

VIPS Call on Trump Not to Pull Out of Iran Nuclear Deal

As Donald Trump announces his decision at 2 pm Tuesday on staying in the Iran nuclear deal, the Veteran Intelligence Professionals for Sanity urge him in this memo exclusive to Consortium News not to base his decision on fabricated evidence.

MEMORANDUM FOR: The President

FROM: Veteran Intelligence Professionals for Sanity (VIPS)

SUBJECT: Being "Played" By Bogus Evidence on Iran

***NOTE:** The evidence presented by Israeli Prime Minister Benjamin Netanyahu on April 30 alleging a covert Iranian nuclear weapons program shows blatant signs of fabrication. That evidence is linked to documents presented by the Bush Administration more a decade earlier as proof of a covert Iran nuclear weapons program. Those documents were clearly fabricated as well.*

We sent President Bush a similar warning about bogus intelligence – much of it fabricated by Israel –six weeks before the U.S./UK attack on Iraq, but Bush paid us no heed. This time, we hope you will take note before things spin even further out of control in the Middle East. In short, Israel's "new" damaging documents on Iran were fabricated by the Israelis themselves.

Executive Summary

The Bush administration account of how the documents on Iran got into the hands of the CIA is not true. We can prove that the actual documents originally came not from Iran but from Israel. And the documents were never authenticated by the CIA or the International Atomic Energy Agency (IAEA).

Two former Directors-General of the IAEA, Hans Blix and Mohamed ElBaradei, have publicly expressed suspicion that the documents were fabricated. And forensic examination of the documents yielded multiple signs that they are fraudulent.

We urge you to insist on an independent inquiry into the actual origins of these documents. We believe that the renewed attention being given to claims that Iran is secretly working to develop nuclear weapons betokens a transparent attempt to stoke hostility toward Iran, with an eye toward helping "justify" pulling out of the 2015 nuclear deal with Iran.

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Mr. President,

We write you in the hope that you will be informed of our views before you decide whether to continue to adhere to the Joint Comprehensive Plan of Action (JCPOA) regarding Iran. We fear that upcoming decisions may be based, in part, on unreliable documents alleging secret nuclear weapons activity in Iran.

On April 30, Israeli Prime Minister Netanyahu displayed some of those documents in his slide show on what he called the Iranian “atomic archive.” But those are precisely the same fraudulent documents that were acquired by the CIA in 2004.

The official accounts offered by the senior officials of the CIA about the provenance of these documents turned out to be complete fabrication. Journalists were told variously that the documents (1) were taken from the laptop computer of an Iranian working in a secret research program; (2) were provided by a German spy; or (3) simply came from a “longtime contact in Iran.”

However, Karsten Voigt, the former German Foreign Office official in charge of German-North American cooperation, revealed in an on the record interview with historian/journalist Gareth Porter in 2013 that senior officials of the German foreign intelligence service, the BND, told Voigt in November 2004 that the documents had been passed to the CIA by a BND source. That source, the senior BND official said, was not considered trustworthy, because he belonged to the Mujahideen-E-Khalq (MEK), the armed Iranian opposition group that was known to have served as a conduit for information that Israeli intelligence (Mossad) wanted to provide to the IAEA without having it attributed to Israel. (In 2012 Secretary of State Hillary Clinton removed MEK from the list of terrorist organizations.)

Voigt recalled that the senior BND officials told him of their worry that the Bush administration was going to repeat the error of using fraudulent intelligence, as was the case with the notorious “Curveball”, the Iraqi living in Germany, whom the BND had identified as unreliable. Nonetheless, Curveball’s fictions about mobile biological weapons laboratories in Iraq –with “artists renderings” by the CIA of those phantom labs – had been used by Colin Powell in his error-ridden presentation to the UN on February 5, 2003, leading to war on Iraq.

As for the purported Iranian documents, the CIA never ruled out the possibility that they were fabricated, and the IAEA made no effort to verify their authenticity. IAEA Director General Mohamed ElBaradei recalled in his memoirs that he had believed the documents were not really from the Iranian government and that, as he put it, “it made more sense that this information originated in another country.” ElBaradei stated publicly from 2005 through 2009

that the documents had not been authenticated, and he refused to use them as “evidence” of a covert Iranian weapons research program. And ElBaradei’s predecessor as Director-General, Hans Blix, has said he is “somewhat more worried” about the intelligence on the alleged Iranian nuclear weapons program than about the dubious intelligence he saw on Iraq, because “there is as much disinformation as there is information.”

