

## **Was the "evidence" for the conviction of Osama Bin Ladin strong enough to convict or even kill him?**

Certainly, if the case against Osama Bin Ladin was weak, we have to ask ourselves "*why then was the US bombing Afghanistan if the evidence was weak?*".

Here I will present a report from The Independent's online newspaper criticizing the "evidence" against Osama Bin Ladin and showing that it was baseless:

### **Missing: crucial facts from the official charge sheet against Bin Laden**

### **What the Government's dossier against bin Laden doesn't say and can't say: One thing is missing from the document 'proving' Bin Laden's guilt – the proof**

**By Chris Blackhurst**

*07 October 2001*

{Text taken from <http://www.independent.co.uk/story.jsp?story=98195>}

It was too good to be true. We were told we would be getting evidence of Osama bin Laden's guilt. Instead, close analysis of the 21-page document put out by the Government on Thursday reveals a report of conjecture, supposition and unsubstantiated assertions of fact. It uses every trick in the Whitehall drafter's arsenal to make the reader believe they are reading something they are not: a damning indictment of Sheikh Bin Laden for the events of 11 September.

No wonder Tony Blair and his officials are delighted with the reaction to publication of the dossier. One Whitehall source told the Independent on Sunday they were "chuffed with two newspapers for hailing it as 'proof' of bin Laden's involvement and delighted it got such a good reaction overall". Ministers believe the document has sealed the propaganda war, convincing the country of the need to move against Sheikh Bin Laden and al-Qa'ida and to accept limited British and civilian casualties. To their relief they are not being subjected to rigorous questioning on the report, either from their own supporters, the Opposition, or much of the media. Officials are also pleased: the document successfully papers over the cracks in their own intelligence operations.

The report was put together by a committee which included senior members of MI5 and MI6, working round the clock, with drafts going backwards and forwards to Washington. Within Whitehall, the dossier was seen as vital to gaining the approval of a naturally cautious and skeptical British public. As a paper produced by mandarins anxious to brook no argument it is a classic of its kind, straight from the script of Yes Minister: short on checkable detail; long on bold assertion; highly selective with the choice of facts.

Officials when they prepare such reports operate to a set of principles. They know that unlike the US, and thanks to their efforts in suppressing freedom of information down the years, Britain is a secret society. We are not used to having anything presented to us about intelligence matters and threats to national security. That, plus the British characteristic of not defying authority, especially in times of crisis, means that if the Government says loudly enough that something is "evidence", even if it is not, we will accept it as such.

That is why the very first sentence in the paper, in the introduction, states: "The clear conclusions reached by the government are: Osama bin Laden and Al Qaida, the so-called terrorist network which he supposedly headed, planned and carried out the atrocities on 11 September 2001." This is the introduction, not the conclusion or an executive summary. Introductions, as the authors knew too well, normally set up a document, relating the background as to why the book or, in this instance, a government document, has been written. Here, that convention was rejected: from the word go, the Government wanted to ensure the point of the document was conveyed.

The document carries a health warning that intelligence material has been withheld to protect the safety of sources. But, lawyers point out, this is not good enough. Assuming one aim of the military build-up is to try to capture Sheikh Bin Laden and put him on trial, that so-far-unseen evidence would have to be displayed – because on the basis of what has been released there is no chance of his being prosecuted, let alone convicted. "The Prime Minister told Parliament that this evidence was of an even more direct nature indicating guilt," said Richard Gordon QC. "The document makes it clear that the additional evidence is 'too sensitive to release'. That may be so, but in any criminal prosecution against bin Laden the necessary evidence would have to be adduced for the case to be proved."

For page after page, the paper spews out facts about Sheikh Bin Laden. In 1996, he issued a declaration of jihad, or holy war. In February 1998 he issued and signed a fatwa which included a decree to all Muslims that "the killing of Americans and their civilian and military allies is a religious duty for each and every Muslim to be carried out..." In the same year he also said that acquiring chemical or nuclear weapons for the defense of Muslims was a "religious duty". It might look like evidence of something, but it is not proof he organized the 11 September attacks. "All this shows, in the language of the lawyers, propensity, but it proves little," said Gordon.

