



Pursuing justice for the crimes of September 11, 2001 and reducing the risks of terrorism

After more than three weeks of massive military build-up as well as restraint and diplomatic activity in response to the terrorist attacks of September 11, 2001, the United States and Britain began air strikes on Afghanistan on October 7, 2001. The U.S.-British air strikes are being accompanied by small humanitarian airdrops, but have triggered a large increase in refugees. The United States has sought and obtained a condemnation of the terrorist attacks of September 11, 2001 from the United Nations Security Council, though the resolutions do not directly authorize the use of force.

For a number of reasons, the military air strikes by the United States and Britain, with the support of Pakistan and Russia, are likely to aggravate the crisis.

- There is a tension between reducing the risks of further terrorism and carrying out actions to bring the perpetrators of the September 11 crimes to justice. That tension should be explicitly recognized in the organization of a response.
- Bombing Afghanistan in the context of the massive suffering of the Afghani people has created even angrier appeals to religious war in the region. There is already a great deal of turmoil in Pakistan. A disintegration of Pakistan is possible and creates heightened risks that nuclear materials or warheads might be captured or transferred by sections of the Pakistani establishment to the Taliban and/or the al-Qaeda network. The Pakistani government has had close ties with the Taliban and still maintains relations with that regime. The Pakistani government's Inter-Services Intelligence agency has played a major role in training and supplying the Taliban. The nuclear implications of that historical relationship for the region, the United States, and the rest of the world are unclear. There is clearly some risk, though its magnitude is difficult to establish in the midst of this crisis.
- The U.S. choice of response to terrorism is raising the risks of wider wars. For instance, there was a terrorist attack in Kashmir on October 2, 2001, when about 40 people were killed. The Indian government has warned that it will attack the Pakistani-occupied portion of Kashmir if there are further attacks, on the same grounds that the U.S. is justifying its air attacks on Afghanistan.
- To take the approach that this is a war rather than a police action to arrest suspects who have committed crimes against humanity (in the legal definition under international law) is to accord the terrorist network the status of a state, which Osama bin Laden has implicitly claimed for years. This approach legitimizes the use of weapons of mass destruction, since states, including the United States and Britain, have long claimed the prerogatives of such use for themselves. The very doctrine of air warfare has its historical roots in the idea of terrorizing populations. ^[1] The United States, Britain, France, NATO, and Russia all maintain the option of using nuclear weapons first in any conflict. Osama bin Laden has more than once referred to the U.S. use of nuclear weapons over Japan, an act carried out in wartime, as justification for the attacks he is calling on terrorists to carry out against the United States. He repeated that justification after the October 7, 2001 U.S.-British strikes on Afghanistan.
- Military action threatens to de-stabilize the situation in Saudi Arabia, where feelings against the stationing of U.S. troops since 1991 have run very high and are the main source of popular support for Osama bin Laden. The flow of oil as well as the position of the U.S. dollar as a global currency are dependent on Organization of Petroleum Exporting Countries (OPEC). OPEC's



decision of the, anchored by Saudi oil reserves, the largest in the world, to denominate the price of oil in U.S. dollars, is one of the anchors of the U.S. dollar. In the present crisis, the states of the Persian Gulf may be pushed by their people to follow the 1999 example of Saddam Hussein, who asked to be paid for Iraqi oil in euros, the new European currency. If OPEC decides to denominate the price of oil in euros, the effect on the U.S. and world economies could be profoundly de-stabilizing, with unpredictable economic, political, and military consequences. ^[2] Other oil exporting countries also face de-stabilization, notably Indonesia, where anti-U.S. government tensions have been high since the International Monetary Fund's intervention in its financial crisis in 1997.

