.

Erni and Ola Friholt, Peace movement activists, Orust, Sweden

Jon Hellesnes, Professor emeritus of philosophy, Tromsø, Norway

Jeffrey Moussaieff Masson, Ph.D., Author, Bondi Beach, NSW 2026, Australia

Gunnar Nerdrum, attorney-at-law, Tromsø, Norway

Jan Oberg, Transnational Foundation for Peace and Future Research, Lund, Sweden

Antonio Carlos da Silva Rosa, M.A., editor, researcher. Porto, Portugal/São Paulo, Brasil

Sven Ruin, human rights activist, Köping, Sweden

David Swanson, author, World Beyond War, Charlottesville, Virginia, USA

Ola Tellesbø, Attorney-at-law, Norway

Kenji Urata, Professor Emeritus of Constitutional Law, Waseda University, Japan

Gunnar Westberg, Prof. emeritus, Sahlgrenska academy, Göteborg, Sweden

## Annex 1:

Christopher Hitchens: *The Trial of Henry Kissinger*

Basert på førsteutgaven (Verso, 2001), 159 sider.

Norsk resyme: Kissingers kriminelle handlinger

- utarbeidet for anmeldelse til norsk påtalemyndighet:

Forord, s. ix

Boken omhandler bare de mest alvorlige av Kissingers forgåelser, de som er egnet til å føre til straff, for krigsforbrytelser, forbrytelser mot menneskeheten, forbrytelser mot folkerettens lover og sedvaner, herunder sammensvergelse for å begå mord, kidnapping og tortur.

s. x: Hitchens gjør følgende oppregning av Kissingers forbrytelser:

1. The deliberate mass killing of civilian populations in Indochina.
2. Deliberate collusion in mass murder, and later in assassination, in Bangladesh.
3. The personal suborning and planning of murder, of a senior constitutional officer in a democratic nation — Chile — with which the United States was not at war.
4. Personal involvement in a plan to murder the head of state in the democratic nation of Cyprus.
5. The incitement and enabling of genocide in East Timor
6. Personal involvement in a plan to kidnap and murder a journalist living in Washington, D.C.

s. xi Argumenterer for iretteføring (i USA), Nurnberg-dommen binder USA. Viser til at selv ikke de mektigste skal være hevet over loven; til at en rekke av Ks samarbeidspartnere er straffedømt; og til filosofen Anacharsis: Loven er som spindelvev, bare sterkt nok til å fange de svake og for svakt til å ta de sterke.

Innledning,

s. 2-3: Kissinger frykter universal jurisdiksjon og publisering av dokumentasjon, om forbrytelser under Pinochet, og hva det kan bety for hans egne reisemuligheter at en spansk dommer sørget for arrest av Pinochet i London.

s. 4-5 Ks aktuelle situasjon, service- og konsulentvirksomhet for tvilsomme despoter og maktmennesker over hele verden.

**s. 6-16 "Forsmak"** Ks hemmelige samspill med Nixon for å stjele presidentvalget 1968, et forrædersk samspill mot demokratiet og USAs konstitusjon fikk Nixon valgt i 1968. K var betrodd i president Johnsons forhandlinger med Nord-Vietnam som gikk mot en løsning like før presidentvalget h/68, og ville ha sikret Humphrey (D) valget. Men i dypt hemmelig konspirasjon med K saboterte Nixon (R) fredsløsning ved å love nord-Vietnam

en bedre fredsavtale om han ble valgt, i strid med forbudet mot privat diplomati med fremmed makt (s. 10). Kontakten gikk fra K til leder av Nixons kampanjeorganisasjon, John Mitchell, den senere justisminister, og soningsfange. Nixon ble valgt – og hans aller første utnevning var K som nasjonal sikkerhetsrådgiver (s. 15 lj. 10). Ks personlige svik og sideskifte ga 4 nye krigsår med ekstreme lidelser og massive tap av liv og verdier for Vietnam og Kambodsja.

**Merk:** Dette er i første omgang grove krenkelser av USAs konstitusjon, men kapitlet handler i høy grad om Ks personlige ansvar for krigshandlinger. Ikke for å ha startet krigen, men for å ha spilt en grotesk dobbeltrolle i å hjelpe en presidentkandidat med å sabotere en fredsløsning i 1968. K ble en trojansk hest i forhandlingene, konspirerte med presidentkandidat Nixon og med fienden for å sikre Nixon seier i valget. K for sin del sikret seg øverste innflytelse på utenrikspolitikken i nært samarbeid med Presidenten – og med State Department på sidelinjen. Prisen ble fire års forlengelse av krigen i Vietnam - og 20 492 US-amerikanske soldater (nøyaktige tall for hvor mange som døde på den andre siden mangler, anslag går opp til 2 millioner i Vietnam og 95 0 000 i Kambodsja).