Each of the documents mentioned by both Netanyahu and the IAEA reports bears tell-tale signs of fraud. The most widely reported document in the collection is a set of schematic drawings showing efforts to redesign the re-entry vehicle of Iran’s Shahab-3 missile to accommodate a nuclear weapon. But the slide that Netanyahu displayed on the screen in his slide show provides visual confirmation of fraud. The drawing shows clearly the “dunce cap” design of the Shahab-3 reentry vehicle. But Iran’s Defense Ministry had already discarded that “dunce cap” reentry vehicle when it began to develop a new improved missile. That redesign began in 2000, according to the Congressional testimony in September 2000 of CIA national intelligence officer for strategic and nuclear programs Robert D. Walpole. But the earliest dates of any of the alleged Iranian nuclear weapon program documents on the project for redesign of the reentry vehicle in the May 2008 IAEA report on the entire collection are from summer 2002 after the “dunce cap” was replaced. The “baby-bottle” shaped reentry vehicle on the redesigned missile was not known to the outside world until the first test of the new missile in mid-2004. So those drawings could not have been done by someone who was actually involved in the redesign of the original Shahab-3 reentry vehicle; it was clearly the work of a foreign intelligence agency seeking to incriminate Iran, but slipping up on one important detail and thus betraying its fraudulent character.

The second document from that same collection turned over to the IAEA that has been widely reported is the so-called “green salt project” – a plan for a bench-scale system of uranium conversion for enrichment given the code name “Project 5.13” and part of a larger “Project 5”. Other documents that had been provided by the MEK showed that “Project 5” also included a sub-project involving ore processing at a mine designated “Project 5.15,” according to a briefing by IAEA Deputy Director Olli Heinonen in February 2008.

But when Iran turned over detailed documents to the IAEA in response to its questions about Project 5.15 in 2008, the IAEA learned the truth: there had been a real ore processing project called Project 5.15, but it was a civilian project of the Atomic Energy Organization of Iran – not part of a covert nuclear weapons program—and the decision to create Project 5.15 had been made on August 25, 1999—more than two years before the initial date of the project found in the collection of supposedly secret nuclear weapons research documents. That fact

gives away the ruse surrounding the numbering system of "Project 5" adopted by intelligence specialists who had fabricated the document.

A third document that purportedly shows Iranian nuclear weapons research is about what Netanyahu called "Multi-Point Initiation in hemispheric geometry" and the IAEA called "experimentation in connection with symmetrical initiation of a hemispherical high explosive charge suitable for an implosion type nuclear device." Significantly, that document was not part of the original collection that the CIA had passed to the IAEA, but had been given to the IAEA years later, and officials from the IAEA, Europe and the United States refused to reveal which member country had provided the document. Former Director-General ElBaradei revealed in his memoirs, however, that Israel had passed a series of documents to the IAEA in 2008-09, in an effort to make the case that Iran had continued its nuclear weapons experiments until "at least 2007."

The summary picture we offer above includes unusually clear evidence of the fraudulent nature of the documents that are advertised as hard evidence of Iran's determination to obtain nuclear weapons. One remaining question is *cui bono?* – who stands to benefit from this kind of "evidence." The state that had the most to gain from the fabrication of such documents was obviously Israel.

Completely absent from the usual discussion of this general problem is the reality that Israel already has a secret nuclear arsenal of more than a hundred nuclear weapons. To the extent Israel's formidable deterrent is more widely understood, arguments that Israel genuinely fears an Iranian nuclear threat any time soon lose much of their power. Only an extreme few suggest that Iran's leaders are bent on risking national suicide. What the Israelis are after is regime change in Tehran. And they have powerful allies with similar aims.

We therefore urge you, Mr. President, not to go along with these plans or to decide to pull the U.S. out of the six-nation nuclear deal with Iran based on fraudulent evidence.

For the Steering Group, Veteran Intelligence Professionals for Sanity (VIPS)

Richard H. Black, Senator of Virginia, 13th District; Colonel US Army (ret.); Former Chief, Criminal Law Division, Office of the Judge Advocate General, the Pentagon (associate VIPS)

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David MacMichael, Ph.D., former senior estimates officer, National Intelligence Council (ret.)

Ray McGovern, former US Army infantry/intelligence officer & CIA analyst; CIA Presidential briefer (ret.)

Elizabeth Murray, former Deputy National Intelligence Officer for the Near East, National Intelligence Council & CIA political analyst (ret.)

Todd E. Pierce, MAJ, US Army Judge Advocate (ret.)