More pertinent to 11 September were two TV interviews he gave, in 1997 and 1998, in which he referred to the terrorists who carried out the earlier attack on the World Trade Centre in 1993 as "role models". In December 1999, a terrorist cell linked to al-Qa'ida was discovered trying to carry out attacks in the US. Other attacks on US targets by al-Qa'ida or terrorists trained at bin Laden camps were made in January and October 2000.

Again, said Gordon, it is not enough. "This material shows that bin Laden may well have been responsible for the 11 September massacre but it does not, of itself, prove that he was." The document goes into great detail about the bombings of the US embassies in Kenya and Tanzania in 1998. But there is not one single fact presented that was not already known. While the operation was similar to 11 September – well planned, two attacks on the same day, suicide attackers indiscriminate killing of civilians, including Muslims – it does not prove anything.

Officials deny that the minute description of the previous bombings was designed to cover up cracks in their own intelligence about 11 September. Nevertheless, it is noticeable that in a 21-page document the overwhelming bulk of it is devoted to rehashing old information. It is not until page 18 and paragraph 61 that the reader is told something new about 11 September.

This is that three of the 19 hijackers have been "positively identified as associates of Al Qaida" and that one of them "has been identified as playing key roles in both the East African embassy attacks and the USS Cole attack". The word "associates" suggests the authorities lack intelligence on al-Qa'ida: they think they know who may be involved but they are not

sure, and they are not certain where they come in the pecking order – hence the catch-all, "associates". The three are understood to be: Khalid Almihdhar and Nawaf Alhazmi, both filmed secretly in Kuala Lumpur meeting other al-Qa'ida members involved in the USS Cole bombing in Aden; and Mohamed Atta. Suspected of being the ringleader, Atta is believed to have been a member of Islamic Jihad, and the authorities are convinced he received training camp in Afghanistan. The hijacker who played a key role in the embassy, USS Cole and 11 September attacks, is thought to refer to Almihdhar. If there is a hijacker linking all three that could be a crucial piece of evidence. The next paragraph, 62, promises much and delivers little. Prefaced with another rider about names remaining anonymous to protect sources, it begins by saying how, prior to 11 September, Sheikh bin Laden "mounted a concerted propaganda campaign ... justifying attacks on Jewish and American targets". It was well known in the Middle East that, earlier this year, a bin Laden recruitment video was in circulation, exhorting Muslims to lay down their lives for the jihad. The video makes no mention of any neither big assault nor does it refer to 11 September or possible targets in the US.

Last week it emerged that Sheikh bin Laden supposedly called his adoptive mother in Syria on 10 September to tell her there would be "big news", subsequent to which he might be out of touch for some time. It is hard to believe that someone as cautious as him would risk such a call. However, this is understood to be what is being referred to when the document says, in paragraph 62: "We have learned, subsequent to 11 September, that bin Laden himself asserted shortly before 11 September that he was preparing a major attack on America." The document goes on, saying that in August and early September, close bin Laden associates were warned to return to Afghanistan by 10 September.

This is new, and odd. Since the attacks, so-called known al-Qa'ida associates have been picked up or they are being watched. If there was an advice to go to Afghanistan presumably they ignored it or did not receive it. The names of these „close associates" are not specified, neither is any more detail made available – which is a mystery. It is hard to see why giving a bit more detail would compromise anybody or a foreign intelligence service that may be monitoring their calls.

Again, this tantalizing paragraph – by far the most intriguing in the document – says that just before the attacks "some known associates of bin Laden were naming the date for action as on or around 11 September". What associates? How? When? Again, no detail is supplied.

Then, the paragraph continues, "one of bin Laden's closest and most senior associates was responsible for the detailed planning of the attacks". This is thought to be a reference to either Mohamed Atef, al-Qa'ida's operations chief, or Ayman al Zawahiri, Sheikh Bin Laden's close friend. Another supposedly senior al-Qa'ida member being mentioned by those close to the investigation is Abu Zubeidah.

After all this, the most vital paragraph in the paper ends with this curious sentence: "There is evidence of a very specific nature relating to the guilt of bin Laden and his associates that is too sensitive to release."

What this document is not is a detailed exposition of the investigation to date. To be fair, that is still ongoing, but providing that amount of information would distract from the paper's main purpose, to blame Sheikh Bin Laden. This is summarized in the final narrative paragraph, 69: "No other organization has both the motivation and the capability to carry out attacks like those of the 11 September – only the Al Qaida network under Osama bin Laden."