S. 16 – 18: Ks makt og innflytelse i de verste delene av USAs utenrikspolitikk. En ”Komiteen av de 40” hadde overordnet styring med CIAs hemmelige operasjoner i utlandet (og kanskje på hjemmebane), og K var leder fra 1969 til 1976 (i kraft av å være nasjonal sikkerhetsrådgiver) og hadde full innsikt og fullt ansvar for handlingene (s. 18).

#### S. 19 – **Indochina** (Vietnam-krigen)

S. 20 nederst: K visste hva han gjorde, han skrøt av at fred kunne vært oppnådd i 1972, og når krigen fortsatte så handlet det om hans spill og personlige maktglede.

S. 21 nederst: en krig med stadig hardere midler. Fire eksempler på hvordan sivilbefolkningen med overlegg ble utsatt for stadig mer hensynsløs og dødelig bruk av ”indiscriminate” militærmakt, med brudd på krigens sedvanerett og nøytralitet. En virksomhet som ble skjult tildekking av fakta. S. 22, ”total krig mot VietCong og FNLs infrastruktur.” En overlegen militærmakt opererer på fremmed territorium, kan ikke påberope selvforsvar. I realiteten var Nixon-Kissinger opptatt av valgtaktikk, jfr. sitat av Haldeman, som viser at K gjerne utsatte en våpenhvile for å bedre sjansene i neste valg. S. 23 Bombeoffensiv h/72 1972 var koordinert (to år tidligere) med 72-valget i USA, den hadde begynt under valget og fortsatte etter at det var vunnet. Ikke av militære grunner, men av to politiske grunner, dels å vise styrke for hjemlige ekstremister og få demokratene på defensiven, dels å overtale syd-vietnamesiske ledere til å ikke presse så sterkt mot amerikansk tilbaketrekning.

#### S. 25 Kissingers krigsforbrytelser i **Indochina**

Telford Taylor, USAs sjefsanklager i Nürnbergdomstolen uttalte i 1971 at USAs politiske og militære ledere i Vietnam hadde begått krigsforbrytelser som fortjente dødsstraff. S. 26 de handlet med viten og overlegg. Taylors bok *Nuremberg and Vietnam* ble utgitt i 1973, mens krigen fortsatt pågikk og mye fortsatt ikke fullt kjent, men nok til at han kunne trekke udiskutable konklusjoner om straffbare handlinger. USA hadde et spesielt ansvar for å være kjent med og respektere folkeretten fra Nürnberg, utdypet i langt sitat. S. 27 nederst: til Colonel Corsons forsvar om at alle overgrep (mot sivilbefolkningen) skyldtes ”feilbedømmelser ikke kriminell atferd” svarer Taylor at handlingene er straffbare, uansett feilbedømmelse. S. 28 Taylor overordnede har under straffansvar plikt til å forhindre underordnedes forbrytelser. S. 29 nederst: Forsvarsminister Melvin Laird hadde betenkeligheter om det under bombingene i Kambodsja ble gjort tilstrekkelige tiltak

for å hindre sivile tap og skader på infrastruktur. Det er ikke kjent at K tok, verken som sikkerhetsrådgiver eller utenriksminister tok noen slike forholdsregler. Tvert imot er det mye materiale som beviser at Kongressen ble bevisst forledet når det ble forsikret at slike tiltak ble tatt. S. 30: Flere sentrale ledere har i etterhånd beklaget dette, K aldri. Mye av dette, luftkrig mot landsbyer mistenkt for å ”skjule” vietnamesiske geriljakrigere dreide seg om krigføring med grove krenkelser av Genevekonvensjonens forbud mot kollektiv straff og represalier. Taylor skrev dette lenge før slik uhyrlig krigføring ble utvidet til ”represalieraid” mot to hele land [nøytrale], Laos og Kambodsja, som om de var landsbyer man bare kunne kvitte seg med. K hadde et spesielt ansvar, han visste at mange sivile døde (og ble rapportert som militære døde) og at det var unngåelig – det lå en fredsløsning klar, men han ville ikke benytte den. Deretter konkret om Ks sentrale rolle [much authority] over krigføringen og Operation Speedy Express våren 1969. S. 31 nederst: Tall på falne (11 000) og på våpen funnet (748) viser at de drepte var sivile. s.32-43 omfattende detaljer og bevis om ulike sider av USAs krigføring.