- The United States, British, and Russian governments, as distinct from the people who were killed on September 11, are widely seen in the region and the world as having had major roles in the crisis in the Central Asian, South Asian, and Middle East regions that has spawned terrorist cells. The proxy war between the Soviet Union and the United States carried out via Pakistan's government, with financing both from the Saudi government and by all accounts, from drug trade profits, has been at the center of the chaos and mass deprivation in Afghanistan. Many of the present opponents of the United States were its allies and instruments then. (For instance, in a proclamation published in the Federal Register, President Reagan said of the Islamic opposition to the Soviets on March 20, 1984 that “[w]e stand in admiration of the indomitable will and courage of the Afghan people who continue their resistance to tyranny. All freedom-loving people around the globe should be inspired by the Afghan people's struggle to be free and the heavy sacrifices they bear for liberty.”)
- The United States and Britain are also seen as promoting and being allied with undemocratic regimes for the sake of oil supplies and profits, both historically and at the present time.
- The British military role is also likely to inflame unpleasant memories. The present Pakistani-Afghan border dates back to its British demarcation by Colonel Algermon Durand in 1893, and was part of the British-Russian imperialist rivalry in the region. It divided the Pushtu people, who found themselves on both sides of the line. After the partition of South Asia in 1947, Pakistan, allied with the United States, tried to use Islam as an ideological counterweight to Pushtu nationalism on its side of the border. The various coups between 1973 and 1979 in Afghanistan cemented the drift of Afghanistan and Pakistan into opposite camps of the Cold War. The arrival of Soviet troops at the end of 1979 sealed the division and a devastating proxy war followed. When wars and partitions result in such immense misery, memories are long and bitter, as the continuing problems in South Asia, Israel/Palestine, and Ireland/Northern Ireland demonstrate. Military attacks and wars have not contributed to solutions in any of these conflicts, only aggravated them and inflamed and hardened hatreds.
- The announced U.S.-British goal of protecting the civilian population of Afghanistan is at odds with aerial bombing. An operation more complex and vast than the Berlin airlift of 1948-1949 (“Operation Vittles”) would have to be launched in order to meet emergency demands. Operation Vittles involved airlift to an airport of thousands of tons of food, fuel, and other supplies every day, over distances of a few hundred miles. Given the magnitude of the historical refugees crisis and the one that is being created by the threat and reality of bombings, an operation of similar or larger scale will be needed over much vaster distances and more inhospitable terrain. It will need to be over areas that are controlled by the Taliban as well as forces opposed to the Taliban, meaning that inefficient airdrops are involved. The starving people in the Taliban controlled areas are hardly in a position to topple that government. They face a humanitarian crisis of stunning proportions. Both Pakistan and Iran, already hosting millions of refugees between them, are trying



to keep their borders closed. In sum, the relief operation will have to be roughly a hundred times larger than the one carried out on October 8, if it is to have substantial actual effect in relieving the suffering of the people of the region. By all accounts, the best way to deliver food aid is by road. This mode of aid is made difficult or impossible by air attacks, which have, moreover, already resulted in the deaths of four civilian U.N. workers.

For profound historical, legal, practical, and moral reasons, the use of military force, especially air strikes, to resolve the crisis, is a recipe for continued violence, terrorism, insecurity, and injustice, not to mention the immense increase in suffering for millions of Afghani people. These problems will not be resolved until the U.S., British, and Russian governments show far more understanding of their own role in the problems of the people of the region. And until that time, military action by these countries, directly or by proxy, is likely to increase problems rather than contribute to their solution.

A different approach to resolving the crisis is urgently needed. The most important ingredient is that American people must work with the international community to put together a force for a police action to carry out the arrests in Afghanistan that does not involve U.S., British, Russian, or non-state proxy militaries. The September 11, 2001 tragedy has brought the people of the world closer to the people of the United States in their suffering. The heartfelt worldwide demand for justice and for greater security against terrorism can be the basis for a framework to address the issues of justice relating to the crimes against humanity committed on September 11, 2001 and other aspects of the crisis that have enveloped the world since that date.