This smacks of exasperation. To ram that point home, paragraph 70, "conclusion", repeats the message of the introduction. This, in the end, is what the paper is for, a Government plea for trust: it was Sheikh Bin Laden. To which the response must be: we might believe you – **if** you prove it.

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### **Comments to summarize the points in the articles so far:**

What the above has shown us is that currently, **the war in Afghanistan is illegal**. Many people go on about the US obtaining UN mandates for this action but the only type they obtained were mandates which legitimize this action *in principal*, what that means is that the UN mandates only say (in lay terms) that a nation is justified in retaliation against another nations unprovoked attack, what is not mentioned is that absolutely **no** mandate was obtained to bomb Afghanistan on the basis of weak evidence. Leaving that aside, I want to discuss the above points in the two previous sections, does the US have something to hide in not presenting the "evidence" to the Taliban and a World Court? If indeed Osama is guilty then why did they not present the "evidence" to the Taliban instead of belligerently demanding that the Taliban hand him over with no conditions even though the US provided absolutely **no** evidence to the Taliban that Osama is guilty? Certainly it would seem so that the Taliban were justified in not handing over Osama Bin Ladin because a country demanded his extradition even without presenting "evidence"! This swiftly moves us onto the conclusion of the second of the above two articles; **the evidence is too weak to convict Osama Bin Ladin!** The conclusion of the article is summarized quite neatly in this one sentence:

*"...close analysis of the 21-page document put out by the Government on Thursday reveals a report of conjecture, supposition and unsubstantiated assertions of fact. It uses every trick in the Whitehall drafter's arsenal to make the reader believe they are reading something they are not: **they are no damning indictment of Sheikh Bin Laden for the events of 11 September.**"*

If the "evidence" is not sufficient to convict him in a court of law (as the above article says) then why are they bombing Afghanistan? We would do well to remember that the USA stated that they are bombing Afghanistan **specifically** to make the Taliban hand over Sheikh Bin Laden, but why should they when they were not even provided any proof (let alone the "proof" that the Intelligence agencies gave which was weak to say the least!)?

One more cheap tactic the Western leaders used to further demonize Sheikh Osama Bin Laden (to rally public support) was when they talked about a "video" in which Osama Bin Laden apparently "confesses" that he did it, needless to say, the video which was scheduled to be screened to the world **never** turned up, all we had as "proof" was the Prime Minister Tony Blair's word for it and a transcript of the video, but if they managed to obtain the transcript of Osama's "confession" then how did they not obtain the video for the world to see? Think about it, if they claim to have seen this video why did they not show it to us? Since they had a transcript it is only logical that they had the tape, so where was this tape?

Before I finish this summary of the first two articles, I will present another cheap tactic of the Western leaders and media who want to further demonize Osama Bin Ladin and to therefore stoke up more support from scared Western (and the rest of the world) citizens, this is a clipping from a BBC article which says that Bin Ladin never claimed to have any nuclear weapons or weapons of mass destruction in the Urdu translation of the interview he had with

the editor of the Pakistani newspaper, Dawn, and that it was only in the English translation that he claimed to have these weapons. The full article can be found [here](#), and now the quote:

"Pakistani journalist Hamid Mir, the editor of the Urdu-language newspaper Ausaf, conducted the interview with Bin Laden, who is widely held responsible for the suicide attacks on the United States two months ago.

Dawn's English version quotes Bin Laden as saying: "If America used chemical and nuclear weapons against us, then we may retort with chemical and nuclear weapons. We have the weapons as a deterrent."

SheikhMir then asks Bin Laden where he got the weapons, which the al-Qaeda leader declines to answer.

*But in the Urdu version of the article, Bin Laden does not threaten to use nuclear or chemical weapons.*

*"The US is using chemical weapons against us and it has also decided to use nuclear weapons. But our war will continue," he says, according to the BBC's own translation of the Ausaf article.*

The two versions are otherwise very similar, says the BBC Monitoring unit."