#### S. 44 flg. Folkemord, kupp og drap i **Bangladesh**

I et telegram protesterte USAs konsul, Archer Blood, i Dacca mot USAs delaktighet i folkemord i Bangladesh. [Staten Pakistan besto av to deler – med India imellom.] Hovedavsnittet er gjengitt på s. 45 handler om hvordan USA, i sin iver etter et godt forhold til (daværende Vest-)Pakistan, forsømt å fordømme folkemord i (Øst-)Pakistan, nå Bangladesh. Telegrammet medunderskrevet av 20 amerikanske diplomater i Bangladesh og ytterligere ni i Syd-Øst-Asiaavdelingen i State Department. S.46 om gjennomføring av statskupp og folkemord, og s. 47 øverst: Kissinger sender april 1971 støttehilsen og takker General Yaha Khan [altså Pakistans president (mars 1969 til des. 1971)] for ”delicacy and tact” i gjennomføringen. USA var delaktig, dette var et ledd i Ks maktspill, innflytelse og diplomati i regionen, motiv beskrevet nederst s. 48 og underbygd s. 49: K fikk råd om å be president Khan respektere valgresultatet. K ble sint over innvendingene og viste til at det var Nixons faste politikk å støtte Pakistan ”men jeg får alltid råd om det motsatte. Noen ganger lurar jeg på om jeg er i et galehus.” S. 49 K behandlet konsekvent Bangladesh med fiendtlighet. Da K ble utenriksminister i 1973 ble alle de [29] diplomatene som hadde underskrevet protesten i 1971 degradert. S. 53 nederst: Ledelsen i Vest-Pakistan hadde klarert på forhånd med USA (K) at det ”å styrte Mujib [leder i Øst-P] ikke var noe problem.” Videre belegg på s. 54.

#### S. 90 Kissingers rolle i folkemordet i **Øst-Timor** (se essensen i **Annex 3, s. 22-24**)

Indonesias overfall på Øst-Timor er ikke nevnt i Kissingers selvbiografi, han har systematisk fornektet enhver rolle og enhver innflytelse på hendelsene. Den tidligere portugisiske kolonien, beliggende i det indonesiske øyrike, hadde i starten en sterk frigjøringsbevegelse, FRETILIN, men (s. 91) Indonesia styrt av diktatoren general Suharto søkte kontroll ved under dekke av å ville hjelpe sto først for en bevisst infiltrasjon av egne styrker i FRETILIN. Den 7. 12 1975 erklærte Indonesia landet som sin ”19. provins,” regulære indonesiske styrker krysset grensen og gjennomførte et ekstremt brutalt og blodig angrep hvor 200 000 døde, en firedel av det totale folketall.

Samme dag som angrepet ble innledet hadde Suharto hatt besøk fra USAs politiske ledelse. Angrepet begynte umiddelbart etter at flyet til president, Gerald Ford og utenriksminister Kissinger hadde forlatt Indonesias luftrom. USA hadde forsynt indoneserne med våpen. Det var naturlig å spørre om USA hadde gitt klarsignal til

angrepet. President Ford var unnvikende i sin kommentar om dette da presidentflyet landet på Hawaii – men pressetalsmannen sa til reporterne at ”USA er alltid på vakt mot bruk av vold og presidenten håper dette kan løses fredelig.”

S. 92 – men Kissinger hadde langt på vei gitt klarsignal i sin uttalelse til pressen i Jakarta hvor han sa at USA vil ikke anerkjenne den republikken FRETILIN hadde erklært og at ”USA forstår Indonesias syn på spørsmålet.” Men rapportene som fulgte om massedrap, voldtekt og bevisst utsulting var så grove at Kissinger fikk vansker med sin åpne tale. To australske journalister som ble øyenvitner ga rapporter som rystet verden og gjorde saken til en stor belastning. USAs FN-ambassadør skrev i sine memoarer at dødstallene i Øst-Timor i de første dagene hadde vært like store som de Sovjetunionen opplevde under andre verdenskrig, og at ”USA ønsket den utviklingen som fant sted og søkte å fremkalle den. Utenriksdepartementet ønsket at FN skulle vise seg absolutt maktesløst hva det enn måtte foreta seg. Denne oppgaven ble gitt meg og jeg gjennomførte den med ikke liten suksess.” Dette var en policy instruert av K. S. 93-96 K boklansering hvor meget nærgående spørsmål til K om hans ansvar for forbrytelsene mot Øst-Timor gis unnvikende svar. S. 98 Amy Goodman (Democracy Now) tar opp at 90 prosent av de våpnene som ble brukt under invasjonen kom fra USA, får svar fra K om at USA ikke har styring med hvordan amerikanske våpen blir brukt i en slik situasjon, konfronteres i neste avsnitt med USAs retorikk om makt og styrke, ikke være ”en ynkelig, hjelpeløs kjempe.”