Gareth Porter, author/journalist (associate VIPS)

Scott Ritter, former MAJ., USMC, former UN Weapon Inspector, Iraq

Coleen Rowley, FBI Special Agent and former Minneapolis Division Legal Counsel (ret.)

Robert Wing, former Foreign Service Officer (associate VIPS)

Ann Wright, Colonel, US Army (ret.); also Foreign Service Officer who resigned in opposition to the US war on Iraq

This Memorandum was drafted by VIPS Associate Gareth Porter, author of "Manufactured Crisis: The Untold Story of the Iran Nuclear Scare," 2014

Will a Torturer Become CIA Director?

Gina Haspel faces a confirmation hearing on Wednesday to become CIA director despite her record of supporting torture, which even the Pentagon admitted does not work, says Ray McGovern.

By **Ray McGovern** *Special to Consortium News*



The Senate Intelligence Committee is scheduled on Wednesday to decide whether to recommend that Gina Haspel be confirmed as director of the Central Intelligence Agency. The mind boggles.

It is no secret that Haspel oversaw detainee torture, including waterboarding, at a CIA “black site” base in Thailand. The nonprofit National Security Archive, housed at The George Washington University, reports that Haspel later drafted a cable ordering the destruction of dozens of videotapes of torture sessions, including some from before her arrival. Haspel also helped feed repeated lies about the supposed effectiveness of torture to CIA superiors, Congress, and two presidents.

So how does President Donald Trump think he can get this nomination approved? It is a sad story. Polling shows that most Americans, including Catholics, have been persuaded by Hollywood films and TV series, other media, and Trump himself that torture works. “Absolutely, I feel it works,” Trump told ABC News in January 2017.

Given the utilitarian tone dominating the discussion, I will first address whether there is any evidence that torture “works,” and then comment on the tendency to equivocate—in what one might call a jesuitical way—about the morality of torture. I must, however, point out upfront that the civilized world has long since decided that torture is intrinsically evil: always wrong. It is also against international and domestic law, of course. But torture is not wrong because it is illegal. It is the other way around. Torture is illegal because it is just flat wrong—always.

Coercing False ‘Intelligence’

On Sept. 6, 2006, Gen. John Kimmons, then the Army deputy chief of staff for intelligence, chose to address this issue publicly at a Pentagon press conference just one hour before he knew that President George W. Bush would publicly extol the virtues of torture methods that became known as “enhanced interrogation techniques.” Gen. Kimmons said, “No good intelligence is going to come from abusive practices. I think history tells us that. I think the empirical evidence of the last five years—hard years—tell us that.”

Here is the exception, however: Torture can “work” like a charm when interrogators are told to coerce false “intelligence” that can be used, for example, to start a war.

Army Colonel Lawrence Wilkerson, who was chief of staff to Secretary of State

Colin Powell, has explained how his boss was mousetrapped by CIA Director George Tenet and his deputy John McLaughlin as Col. Wilkerson was putting the final touches on Secretary Powell's misbegotten speech on Iraq to the UN Security Council on Feb 5, 2003. Mr. Tenet used information he knew was from torture to mislead Powell into claiming there was a "sinister nexus" between Saddam Hussein and al-Qaeda.

According to Col. Wilkerson, Tenet did not tell Powell that this "intelligence" came from a source, Ibn Shayk al-Libi, who had been "rendered" to and waterboarded by Egyptian intelligence. The Defense Intelligence Agency had officially pronounced unreliable what al-Libi had said, but Tenet never told Powell. Al-Libi then recanted less than a year later, admitting that he fabricated the story about Saddam and al-Qaeda in order to stop the torture.

'Intrinsic Evil'

Those of us who attended Jesuit institutions decades ago were taught that there was a moral category called "intrinsic evil"—actions that were always wrong, including rape, slavery and torture. Sadly, at my alma mater Fordham University, torture seems to have slipped out of that well-defined moral category into a "gray world."

In spring 2012, graduating seniors who were aware of Homeland Security Advisor (and later CIA head) John Brennan's checkered career strongly opposed the decision by Fordham's president, Joseph M. McShane, S.J., to invite Brennan, who graduated from Fordham College in 1977, to give the university commencement address on the Bronx campus and be awarded—of all things—a doctorate of humane letters, *honoris causa*. Brennan was already on record defending "extraordinary rendition," secret prisons abroad and "enhanced interrogation techniques."

Many Fordham students saw scandal in that the violent policies Brennan advocated were in stark contrast to the principles that Fordham University was supposed to stand for as a Catholic Jesuit University. Scott McDonald, a graduating senior, asked to meet with President McShane to discuss those concerns, but Brennan remained as commencement speaker. McDonald left the meeting wondering if the moral theologians at Fordham now considered torture a "gray area."

