

Erdogan and the Ankara Bombing

Turkish President Erdogan is playing some dangerous games, aiding Sunni extremists in their war to topple the Syrian government and stirring up old hatreds against the Kurds. So, was last week's murderous bombing in Ankara an outgrowth of those schemes or something worse, asks ex-CIA official Graham E. Fuller.

By Graham E. Fuller

"H¹/₄ngÄ¹/₄r H¹/₄ngÄ¹/₄r AÄ¹/₄lÄ¹/₄yorum" is a refrain from a old Turkish folksong, "Bitterly I weep." It commemorates a bloody turning point at Sakarya against Greek invaders back in 1921. But the words couldn't more readily apply now to the unprecedented and outrageous bombing attacks in Ankara last week against marchers in a demonstration for peace that has cost the lives of some 100 people. Will that tragedy bring the country to its senses?

That event is the most horrific outcome yet of the escalating violence and mayhem that is emerging from the current Turkish electoral campaign ,one capriciously demanded by Turkish President Recep Tayyip Erdoğan. He was dissatisfied with the electoral setbacks of last June's elections that thwarted his amassing greater powers; hence he mandated new elections so voters could "right their mistake."

He is operating under the increasingly unrealistic supposition that the new elections on Nov. 1 will somehow reverse his decline and grant him new authority in his arrogant push to create a new super-presidency. The frightening thing is that his electoral gambits have grown increasingly reckless; it now appears as if the president acknowledges almost no limits to the means used to manipulate the electorate into voting for him.

Elections in Turkey are generally a rough contact sport, even though they are open and democratic; vote-rigging is rare. This time however Erdoğan is pulling out all the stops in an ever-rising campaign of the intimidation and silencing of political rivals, including detention of large numbers of journalists and attacks on media that dare to criticize the president.

Worse, Erdoğan is particularly hostile towards the HDP (Peoples' Democratic Party), a relatively new Kurdish-oriented party which has actually gained a considerable following among non-Kurds in Turkey, particularly liberals and youth, who value its broad outreach as a secular socialist party. It was this strong showing by the HDP in the June elections that robbed Erdoğan of his expected majority.

He has had blood in his eye ever since and has chosen to exploit ugly nationalist impulses in the country to discredit, perhaps even find grounds to ban, this party that has been gaining some popularity in Turkey as a fresh new political force. Pro-ErdoÄŸan mobs have visited violence upon the party's headquarters and members in recent months.

It was HDP elements and other liberal forces who dominated the march for peace last week and were the chief victims of the savage bombings. The HDP party leader has directly accused the president of complicity in the bombing of the marchers. There is, of course, no direct evidence of this as such. Indeed it might be too far a stretch to blame ErdoÄŸan as directly responsible for engineering the events, such an act would of course be criminal in the highest degree.

So far Turkish Prime Minister Ahmet DavutoÄŸlu has suggested that the "Islamic State" or ISIS is behind the slaughter. No reliable facts have been made public so far, and we may never get a clear answer. What is clearer, however, is that, although proving nothing, ErdoÄŸan probably stood to benefit from this event more than other actors.

After inaugurating a bold, admirable and unprecedented initiative in earlier years to open dialog with the main Kurdish rebel group, he now seems to find greater political benefit in discrediting the HDP, perhaps even hoping to unleash unrest among Turkey's Kurds with the aim of even banning the HDP, thereby removing a major obstacle to a clear-cut victory in the November elections. But to move to mass bombing would be quite another thing.

ErdoÄŸan may also be banking on the hope that much of the Turkish electorate may now be so unnerved by the increased violence and recent attacks from the rebel PKK group that they just might decide to vote for the president's party as a bulwark against the forces of Kurdish nationalism and chaos. But such a calculation represents a huge gamble that could produce a severe backlash: the electorate may well, and justifiably, fear that the president himself has become such a deeply polarizing, arrogant, erratic and destabilizing figure that he is even willing to put at risk the future stability of the country, and therefore will call for his defeat.