Sitatet nederst på s. 99 fra CIAs tidligere operasjonsleder i Indonesia viser at USA og Ks State department ga full tilslutning (støtte) til hva Suharto ønsket å gjøre. Dette kunne bli til belastning om allmennheten eller Kongressen skulle få rede på omfanget av militærhjelp til Indonesia. Om Indonesia ikke hadde fått USAs militære støtte er det usikkert om de hadde greid å gjennomføre dette. S. 95 nederst er om et memorandum om et møte i US DU 18.12 1975 hvor K hudflettet sine medarbeidere i deptet for i hans fravær å ha nedskrevet (så det ble bevislig) en betenkning fra rettssjefen i UD, Mr Leigh som anså Indonesias invasjon for ulovlig ved å krenke folkeretten og et forbud i en traktat mot at amerikanske våpen ble anvendt. Ks harme handlet om frykt for at det som sto på papir kunne bli røpet utad. S. 100 (fra midten) det telegram fra Ks State department i des. 1975 og memorandumet (s. 95) viser Ks fordekte atferd, hvor opptatt han er av å skjule spor etter sin rolle eller delaktighet i kriminelle handlinger. Beslutningen om USAs linje i Øst-Timor var besluttet i juli samme år (1975) da K hadde fått presidentens ja til et hemmelig program om militær intervensjon i Indonesia, koordinert med aksjon i en annen portugisisk ekskoloni, Angola (K så – tross avstanden – de to i sammenheng). Måneden etter (aug. 1975) hadde K informert de indonesiske generalene om at han ikke ville motsette seg deres invasjon i Øst-Timor. Det eneste samtalen i Jakarta i des. 1975 gjaldt var å utsette angrepet inntil USAs Air Force One var ute av indonesisk luftrom. Her var det to problemer med lovligheten, begge US UDs (Ks) ansvar. Først Indonesias krenkelse av Portugals rett og ansvar til å avvikle kolonistyre (noe K ikke likte). Dernest et brudd på USAs lovgivning som fastslo at våpen levert fra USA bare kunne brukes i selvforsvar.

S. 106 (fra midten) om leveranser av tunge våpen til bruk mot sivile våpen som ble gjenopptatt i 1976, etter en kort periode da Kongressen ble forledet som planlagt. Ingen i Ks krets av medarbeidere kommer særlig godt ut av møtet, Ks embedsmenn var alt annet enn ”uplekkede noviser” – og (pkt 4 i oppstillingen) K innrømmet at han brøt loven. S. 107 nederst, gjennomgåelsen slutter med påvisning av at USA (K) hadde vært tidlig og fullstendig informert om forbrytelsene mot Øst-Timor, og at president Ford ved et utsagn til journalist Jack Anderson, viste at alt K noensinne hadde sagt om emnet var løgn.

**Annex 2:**

(Text retrieved by optical reading, minor errors may occur)

Christopher Hitchens: *The Trial of Henry Kissinger*

**Preface to the Paperback Edition (Feb 2002)**

When this little book first appeared, in what may now seem the prehistoric spring of 2001, it attracted a certain amount of derision in some quarters, and on two grounds. A number of reviewers flatly declined to believe that the evidence presented against Henry Kissinger could be true. Others, willing to credit at least the veracity of the official documents, nonetheless scoffed at the mere idea of bringing such a mighty figure within the orbit of the law. [underlined by NPPW]

It says nothing for the author, but a great deal about the subject, to be able to report that the lapse of just one year has brought important and incriminating new disclosures and seen significant new developments. To begin with the disclosures, then, one might instance fresh and conclusive evidence under four of the headings originally discussed here: Indochina, Latin America, East Timor and Washington, DC. And, to follow on with the legal developments, one can now cite important proceedings brought against Kissinger in four democratic countries, including his own. I hope I will not seem to boast if I say that most of these disclosures and initiatives were foreshadowed in the first version of this book. At any rate, they now appear below and any reader may judge by comparison with the unaltered original text.

**Indochina**

Further material has come to light about both the origins and the conclusion of this terrible episode in American and Asian history. The publication of Larry Berman's *No Peace, No Honor: Nixon, Kissinger and Betrayal in Vietnam* in early 2001 provided further evidence of the secret and illegal diplomacy conducted by Nixon and his associates in the fall of 1968, and discussed on pages 1-21 here as well as in my appendix on page 205. Indeed, it can now be safely said that the

record of this disgusting scandal has become, so to speak, apart of the official and recognized record, rather as President Johnson's original provocation in the Gulf of Tonkin is now generally called by its right name. (In his edition of President Johnson's private papers and conversations in the fall of 2001, Professor Michael Beschloss produced first-hand and direct proof that Johnson himself knew at the time that he was lying to the Congress and the world about the episode.)

As for the expiring moments of that hideous war, the month of May 2001 saw the publication of an extraordinary book, *The Last Battle: The Mayaguez Incident and the End of the Vietnam War*. Written by Ralph Wetterhahn, a Vietnam veteran who had decided to stay with the subject, the book establishes beyond doubt by the use of contemporary documents and later interviews that:

a) The crew of the *Mayaguez* were never held on Koh Tang island, the island that was invaded by the United States Marine Corps.

b) The Cambodians had announced that they intended to return the vessel, and had indeed done so even as the bombardment of Cambodian territory was continuing. During that time, the crew was being held on quite another island, named Rang Sam Lem. The statements of Ford and Kissinger, claiming credit for the eventual release and attributing it to the intervention on the wrong island, were knowingly false.

c) American casualties were larger than has ever been admitted: twenty-three men were pointlessly sacrificed in a helicopter crash in Thailand that was never acknowledged as part of the operation. Thus, a total of sixty-four servicemen were sacrificed to "free" forty sailors who had already been let go, and who were not and had never been at the advertised location.

d) As a result of the official panic and confusion, three Marines were left behind alive on Koh Tang island, and later captured and murdered by the Khmer Rouge. The names of Lance Corporal Joseph Hargrove, Pfc Gary Hall and Pvt Danny Marshall do not appear on any memorial, let alone the Vietnam Veterans' wall (see my page 31). For a long time, their names had

no official existence at all, and this "denial" might have succeeded indefinitely were it not for Mr. Wetterhahn's efforts.