Last year, Fordham again honored Brennan by appointing him distinguished fellow for global security at the school's Center on National Security. And Brennan has endorsed the Haspel nomination.

I feel all this on a deep personal level. Not only have I been a proud Fordham Ram since 1953 but, more important, we have nine grandchildren, seven of whom have not yet chosen their college. It pains me greatly not to be able to

recommend my alma mater.

Ray McGovern originally drafted this article at the request of the Jesuit weekly, America. It was circulated in-house but then nixed for publication.

Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Savior in inner-city Washington, D.C.. A Fordham alumnus, he spent 27 years as a CIA analyst, from the Kennedy administration to the first Bush administration. He holds a certificate in theological studies from Georgetown and is a graduate of Harvard Business School's Advanced Management Program.

Plight of the Rohingya: Ethnic Cleansing, Mass Rape and Monsoons on the Way

Dennis J. Bernstein spoke with filmmaker and human rights activist, Jeanne Hallacy, just back with horror stories from Myanmar and the massive Rohingya camps of over 700,000 in neighboring Bangladesh.

By Dennis J Bernstein



The English-language *Bangkok Post* reported on May 5 that the Rohingya refugees who return to Myanmar will be safe, according to the military there, as long as they stay confined to the camps being set up for them. Myanmar's current commander-in-chief of the Armed Forces, Senior General Min Aung Hlaing, told a visiting delegation from the UN Security Council "there is no need to be worried about their security if they stay in the areas designated for them."

But then General Min referred to the Rohingya as "Bengalis", perpetuating the belief—and antagonism against them inside Myanmar—that the Rohingya are foreigners to the country, who are lying and exaggerating their suffering to get sympathy from the rest of the world. "Bengalis will never say that they arrive there happily. They will get sympathy and rights only if they say that they face a lot of hardships and persecution," he said.

For its part, the UN says the refugee camps in Myanmar, referred to by the general, are not fit or safe for the arrival of hundred of thousands of Rohingya, who have already suffered from the worst kinds of brutality imaginable, including the burning down of entire villages, mass rape and murder.

In fact, it is common knowledge that the suffering and outright persecution of the Rohingya and other minorities has gone on non-stop for decades.

On May 3, I caught up with noted filmmaker and human rights activist, Jeanne Hallacy, just back from Myanmar and the massive camps in neighboring Bangladesh. Hallacy has worked in the region for many years, and her films have documented the suffering of various minorities in Burma over several decades. She was on her way to a seminar on the situation in Myanmar, and to preview her new short film that documents how the military in Myanmar have been using rape as a tool of war. She was extremely concerned that the sprawling refugee camps now face the added dangers of a cholera epidemic and the yearly flooding that results from the monsoon rains.

AP reported on May 2: "The Rohingya refugees have escaped soldiers and gunfire. They have escaped mobs that stormed through their villages, killing and raping and burning. They have fled Myanmar, their homeland, to find shelter in sprawling refugee camps in neighboring Bangladesh. Now there's a new danger: rain. The annual monsoon will soon sweep through the immense camps where some 700,000 Rohingya Muslims have lived since last year...The clusters of bamboo and plastic huts, built along endless waves of steep hills, are now facing a deluge that, in an average year, dumps anywhere from 40 to 60 centimeters (16 to 24 inches) of rain per month."

Hallacy was joined in the interview by student human rights activist, Miu, who is working with human rights groups at UC Berkeley to demonstrate the role that social media—Facebook in particular—has been playing to facilitate the suffering and mass rape that has been a part of the ethnic cleansing of the Rohingya from Myanmar.

Dennis Bernstein: Those who have fled Myanmar continue to face a horrific situation in exile. The folks back in Myanmar say they are welcome to come back but the actions do not support the words. Please give us an update, both in terms of what is happening in exile and what is happening in the country.

Later we will talk about the consistent use of rape by the Burmese military as a tool of war. We are also going to talk about how Facebook is fueling these kinds of slaughters. But please take a moment to give us an update on the situation on the ground.

Jeanne Hallacy: The situation of the Rohingya is one of the most serious refugee crises in the world. When we last met, I hadn't yet gone to the camps. This mass exodus has now seen a million Rohingya flee from Burma to the camps in Bangladesh. I have been doing this kind of work for many decades, but when I stood on the precipice of this camp and saw as far as the eye could see the

incredible squalor of thousands and thousands of people crammed into this small place, it just took my breath away.