Truly an insight into the workings of the media the world over! This clearly shows that something, most probably a demonization campaign is going on which is prepared to lie and use deception to discredit Osama Bin Ladin. If this is what they do, then what else can be false and manufactured from the Western media? Why are they doing it? Most probably because they (Western media and governments) know they do not have enough evidence to convict Osama Bin Ladin in a court so they want to discredit him so much that if the Western government's do anything illegal and anything which violates human rights or breaks any UN convention in this campaign, they will not meet protests because the people will think about all the (false) propaganda against him and say the illegal actions were justified.

**"I had no knowledge of these attacks, nor do I consider the killing of innocent women, children and other humans as an appreciable act. Islam strictly forbids causing harm to innocent women, children and other people. Such a practice is forbidden even in the course of a battle." - Osama Bin Ladin**

That is what he declared in an interview with the Pakistani newspaper, The Ummat. This is interesting, the Western leaders and the media like to quote ambiguous statements from Osama Bin Ladin trying to make it out like he supports the killing of innocents.

**Since the "evidence" against Osama Bin Ladin is non-existent in legal terms, why then is the coalition condoning this act of what is quite clearly bully-boy tactics and terrorism?**

Good question, this type of logic and action should have clearly been applied to the Israeli state also, they refuse to hand over a man (Ariel Sharon) who is being investigated for major war-crimes (may I add that this is exactly the same situation with Bin Ladin, he has not been convicted yet and the US wants to extradite him), yet we do not see any coalition against Israel, let alone a bombing campaign! Also interesting to note is that the Taliban were not provided any evidence to prove Osama's guilt, so how can a nation could have handed over a

man to another country on the basis of mere suspicion? **How on earth could they kill this man and throw his body into the sea?**

**"The US in essence was declared a terrorist nation"**

This is a flagrant violation of UN rules, but as we all know, the USA does not consider itself to be subject to any other rule but only the rule of itself, while it hypocritically condemns other nations for not following UN rules, this [link](#) to a speech by Noam Chomsky explains how the US, even though declared a terrorist state (in more subtle words) by an International court of human rights refused to accept any responsibility for its terrorism in Nicaragua or to get prosecuted for its policy which led to the deaths of thousands of people. Of interest is a bill called [The America service members protection Act 2001](#) which the US is trying to push which stops its VIP's, politicians and its military from getting prosecuted for war crimes, one must ask, if a nation goes to this length to stop it from getting prosecuted for war-crimes, does it commit war-crimes for which we know nothing about? This goes along with the US government policy, it does not want to get prosecuted for war-crimes and has made itself immune to that, so, is not the US a bigger terrorist nation for breaking UN conventions even though it is signed up?

**Terrorism is what you want it to be**

A recap of the article so far:

- **Absolutely no evidence was given to the Taliban for the hand-over of Osama Bin Ladin**
- **Almost immediately the US and the West blamed Osama Bin Ladin**
- **The Western governments belligerently demanded the hand-over of Bin Ladin without giving the Taliban any evidence and made a public outcry of the Taliban's (right) refusal to hand him over, thus rallying public support for this "war against terrorism"**
- **The "evidence" according to *The Independent* was weak and full of baseless assertions**
- **False accusations were made against Bin Ladin possessing nuclear bombs (presumably to rally public support for this war while ignoring the crimes the West commits)**
- **The West tried to convict Osama of being guilty with his own words, yet he stated clearly what he thinks but the Western leaders and media only took ambiguous statements out of context to prove his "guilt"**
- **The USA was convicted of terrorism but refused to get prosecuted by an International court of human rights (that is a thing the USA hypocritically condemns others for), in the process breaking several UN conventions**
- **It tried to pass a bill making it and its military immune to prosecution for war-crimes**

How then can this be as President Bush say's a "just war"? America has not even had a case against neither Bin Ladin nor the Taliban so far, so why are they attacking them, respectively killed him? Clearly many other states really harbor terrorists, so why are they specifically bombing Afghanistan (and now Yemen, Somalia, etc.)? America did not even accede to the Taliban's simple request, that America should hand over evidence of Osama's guilt to have him extradited, this to me proves that they never had a strong case against him in the first place, thus raising the possibility that they don't have a clue who did it other than an assumption that Bin Ladin did it or that they did it themselves, certainly its own defense industry will reap benefits from this war, or the nation as a whole will, for example they can control the Central Asian region's plentiful supply of mineral deposits.