Kissinger was the crucial figure at all stages of this crime and cover-up, arguing at the onset of the crisis that B-52 bombers should at once (and again) be launched against Cambodia and arguing, too, for the dropping of the BLU-82 bomb-a 15,000-pound device-on the center of Koh Tang island. He must also have been crucial in the following hair-raising episode, made public by William Triplett in the official publication of the Vietnam Veterans of America. Mr. Triplett interviewed then-Secretary of Defense James Schlesinger, who recalled two cabinet meetings during the crisis. The first was the one at which Kissinger demanded the use of B-52s. The second was the one-no less alarming to Secretary Schlesinger-at which it was decided to sink all ships spotted in the vicinity of Koh Tang island.As Schlesinger recalled it:

When I got [back] to the Pentagon ... I said that before any ships are sunk, our pilots should fly low over the ships and see what they could see, particularly if there were any [Mayaguez] crew members aboard. If they did see them, they were to report back immediately before doing anything. In the course of flying over the area, one of our Navy pilots called back saying that he saw "Caucasians" aboard a ship .... Or he thought he saw that. It later turned out that every member of the Mayaguez crew was on that ship.

Q: Did you apprise the White House of this ship with the Caucasians aboard?

A: Yes, indeed.

Q: And it was then that the White House said to sink it?

A: Yes, the White House said, "We told you to sink all ships, so sink it!"

By stalling for three hours, the Secretary of Defense managed to avoid committing this atrocity. And by "the White House" he clearly does not mean the President, or he would have said so. In any case, we know who was managing the Mayaguez "rescue," and who took credit for it at the time. We are sure to



learn even more about Kissinger's "hands-on" policy in Indochina as still more officials write their memoirs or make their confessions.

### **Latin America**

The documentary record on Chile is now more or less complete, but much remains to be discovered about Kissinger's role in Operation Condor (see my pages 101-4), and in the nexus of dictatorship and repression which gave it birth. Recent published work by Martin Edwin Andersen and John Dinges, in the conservative Washington magazine *Insight* in January 2002, has presented us with incontrovertible proof of high-level approval for Argentina's "dirty war" of death and "disappearance" in the mid-1970s.

The evidence here might be described as unimpeachable, since it originates with a senior member of the Argentine dictatorship and an ultra-conservative United States diplomat. The first man, Admiral Cesar Guzzetti, foreign minister of the Videla dictatorship, had a dispute about both means and ends with the second man, US Ambassador Robert Hill. Ambassador Hill was a Cold-War veteran with tight family connections to the business oligarchy in Latin America. A Nixon appointee to the Buenos Aires post, he had also served contentedly as envoy to a number of despotic right-wing regimes. However, he was appalled by the campaign of murder unleashed in Argentina after the 1976 military coup, and became distressed by the way in which Kissinger, from Washington, undercut his representations on the matter.

To those familiar with the Chile investigation, in which a "two track" policy was pursued and the officially accredited ambassador is not supposed to know of the real or covert policy, this may seem unsurprising. But not to Hill, an old-school type, the declassification of whose cables furnishes much of the new material. Before Admiral Guzzetti traveled to Washington to see Kissinger in October 1976, Hill had met him and told him that "murdering priests and dumping forty-seven bodies in the street in one day could not be seen in the context of defeating the terrorists quickly; on the contrary such acts were probably counterproductive. What the USG [United States Government] hoped was that the

GOA [Government of Argentina] could soon defeat terrorists, yes, but as nearly as possible within the law."

Even this admonition, which might be seen by some as containing a loophole or two, was considered too harsh by Kissinger. Guzzetti set off for Washington, Hill subsequently minuted, "fully expecting to hear some strong, firm, direct warnings on his government's human rights practices." However, having met Guzzetti on his return to Buenos Aires, he concluded:

Rather than that, he [Guzzetti] has returned in a state of jubilation, convinced that there is no real problem with the United States over this issue. Based on what Guzzetti is doubtless reporting to the GOA, it must now believe that if it has any problems with the US over human rights,, they are confined to certain elements of Congress and what it regards as biased and/or uninformed minor segments of public opinion .... While this conviction exists, it will be unrealistic and ineffective for this Embassy to press representations to the GOA over human rights violations.