It wasn't just the scale, it was the fact that when you walked around the camp, all of the adults had this deep sense of suffering and trauma because they had experienced such heinous human rights abuses before they fled. It was unlike any refugee camp I have ever seen in my work as a journalist.

DB: Would you share with us some of the stories that stay with you, so we can keep a human face on this?

JH: We have decided to focus on one of the human rights abuses that we know have been documented by the Burmese Army clearance operations that took place in August of last year after a group of self-described Rohingya militants attacked thirty Burmese border posts. The gravity of the response was completely out of proportion to the attacks. This is what led to this massive exodus which, according to UN officials, was one of the largest exoduses of people that they have ever seen.

Human Rights Watch has satellite footage which shows the complete destruction of over 350 villages that were razed to the ground. Women were forced to stand in the river as their children were ripped from their arms and killed in front of them. Girls as young as seven years old were survivors of sexual violence, some of whom were killed afterwards. People were arbitrarily detained and killed. Unimaginable human rights abuses were carried out by the Burmese, leading to this exodus.

Within this spectrum of horror, we decided to focus on the issue of sexual violence. We found it outrageous that those who have doubted the accuracy of Rohingya refugees have said that the young women and girls who said that they were raped were lying and that they were paid to give false testimony.

DB: I want to remind people that, together with Leslie Kean, I reported on this use of rape as a tool of war by the Burmese army in a cover story in *The Nation* magazine in 1996. At the time, Aung San Suu Kyi expressed her concern about that when she was in solitary confinement. She has been silent since, but this has been going on and the military denied it then as they are denying it now.

JH: In fact, this abuse by the Burmese military has been documented by ethnic women's groups in exile. We are focusing on these Rohingya girls in order to make a parallel to the continued use of sexual violence in areas where conflict continues. It is not just the Rohingya who have been targeted by the Burmese military. Just this week, in Northern Kachin State, there were renewed attacks

by the Burmese military and there was a report of a woman in her seventies being raped. The Burmese military have gotten away with this for decades with impunity.

DB: The United Nations took some action today [May 3]. Could you talk about that? I believe Aung San Suu Kyi actually said a few words, but she won't say the word "Rohingya."

JH: Unfortunately, the word "Rohingya" has become something of a lightning rod. Even in a tea shop in Rangoon you don't dare say it, it is that inflammatory. The Islamophobia which is sweeping Burma now is fueled by this ultra-nationalist, right-wing fervor which sees Buddhism as the national religion and any others as actually threatening the state of Burma.

Aung San Suu Kyi issued a statement [on May 1] which was the first positive sign from the government. Her statement said that it was time for the Burmese government to work in partnership with the United Nations Development Program and the UNHCR.

Very importantly, the UN Special Rapporteur for Human Rights, Yanghee Lee, has repeatedly pointed out that there could be hallmarks of genocide in this. The United Nations has already clearly identified this as ethnic cleansing but the question as to whether genocide has taken place remains to be investigated.

Unfortunately, Yanghee Lee was denied access to the country. This was a very serious obstacle to accepting the role of the United Nations in trying to understand the root causes of this conflict.

DB: How would you explain Aung San Suu Kyi's response to all of this?

JH: The military remain in firm control of three of the most important ministries in the country. They remain in economic power. And more importantly, 25% of parliament is appointed by the military. To enact any law you need 76% of parliamentary votes. So there can't be any real reform.

Aung San Suu Kyi is walking a tightrope in this political transition. This crisis was an opportunity for her to put her hat back on as a human rights icon and create a moral compass. If she spoke out, her countrymen would follow. If she reminded people of the tenets of Buddhism, including loving kindness and compassion, I believe it would help reduce the hysterical hatred and racism.

DB: I want to bring you in, Miu, a student activist at UC Berkeley working with the Human Rights Center there. You are documenting the role that Facebook seems to be playing in perpetrating mass murder.

Miu: As you have both mentioned, there has been a history of discrimination

against Rohingya in Myanmar. When we analyze this conflict, we have to ask “Why now?” Our team has discovered that, with the rise in tech accessibility after 2013, when the government ended its monopoly of internet access, penetration went from 4% to 90% in the country. This rise in tech accessibility has been linked with a rise in violence and a rise in hate speech online.

In Myanmar, Facebook is a form of news. The people there see Facebook as the truth. With the internet becoming accessible to the people so quickly, digital illiteracy is a massive problem within the country. People don’t know how to recognize fake news and propaganda.