There are other forces that could also be theoretical beneficiaries of the bombing. Extremists within the right-wing nationalist party MHP are one possibility. And ISIS itself, of course, could well be behind the act, as the government claims. ISIS seeks to drive a wedge between Kurds and Turks and also to "punish" ErdoÄŸan for backing away from his earlier, more tolerant view of ISIS in the struggle against Syrian President Bashar al-Assad. And to attack his new willingness to support U.S. attacks against ISIS. Yet ISIS usually claims

credit for its terrorist actions; in this case it has not so far done so, for what that's worth.

Other theories run more heavily to the conspiratorial, that the PKK Kurdish rebels sought to thwart its moderate Kurdish rivals; but the PKK has in fact declared an overall cease-fire, at least until the elections are over. Extreme leftists too (not a serious political force in the country) might seek to sow mayhem to weaken Erdoğan.

But even if Erdoğan's intimate circle had nothing directly to do with this bombing, there is little doubt that the president has worked to create an atmosphere of xenophobia, fear, instability and anti-Kurdish sentiment that has created an ugly and violent political atmosphere not seen in decades. I worry that he might now even be tempted to create armed confrontation with Russia over Syria as a further distraction, an exceptionally dangerous move.

The major question now is how the Turkish electorate will react to events that seem to be dragging Turkey towards the brink. Will it reject Erdoğan and vote against the AKP in enough numbers to severely curtail his powers and vaulting ambitions in the next parliament? Or will it buy into Erdoğan's increasingly hollow claims to be the "indispensable leader" who can keep the country on an even keel?

Turkey has before marched up the to political brink in previous years, only to find the electorate ultimately voting wisely to ensure the stability and progress of the country. Here's hoping their common sense will prevail this time as well. Stakes are high for everybody involved in the region.

Graham E. Fuller is a former senior CIA official, author of numerous books on the Muslim World; his latest book is *Breaking Faith: A novel of espionage and an American's crisis of conscience in Pakistan*. (Amazon, Kindle) grahamefuller.com

The Kunduz Hospital Atrocity

The U.S. bombing of a Doctors Without Borders hospital in Kunduz, Afghanistan, blipped on and off the mainstream media's radar, catalogued as just one more unfortunate mistake in the last 14 years of war. But there is probable cause to treat the atrocity as a war crime, writes Marjorie Cohn for TeleSUR.

By Marjorie Cohn

In one of the most despicable incidents of the United States' 14-year war in Afghanistan, U.S. troops bombed a hospital in Kunduz, killing 22 people, including patients, three children, and medical personnel from Doctors Without Borders, or MSF. Thirty-seven people were injured, including 19 staff members in the Oct. 3 attack.

U.S. forces knew they were targeting a hospital because MSF, as it does in all conflict contexts, had provided its exact GPS coordinates on multiple occasions over the past months, including most recently on Sept. 29. There was a nine-foot flag on the roof that identified the building as a hospital. After the first strike, MSF contacted U.S. officials and reported the hospital was being bombed and begged them to halt the attack. Nevertheless, the U.S. AC-130 gunship continued to pummel the hospital repeatedly for more than one hour.

"Our patients burned in their beds," said MSF International President Joanne Liu. "Doctors, nurses and other staff were killed as they worked." She added, "Our colleagues had to work on each other. One of our doctors died on an improvised operating table an office desk while his colleagues tried to save his life."

In attempting to explain why they had bombed a hospital, U.S. military leaders changed their story four times. On Saturday, the day of the bombing, U.S. spokesman Col. Brian Tribus said the strike occurred "against individuals threatening the force. The strike may have resulted in collateral damage to a nearby medical facility."

On Sunday, Gen. John Campbell, U.S.-NATO commander in Afghanistan, claimed the strike occurred "against insurgents who were directly firing upon U.S. service members in the vicinity of a Doctors Without Borders medical facility."

On Monday, Campbell announced, "Afghan forces advised that they were taking fire from enemy positions and asked for air support" and "several civilians were accidentally struck." By Tuesday, Campbell said, "the decision to provide aerial fire was a U.S. decision, made within the U.S. chain of command. A hospital was mistakenly struck. We would never intentionally target a medical facility."

Since the Pentagon has access to video and audio recordings taken from the gunship, they must know what actually occurred. Daily Beast reported that the recordings contain conversations among the crew as they were firing on the hospital, including communications between the crew and U.S. soldiers on the ground. Moreover, AC-130 gunships fly low to the ground so the crew can assess what they are hitting.