This is even more grave in its implications than may at first appear. In October 1976 the rate of state-sponsored kidnapping and "disappearance" was relatively slow and could, Ambassador Hill believed, be made slower still. But the declassified documents show Kissinger advising Guzzetti, in effect, to speed up the pace. He told him that "if the terrorist problem was over by December or January, he [Kissinger] believed that serious problems could be avoided in the United States." These and other reassurances were, according to Hill-and in a phrase that has since become obscenely familiar-"the green light" for intensified repression. When Kissinger and Guzzetti first met, the number of "disappeared" was estimated at 1,022. By the time that Argentina had become an international byword for torture, for anti-Semitism, for death-squads and for the concept of the desaparecido, a minimum of 15,000 victims had been registered by reliable international and local monitors. In 1978, when the situation was notorious, Kissinger (by then out of office) accepted a personal invitation from the dictator General Videla to be his guest during Argentina's hosting of the soccer World

Cup. The former Secretary of State made use of the occasion to lecture the Carter administration for its excessive tenderness concerning human rights. General Videla, with whom I had a horrifying interview at about this time in the Casa Rosada in Buenos Aires, has since been imprisoned for life. One of the more specific charges on which he was convicted was the sale of the children of rape victims held in his secret jails. His patron and protector, meanwhile, is enjoying a patriarchal autumn that may still(see below) be disturbed by the memory of what he permitted and indeed encouraged.

### **East Timor**

On more than one occasion (see my pages 138-66) Henry Kissinger has absolutely and publicly denied that he had any foreknowledge of the Indonesian invasion of East Timor, any interest in the subject, or even any awareness of its importance. That this is a huge falsehood, or perhaps a series of interlocking falsehoods, has long been apparent from independent evidence. What might be called conclusive or "smoking gun" proof, however, only became available in December 2001, when a fresh document became available. Declassified by the State Department, and publicized by the National Security Archive, it is the official record of a conversation that took place in the Indonesian capital of Jakarta on 6 December 1975. Present were Henry Kissinger and Gerald Ford, and the Indonesian dictator Suharto with a group of his military advisers.

Since Kissinger himself had received a cable from Washington two days before, informing him that the Indonesian junta had "plans" to invade East Timor, he cannot have been very much surprised to be told exactly that. Nor can he have been startled to hear from Suharto that: "We want your understanding if we deem it necessary to take rapid or drastic action." President Ford did not attempt to mask his endorsement in any ambiguity. "We will understand and will not press you on the issue," he said. "We understand the problem and the intentions you have." Kissinger, more experienced in the spin-problems that could result from unleashing extremist dictatorships, employed language similar to that which he had (see above) lavished upon Admiral Guzzetti of Argentina. "The use of US-made arms could create problems," he mused, adding that "it depends on how

we construe it; whether it is in self-defense or a foreign operation." This was an absolute untruth, since (see my page 159) Kissinger knew perfectly well that the use of American-supplied (not "American made") weaponry would violate international law and United States law as well. Brightening somewhat, he assured Suharto that: "We would be able to influence the reaction in America if whatever happens happens after we return . . . . If you have made plans, we will do our best to keep everyone quiet until the President returns home." As ever, he was willing to act as errand-boy for an unelected foreign dictatorship and to consider only Congress as his enemy.

It was therefore agreed, in an early instance of the now-famous pseudoscience of "deniability," that the aggression be timed to suit the fact that "The President will be back on Monday at 2.00 pm Jakarta time. We understand your problem and the need to move quickly but I am only saying that it would be better if it were done after we returned." With these words, Kissinger made himself directly complicit in the letter and the spirit of Indonesia's attack. A certain nervousness prompted him to ask Suharto if he anticipated "a long guerrilla war"; proof in itself that he did not believe Suharto's claim of popular support in East Timor. The dictator was reassuring, predicting that there would "probably be a short guerrilla war," while refusing to be drawn on its actual duration. The announced imperative of speed, as in Argentina above, was a spur to ruthless methods that had in effect been demanded by Washington. "It is important," said Kissinger coldly, "that whatever you do succeeds quickly." The consequences of this deadly injunction are discussed on my pages 140-42.

The same memorandum shows that the talk then turned to Indonesia's oil policy, and to Suharto's complaint that major petroleum corporations shared more of the wealth with their Middle Eastern partners than they did with Indonesia. Expressing sympathy for his attempt to negotiate a better deal, Kissinger found time to warn the despot that, whatever he did, he should "not create a climate that discourages investment." This was a case of pushing at an open door: to the very end of his regime Suharto maintained an investment-friendly climate, at least for a certain class of cronies of whom, perhaps coincidentally (see my pages 194-96), Kissinger eventually became one. Indeed, Indonesian "crony

capitalism" and its practitioners became a major element in the scandal of United States campaign finance, and of the Congressional investigation into it, that marked the Clinton years. Kissinger even hired Clinton's former White House Chief of Staff Mack McLarty as a partner in Kissinger Associates, and it may not be fanciful to suppose that the Indonesian connection played a role in this beautiful piece of bipartisanship.