In many cases, incitement of hate speech online can lead to actual violence on the ground. We saw this in July 2014 when an unverified story that a Muslim tea shop owner raped a Buddhist employee circulated online. This post was then promoted by Ashin Wirathu, the leader of the Buddhist Nationalist 969 movement, and led to riots where Muslim shop owners were targeted. Two people were killed and fourteen were injured.

Our team has also documented incidents of hate speech online by government officials, for example, in which they have referred to the Rohingya as “detestable human fleas.” We actually gathered a post by the chief of command of the military saying “Race must be swallowed by another race.”

DB: If that doesn’t sound like ethnic cleansing and the beginning of a genocide, I don’t know what does.

Miu: These posts show intent and knowledge, which becomes extremely important for the issue of accountability. Facebook has been used as a weapon in this conflict, to promote hate but also to deny accountability. Yanghee Lee said this March at the Human Rights Council that “Facebook has turned into a beast.”

DB: Has Facebook been sympathetic?

Miu: Mark Zuckerberg has stated that what happened in Myanmar was a terrible tragedy and that Facebook needed to do more. A spokesperson has said that they are looking into the situation and that they promise to take down hate speech within 24 hours of posting and that they are developing a counter-speech campaign. But all of this is reactionary and it is not happening fast enough.

Unfortunately, we are not seeing major change. One form of change we are seeing is that these online companies are starting to realize that they do need to take down some content. But they are doing it in a way that is not helpful to human rights workers, who are trying to gather this content as evidence. Recently we have been seeing a lot of the footage of violence is being taken down by Facebook and YouTube. We need an inclusive conversation between human rights

advocates and the tech companies to insure that useful information is stored while that which is harmful is taken down.

DB: Jeanne, if the policy continues, where are we headed?

JH: This is a dilemma facing the international community, from the United Nations to all the major NGOs who are providing the emergency humanitarian assistance to the displaced population in Bangladesh.

The Bengalese government cannot indefinitely host this number of people. It is already an impoverished nation with its own internal security issues brought about by a rise in Islamic fundamentalism. Sooner or later, some of this resentment will be turned on the refugees. We have seen indications of that already.

The question is where and when the Rohingya can go to a place of safe return with dignity. The offers by the Myanmar government to repatriate them and the agreement that they made with the Bangladeshi government to do so are hollow unless the root causes of the incredible oppression that the Rohingya have lived under for decades are addressed.

First and foremost is citizenship. Without citizenship so many things are inaccessible to you, from healthcare to education. But in the case of Rohingya, it involves restriction of movement. If you want to visit someone in a neighboring village, you have to get a letter of permission. If you need medical care outside of your village, you need a letter of permission. If you want to get married, you have to apply for permission. To repair your house or your mosque you need permission. All Rohingyas have been shut out of universities since the violence broke out in 2012.

Unless there is a comprehensive effort on the part of the Burmese government, working in partnership with agencies who have the knowledge and expertise to create an atmosphere where there is access to justice and equitable right to live on that land, then any terms of repatriation are premature at this stage.

The humanitarian crisis now is especially grave because of the monsoon season. The monsoon season in Bangladesh is very fierce. This camp is built on a kind of sandy silt. There is no protection against the winds and the rains. There are fears of mudslides, involving a high level of disease risk. So it is a race against the clock, even in the short term. In the longer term, unless there is a human rights prism through which the situation can be seen, any sustainable solution is really premature to consider.

I wanted to add to what Miu was saying in terms of expressing to people the atmosphere inside Burma now, not just among the refugees in Bangladesh. Many

human rights advocates in Burma who have dared to speak up on behalf of the Rohingya have themselves now been targeted by Facebook. People believe that members of the military are posing as civilians in fake profiles to carry out this vitriolic attack against any journalist or activist talking about the crisis in Rakhine state.

Two Reuters journalists, Wa Lone and Kyaw Soe Oo, investigated one of the many massacres that took place during the military operations last year. They have been languishing in jail for five months, held without bail for allegedly divulging state secrets. A few of the officers at that massacre have been sentenced to ten years, whereas the two Reuters journalists who were reporting the massacre are facing fourteen years!

Under Aung San Suu Kyi's government, the number of cases of journalists being harassed, intimidated, threatened, arrested or jailed under the telecommunications act has actually been higher than it was during the military regime. Another incredible colleague, Esther Htusan, the first ever Burmese journalist to win the Pulitzer Prize, had to flee the country for her life because they were threatening not only her but her family on Facebook. They actually said to people, if you see her in public, attack her or bring her to a police station. She was working for Associated Press. This is the kind of pressure the Burmese press have been put under for even reporting on the issue of the Rohingya. Facebook assists with this.