Basis of a solution

1. It is essential to de-legitimize the use of or threat of use of weapons of mass destruction and other tactics that have the same effect, whether by states or non-state groups. The people who were killed did not create the chaos in the Afghanistan-Pakistan region or contribute to the hatreds that led to the September 11 attacks. Therefore the search for justice for those attacks should not be linked to any other injustices and problems, which should also be addressed in their own right.
2. The use of military force by the United States and Britain, as well as the arming of proxy military forces, should stop immediately.
3. The process of apprehending the suspects should be carried out under the mandate of the U.N. Security Council using existing international law to pursue crimes against humanity. The people of the United States should rely at this time on a police action in which neutral countries from all over the world are mainly involved. It is crucial that this be defined explicitly as a police action to make arrests.
4. The U.N. force must have firm rules of operation. Violence against civilians, including bombing of cities, villages, and refugee camps, should be prohibited. The parties to the coalition should commit to respecting human rights. Participating states and personnel should act within the confines of humanitarian and international law, including the Nuremberg principles. They should expect to be held to the same level of accountability in an international judicial process that they seek to impose.
5. Even though its military forces would not be involved, the United States will, as a practical matter, have a powerful voice in how the U.N. force operates for a variety of reasons, including the fact that the September 11 attacks were on U.S. soil. In order that the United States have moral authority in regard to threats and acts of mass destruction, the United States should take the



leadership against the very idea of mass destruction by explicitly renouncing first use of nuclear weapons. To show its good faith, it should begin the process of de-alerting them. It should invite Russia and all other nuclear weapons states into an urgent process of verifiable de-alerting of all nuclear weapons and of putting all nuclear warheads and weapons-usable nuclear materials under international safeguards. This will strengthen the international coalition against terrorism and fulfill longstanding demands of the international community. It will also help stabilize nuclear situation in South Asia, with attendant positive security implication for that region, and the rest of the world, including the United States.

6. There should be no proxy wars, as for instance, was the practice during the Cold War, or arming of groups that could result in proxy wars.
7. There should be explicit recognition that the suffering of the Afghani people has its roots, in large measure, in Cold War politics and proxy wars. That recognition, both from Russia and the United States, is long overdue. When translated into practical humanitarian policies, this means that the alleviation of their suffering must be a central, co-equal goal to that of apprehending the suspects. Most of all, any process must take into account that a re-ignition of the civil war would be disastrous for the people of Afghanistan and probably Pakistan, and could have other far-reaching serious de-stabilizing consequences.
8. It is essential that the United States protect human rights, civil rights (including freedom of speech, assembly, and religion and freedom from discrimination) at home. The rights of immigrants should be respected along with all other people living in the United States. While the evidence clearly indicates that the crimes of September 11 were likely committed by non-citizens, there are many examples where U.S. citizens have committed acts of terror, including the 1995 bombing in Oklahoma City and the many crimes over a long period by the “Unabomber.” Immigrants should be accorded due process and liberties guaranteed under the Bill of Rights.
9. The formation of a coalition against terrorism and the rules of its operation should be taken up as a matter under the many treaties against terrorism that already exist. The crisis of September 11 should be used as the time to create a direction for the world community that will be based on morality, equity, the rule of law and justice for all. It is crucial to create a direction in which the rules and norms of behavior against mass violence imposed on individuals and non-state groups be extended to states, rather than the opposite, which is the direction that the bombing of Afghanistan is taking the world.

Notes:

1. The doctrine was first elaborated by an Italian, Brigadier Douhet, who wrote: “The conception of belligerents and nonbelligerents is outmoded. Today it is not the armies but whole nations which make war; and all civilians are belligerents and all are exposed to the hazards of war. The only salvation will be in caves, but those caves cannot hold entire cities, fleets, railways, bridges, industries, etc.” That doctrine of air warfare was first employed on a large scale by Germany during the mid-1930s against Spain and again in 1940 and thereafter against Britain, and also by Britain and the United States, in conventional bombing, fire bombing, and nuclear bombing during World War II. For a history of aerial warfare see Jack Colhoun, “Strategic Bombing,” at </comments/bombing.html> [? Return](#)
2. For an analysis of the oil-dollar problem see Arjun Makhijani, “Saddam’s Last Laugh” at <http://www.tompaine.com/opinion/2001/03/09/> [? Return](#)