The Suharto regime collapsed and imploded between the years 2000 and 2001. East Timor won its independence, and Indonesia formally withdrew its claim to the territory. Suharto himself was indicted by the Indonesian courts for corruption and only escaped the verdict by resorting, as had General Pinochet, to the claim of mental and physical incompetence. Once again, though, the senior partner in the massacres and in the corruption managed to escape condemnation.

### **Washington**

As I was preparing to publish the original version of this book, I received a call from William Rogers. Mr. Rogers is a partner in the distinguished Washington law firm of Arnold and Porter and was, during Kissinger's period as Secretary of State, the Deputy Assistant Secretary for Inter-American Affairs. He is also a cog in the wheel of Kissinger Associates (for the activities of which, see chapter 10). Someone had leaked the advance news of publication to a New York newspaper and Mr. Rogers, on first contact, was all friendliness. Could he help? he wanted to know. I told him that I had already forwarded a request for an interview to his boss, and had mentioned the headings-Chile, Timor, Bangladesh and the Demetracopoulos affair-which I hoped to discuss with him. Mr. Rogers professed astonishment at the fourth of these topics. "Who is this guy Demetra whatsisname?" he inquired. "We've never heard of him." He then asked me to send a list of all my questions, in order that he might be more "helpful" still. Recognizing a fishing expedition when I saw one, I instead wrote again to Kissinger offering to pay him for his trouble and proposing that, if he would give me and Harper's magazine half an hour on the record, we would pay him at the

same rate offered by ABC News Nightline. (I did not add that, for this honorarium, we would ask him all the questions he has never been asked by Mr. Ted Koppel.)

Mr. Rogers then dropped the mask of pretended if inquisitive politeness and sent me a savage e-mail, in which he said that he had never heard of such a disgraceful proposal. How could I, he demanded to know, propose to pay a source? Quite obviously I was morally unfit for further conversation. His indignation got the better of him. I was only making an ironic reference to Kissinger's habit of charging immense fees for his time (and at no period did I think of him as a "source"). I wrote back to Rogers, saying that he seemed to be the same man who had attended the Kissinger-Pinochet private discussion on 8 June 1976 (see my pages 105-9) during which Pinochet had threatened a Chilean exile then living in Washington. On that occasion, I pointed out, the record showed that Mr. Rogers had sat in silence. It was therefore good to know what did, and what did not, touch his nerve of outrage. Mr. Rogers, it now turns out, also played a role in facilitating the Kissinger-Guzzetti conversations in 1976, and later in trying to put a positive shine upon them. Such men are always, it seems, with us.

The absurdity of the official pretense, that Elias Demetracopoulos was beneath Kissinger's notice, is even further exposed by a recently declassified letter from Kissinger to Nixon, sent on 22 March 1971. It is headed "SECRET: The Demetracopoulos Affair." It begins by saying to the President: "You may have heard some repercussions from the recent flap over a request by Greek 'journalist' and resistance leader, Elias Demetracopoulos, to return to Greece to see his sick father." (It's rather flattering that Kissinger should have put "journalist" in sarcastic quotes, but left the definition of resistance leader unamended.) The letter goes on to say:

Since Demetracopoulos has such a following in Congress and has an outlet in Rowland Evans [then a senior Washington columnist] I thought you might be interested in knowing that he has long been an irritant in US-Greek relations. Among his intrigues—which have included selling himself as a

trusted US agent to anyone and everyone-he has touched off a record number of controversies and embarrassments between Greek and American officials. Through various journalistic enterprises, he has somehow managed to gain access to press and government circles. CIA, State, Defense and USIA have repeatedly warned officials about Demetracopoulos ...

It would appear safe to say, then, that Demetracopoulos was taken with sufficient seriousness by Kissinger to warrant a slanderous and paranoid memorandum for the President's desk. This only strengthens the argument made in my chapter 9, that Kissinger was attempting to represent his Greek critic as a person dangerous and sinister enough to be dealt with.

Another declassified secret document, this time of a "Secretary's Analytical Staff Meeting" at the State Department on 20 March 1974, shows Kissinger's obsession at work again. Irritated by talk of a return to constitutional rule in Greece, he said: "My question is: Why is it in the American interest to do in Greece what we apparently don't do anywhere else-of requiring them to give a commitment to the President to move to representative government?"

This was only a few months after the existing right-wing dictatorship in Athens had been overthrown from the extreme right by the psychopath Brigadier Joannidis. Even Henry Tasca, then United States Ambassador to Athens and a trusted friend of the regime, was moved to reply:

Well, I think because Greece and the Greek people-in terms of their position and public opinion in Western Europe-are quite unique. You can go back to the constitutional Greece or the Greek lobby-whatever you want to call it-and they've got a position in Western Europe and the United States that Brazil and Chile and these other countries don't have. None of these countries has a Demetracopoulos – a Greek refugee who's been activated and who for four years has been leading a very vigorous fight on our policy in Greece.