Dennis J. Bernstein is a host of "Flashpoints" on the Pacifica radio network and the author of *Special Ed: Voices from a Hidden Classroom*. You can access the audio archives at www.flashpoints.net. You can get in touch with the author at dbernstein@igc.org.

Trump Disregards Caravan Asylum Seekers' Legal Rights

As Central Americans fleeing oppression in their countries remain stalled in appalling conditions at the U.S. border, Donald Trump ramps up the xenophobic rhetoric, reports Marjorie Cohn.

By Marjorie Cohn



The 300 asylum seekers who arrived at the U.S. border on April 29 after a month-long, 2,000-mile journey have another grueling struggle ahead of them, according to the immigration attorneys who are donating their time to represent them.

More than three-quarters of asylum claims from Hondurans, Guatemalans and Salvadorans between 2012 and 2017 were denied, according to the Transactional Records Access Clearinghouse at Syracuse University, and this year's caravan of asylum seekers are facing a climate made even more hostile by the xenophobic Trump administration.

Once the asylum applicants—who traveled in a caravan to the Tijuana-San Ysidro border from Honduras, El Salvador and Guatemala—establish that they face a credible fear of persecution in their home countries, their ordeals are just beginning.

Colleen Flynn, an immigration attorney with the National Lawyers Guild's Los Angeles chapter, said in an interview that because of retaliation by the Trump administration, even those who establish "credible fear" could face years of detention.

"Some will bond out, but many others will be unable to raise the money for high bonds," Flynn said. "There is a possibility their kids will be taken away."

In the face of these fears, Flynn said, the asylum seekers she met in Tijuana are "incredibly resilient, incredibly hopeful, really brave."

Hundreds of supporters, many of whom had marched 150 miles from Los Angeles, gathered on the U.S. side of the border in solidarity with the asylum seekers. It was "a really moving sight to see people coming together at the border," said Kath Rogers, executive director of the National Lawyers Guild's Los Angeles chapter.

When the asylum seekers arrived at the border, however, U.S. Customs and Border Protection (CBP) officers informed them that the port of entry was "at capacity" and repeated that mantra throughout the day. When Gilbert Saucedo, an attorney, human rights advocate and co-president of the L.A. chapter of the National Lawyers Guild, asked the CBP officers, "'Is that what you were told to say?' they said 'yes,'" Saucedo told me in an interview.

Pueblo Sin Fronteras, a group that has accompanied migrants and refugees on their journeys for 15 years, took issue with the officers, saying in a statement: "Customs and Border Protection is the largest law enforcement agency in the country, and is able to detain, transport and incarcerate thousands of

people in a day, but is pretending that they don't have the 'capacity' to accept 150 refugee parents and children whose arrival has been anticipated and communicated weeks in advance."

The asylum seekers have a legal right to have their applications considered, and many of them have meritorious claims. Notwithstanding Trump's bloviating, CBP officers began slowly processing the asylum requests. By the end of the fifth day, roughly half of the caravan asylum seekers had been taken to San Diego for processing.

Meanwhile, the remaining asylum seekers continue to wait. They are camping on the ground in unseasonably cool and drizzly weather. Mostly women and children, they are cold and hungry, despite some rations provided by their supporters.

"It just broke my heart to see them," Saucedo said.

Flynn spoke of a group of women whose lives are endangered in their home countries because they are transgender. These women "really kept spirits up" among the asylum seekers, "singing, dancing, elevating the mood and keeping people's hopes alive."

Trump Tries to Keep Asylum Seekers Out

Donald Trump tweeted on April 23 that he ordered the Department of Homeland Security "not to let these large Caravans of people into our Country," adding, "It is a disgrace."

Unsurprisingly, Trump demonstrated no compassion for those who made the dangerous trip by bus, train and on foot to escape persecution in their home countries, referring to them as "this problem." On April 3, he tweeted, "The big Caravan of People from Honduras ... had better be stopped before it gets there." The caravan asylum seekers were "openly defying our border," Trump tweeted on April 30, and wrote in a fundraising email to his supporters on April 26, "We need a strong, impenetrable WALL that will end this problem once and for all."

Rep. Bennie Thompson (D-Mississippi), ranking member of the House Committee on Homeland Security, disagreed with Trump's assessment.

"It's overkill," Thompson told HuffPost. "You would have expected [Trump] to have been briefed by intelligence officers exactly who was headed this way ... We know who they are. We know where they are. And we even know why they're coming. So to try to elevate this into some heightened sense of threat, it just didn't measure up."