But members of Congress who oversee the Pentagon have been denied access to the classified recordings.

Article 18 of the Fourth Geneva Convention states, "Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the parties to the conflict."

International law expert Mary Ellen O'Connell, a professor at Notre Dame Law School, said, "The critical question for determining if U.S. forces committed a war crime was whether they had notified the hospital ahead of the strike if they understood the Taliban to be firing from the hospital."

MSF has said they were never notified that the hospital would be bombed. "Not a single member of our staff reported any fighting inside the MSF hospital compound prior to the U.S. airstrike on Saturday morning," according to MSF General Director Christopher Stokes.

Parties to a military conflict have a duty to distinguish between civilians and combatants, and civilians and their facilities cannot be targeted. If the hospital were being used for military purposes, the strike must be proportionate to the military advantage sought, and the U.S. forces had a duty to warn the people inside the hospital that it would be struck. No one in the hospital said it was being used for military purposes, and even if it was, the U.S. forces never warned those in the hospital before striking it.

The U.S. strike was a precise attack on the hospital, because no other buildings in the MSF compound were hit. MSF executive director Jason Cone said, "I want to reiterate that the main hospital building where medical personnel were caring for patients was repeatedly and very precisely hit during each aerial raid while the rest of the compound was left mostly untouched. So we see this as a targeted event."

MSF is demanding an independent investigation by the International Humanitarian Fact-Finding Commission (IHFFC), established under Additional Protocol I to the Geneva Conventions. But the United States must consent to the investigation. The U.S. government says there are enough investigations one by the Pentagon, one by a joint U.S.-Afghan group, and one by NATO. But none of these is independent and impartial.

Historian and investigative journalist Gareth Porter has written three articles about three different internal investigations the U.S. military used to cover-up operations that should have led to criminal prosecutions against U.S. officers. Why should we believe that this will be any different?

The Rome Statute for the International Criminal Court provides several bases for war crimes prosecution. They include willful killing; willfully causing great suffering or serious bodily injury; intentional attacks against civilian or civilian objects; intentional attacks with knowledge they will cause death or injury to civilians when clearly excessive in relation to the anticipated military advantage; and intentionally attacking medical facilities which are not military objectives.

Although the United States is not a party to the Statute, there could be jurisdiction over U.S. leaders if the Security Council referred the matter to the Court. That will not happen because the United States would veto such a referral.

If U.S. leaders are found on the territory of a country that is a party to the Statute, that country could send them to The Hague, Netherlands, for prosecution. But the Bush administration blackmailed 100 countries into signing "bilateral immunity agreements," promising they would not send U.S. nationals to The Hague on penalty of losing U.S. foreign aid.

Other countries can prosecute foreign nationals under the well-established doctrine of "universal jurisdiction." But since Bush initiated his war on Iraq, no nation has been willing to incur the wrath of the United States by maintaining such an action against a U.S. leader.

Nick Turse and Bob Dreyfuss documented the killing of as many as 6,481 Afghan civilians by U.S. forces from October 2001 through 2012. The U.S. government has killed large numbers of civilians in its drone attacks in Iraq, Afghanistan, Pakistan, Libya, Syria, Somalia and Yemen. But President Obama rarely apologizes to or compensates the victims. It is only because a Western-based organization was hit and the attendant media coverage has been so overwhelming that led Obama to apologize to MSF.

MSF's advance provision of the hospital's coordinates to U.S. forces, its notifications during the bombing, its denial that any fire was coming from the hospital, and the Pentagon's shifting rationales for the bombing constitute probable cause that a war crime was committed.

Obama should consent to a full, independent, impartial investigation of the hospital bombing by IHFFC. If that investigation shows that war crimes probably occurred, appropriate prosecutions of the U.S. chain of command should ensue.

Marjorie Cohn is a professor at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and deputy secretary general of the International Association of Democratic Lawyers. Her most recent book is *Drones and Targeted*

Killing: Legal, Moral, and Geopolitical Issues. See www.marjoriecohn.com. [This article was originally published by teleSUR:

["http://www.telesurtv.net/english/opinion/The-Kunduz-Hospital-Bombing-20151013-0018.html"](http://www.telesurtv.net/english/opinion/The-Kunduz-Hospital-Bombing-20151013-0018.html)]