To this Kissinger made the glacial reply that "That just means we're letting Demetracopoulos's particular group make policy." But he was clearly nettled that some of his own deputies found it difficult to treat Greece as a banana republic.

This was a high-level meeting. The minutes record the attendance of such policy heavyweights as Joseph Sisco, Helmut Sonnenfeld, Lawrence Eagleburger and Arthur Hartman. It is clear that the dangerous activity of a single dissident was not beneath official attention.

Once again, I note that the Greek government, for which Kissinger was acting as proxy here, was a murderous and torturing dictatorship, with aggressive designs upon its Cypriot neighbor, and that its then leaders are now in prison for life. And once again, I note that their senior partner and patron is still at liberty, and still lying about his part in all this.

### **Legal Consequences**

Just as this book was being published, Kissinger produced a volume of his own with the pseudo-solemn title *Does America Need a Foreign Policy?* It contained an anxious chapter on the perils of the new legal doctrine of "universal jurisdiction," and this same chapter was reprinted as a separate essay in the Establishment's house-organ, *Foreign Affairs*. There was a certain amount of public laughter at the sheer disingenuousness of this: Kissinger wrote as if he was cogitating the subject with absolute disinterest.

Events, however, were to give independent validation of his professed concern. In May 2001, Judge Rodolfo Corral, a senior magistrate in Argentina, issued a summons to Kissinger to answer questions about his knowledge of Operation Condor (see my pages 101-4). Judge Corral's investigation, like many similar human rights inquiries in the southern hemisphere of the Americas, could proceed no further without disclosure of what the United States knew and when it knew it, and Kissinger was the chief material witness at all material times.

Only a few days later, on 28 May 2001, Kissinger was visited in his suite at the Ritz Hotel in Paris by the criminal division of the French gendarmerie. They brought him a summons, issued by Judge Roger Le Loire, to appear at the Palais



de Justice the following morning and answer questions about the "disappearance" of five French citizens in Chile during the early days of the Pinochet regime. Kissinger might reasonably have thought himself safe in the hotel owned by Mohammed al-Fayed, but chose the path of prudence and left Paris at once. (The summons remains valid if he should ever choose to return; I should like to boast briefly that the European press attributed this judicial move in part to the then-recent appearance of this book in its French translation.)

Since then, the Chilean courts—including the judge who is deciding the Pinochet case itself—have written to Kissinger asking for his cooperation as a witness in the case of Charles Horman, an American reporter murdered during Pinochet's coup, and in the general matter of "Condor"-related crime. This means that duly constituted magistrates in three democratic nations are seeking—and are being refused—his testimony on grave crimes against humanity. As predicted in my introduction (see pages xliii-li) he can no longer make travel plans without consulting his expensive attorneys.

Most serious of all, though, was the suit filed in Federal Court in Washington, DC, on 10 September 2001. This suit is brought by the surviving members of the family of General Rene Schneider of Chile (see my pages 84-101 and 203). It charges Kissinger and others with "summary execution" of the General; in other words, but in a civil case, with murder and international terrorism. The date of the lawsuit may seem unpropitious to some, but in fact the hideous aggression against American civil society that occurred the following day has laid greater emphasis than ever on the need for a single standard, and one day a single international court, for the hearing of crimes against humanity, state-sponsored murder and international nihilism.

In the same period, the National Security Archive and others compelled Kissinger to return 50,000 pages of the public documents he had illegally abstracted when he left office (see my page 116-17) and to have these returned to the scrutiny of scholars and historians (and victims). It is an empirically safe bet that Kissinger did not seek to conceal or bury material that put him in a good light. We may therefore expect the coming years to be as full of appalling disclosure, of official crime and official lying on his part, as the last year has

been. And there is just a chance that some of the victims may secure some justice on their own account, by means of American and other courts. It seems to me deplorable, though, and even shameful, that those who have already suffered enough should have to volunteer for the performance of a task that properly lies on the shoulders of Congress and the Justice Department.

To leave a personal note to the very last, I had myself rather hoped to be engaged in litigation with Kissinger. Had he sued me over this book (as the London Literary Review said that he was in honor bound to do, if he valued his reputation) I had dreamed of producing witnesses, and subpoenaing documents, that would accelerate the process of discovery. It was not to be: Kissinger's reticence remained his best counsel. I did, however, find myself threatening to sue him when he publicly accused me of being an anti-Semite and a denier of the Holocaust. In very grudging and graceless terms, he did through his lawyers offer me a swift retraction. In other words, he admitted that he had no basis for this especially foul accusation, but had thought it worth trying. Those who are curious to learn the background and to follow the correspondence may direct their trusty search engines and browsers.

CHRISTOPHER HITCHENS

Washington, DC, 15 February 2002