Caravans of asylum seekers arrive at the U.S.-Mexico border annually. But this

year, Trump began his Twitter and verbal assaults on the caravan before it reached Tijuana. "Are you watching that mess that's going on right now with the caravan coming up?" he said at an April 29 rally in Michigan. "We have the worst laws anywhere in the world, we don't have borders."

Michael Knowles, president of the asylum officers union, told *The San Diego Union-Tribune*, "If they're coming to seek asylum, they need to be given due process. We shouldn't be impeded from doing our job, and those applicants should not be impeded from having their cases heard."

Trump betrayed his ignorance of U.S. immigration law, tweeting, "These big flows of people are all trying to take advantage of DACA. They want in on the act!" In fact, the asylum seekers have nothing to do with Deferred Action for Childhood Arrivals, which allowed immigrants brought to the U.S. as children relief from deportation before Trump sought to end the program.

Attorney General Jeff Sessions, as contemptuous of immigrants as his boss, called the caravan "a deliberate attempt to undermine our laws and overwhelm our system." Sessions short-circuited immigration court policies, vacating a Board of Immigration Appeals decision that required immigration judges to provide asylum seekers with a full hearing. Now, thanks to Sessions, judges can deny applications without testimony from the asylum seeker.

The Legal Right to Apply for Asylum

The 1951 Refugee Convention requires the United States to accept and consider asylum applications. Applicants must show they are unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

Once an applicant demonstrates a credible fear of persecution, which can be shown by evidence of past persecution, he or she must establish that fear stemmed from the applicant's membership in a particular social group or political opinion. These are the two categories that cover most of the caravan asylum seekers, immigration attorney Helen Sklar, a member of the L.A. chapter executive board of the National Lawyers Guild, said in an interview.

"Membership in a particular social group" requires that members of the group share a "common, immutable" trait that is "so fundamental to the identity or conscience of the member that he or she should not be required to change it."

The roughly 35 transgender women on the caravan will likely apply for asylum based on membership in the particular social group of being transgender, Sklar explained.

“Political opinion” is the category that applies to many of the asylum seekers, particularly those fleeing violence in Honduras. Most people in the caravan came from Honduras.

Sklar interviewed one asylum seeker who was subjected to persecution by the current Honduran regime because of her opposition to government policies. She reported being threatened and beaten at an anti-government demonstration.

U.S. policy, particularly during the Obama administration, helped create the conditions that caused the asylum seekers to undertake their long and perilous journey north. In 2009, the U.S. government supported a coup that ousted President Manuel Zelaya and made life nearly unbearable for many Hondurans.

As Pamela Spees, senior staff attorney at the Center for Constitutional Rights, wrote:

Honduras has been declared the most dangerous country in the world for land rights and environmental activists... It’s not surprising then that the rising and pervasive violence and deep economic insecurity in Honduras and the region has resulted in unprecedented numbers of refugees and migrants fleeing to seek safety and security.

Sklar, who is one of about a dozen attorneys who have been helping the asylum seekers without remuneration, criticized the Trump administration for suggesting that the asylum seekers’ motives are not legitimate.

“Who would undertake such hardship without a compelling need to find safety?” Sklar asked.

Trump’s Racist, Nativist Immigration Policy

Trump’s verbal attacks on the asylum seekers did not occur in a vacuum. From instituting the Muslim Ban to attempting to end the DACA program, he has consistently appealed to his base by pursuing racist, nativist immigration policies.

Late last year, the Trump administration stopped accepting applications for a program that allowed people from Central America legally residing in the United States to bring their children here. As a result, 3,800 people—primarily children—who were being processed under that program are stranded in Honduras, El Salvador and Guatemala. Trump has also drastically reduced the admission of refugees into the U.S. and deployed National Guard troops to the border.

If he had his way, Trump would build a border wall and end the practice of

family migration and the diversity visa lottery system. He would also halt the policy of releasing undocumented immigrants with notices to appear in court (a practice that he describes using the dehumanizing language of “catch and release”), opting instead to detain or deport them.

At his April 29 Michigan rally, Trump threatened to shut down the country if his wall did not get built.

“We need security. We need the wall ... if we don’t get border security, we’ll have no choice. We’ll close down the country,” Trump declared.

Meanwhile, the asylum seekers brace for the next stage of their long struggle. “Our trip isn’t over,” 17-year-old Jose Coello from Honduras said as he walked into the United States from Tijuana on May 2. “This is just the next step.”

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