

**Opinion Osama bin Laden**

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## What if Bin Laden had stood trial?

**Robert Lambert**

By choosing to execute the al-Qaida leader the US has denied justice to the victims of 9/11 and perpetuated the 'war on terror'

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⌚ Osama bin Laden's death is celebrated by servicemen alongside thousands of other Americans at Ground Zero. Photograph: Spencer Platt/Getty Images

**A**l-Qaida strategists, propagandists, operatives and supporters will be relieved that [Osama bin Laden](#), their iconic figurehead, [died a martyr and was not captured alive](#) and imprisoned to stand trial. To this extent the strategists determining US counterterrorism policy have shown a disregard for effective counterterrorism and instead fostered continuity with the war on terror which has boosted, rather than diminished, global support for al-Qaida since 9/11.

When Tony Blair and George Bush stood shoulder to shoulder in the [aftermath of 9/11](#) it was clear to both leaders that military responses would replace criminal investigations as the preferred tools of counterterrorism. Sadly, in Iraq, Afghanistan and around the globe, the war on terror resulted in the deaths of far more civilians than suspected terrorists - whether high profile like Bin Laden or lesser and unknown known figures operating in the name of al-Qaida.

As a result, the war on terror lost moral authority and became a gift to al-Qaida propagandists. The fact that the most effective counterterrorism is always closely focused on the prosecution of terrorist conspirators appeared to be of no concern in the Pentagon or Whitehall.

According to al-Qaida propagandist [Saif al-Adl](#), 9/11 was intended to provoke the US to "lash out militarily against the *ummah*" in the manner if not the scale of "the war on terror".

"The Americans took the bait," he continues, "and fell into our trap" - no doubt using hindsight to describe al-Qaida's ability to predict the massive scale and range of the military responses to 9/11.

The death and disregard of innocent civilians - often referred to as "collateral damage" - characterised the war on terror and provided al-Qaida strategists with effective recruitment campaigns. Bin Laden himself became adept at exploiting it:

*"By what measure of kindness are your killed considered innocents while ours are considered worthless? By what school [of thought] is your blood considered blood while our blood is water? Therefore, it is [only] just to respond in kind, and the one who started it is more to blame ... "*

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That was certainly the case in 1993, when the [World Trade Centre](#) was the subject of a terrorist bomb attack the first time. On that occasion FBI investigators came to London to establish background details of [Ramzi Yousef](#), a prime suspect in the case who had previously studied at a university in Britain. Yousef was later prosecuted and convicted for his part in the terrorist conspiracy in which a massive truck bomb exploded in the underground car park of the World Trade Centre, killing six people, injuring over a thousand and narrowly failing to destroy the landmark building - something it was clearly intended to do.

In addition the FBI arrested the blind Egyptian scholar [Omar Abdel Rahman](#), otherwise Sheikh Omar, who was then convicted for seditious conspiracy in relation to the same bomb attack. If the war on terror had not so completely eroded US judicial authority it is wholly plausible to conceive that Bin Laden could have been tried in exactly the same way as Sheikh Omar.

Of course, it was far more practical to kill Bin Laden than attempt to bring him to trial. No doubt Barack Obama and his counterterrorism strategists ruled this option out without too much deliberation.

However, if Bin Laden had stood trial he would have faced the bereaved families and friends of those innocent civilians killed on 9/11. If found guilty he would deserve to be labelled a terrorist because it is the intentional killing of civilians that defines terrorism and distinguishes it from other forms of political violence. If he had been imprisoned for life then, like Sheikh Omar, he would also have been denied the status of martyr.

Imprisoned for life, Bin Laden would have been forced to reflect on the wicked crime of killing innocent civilians. He has been spared that fate. Bush, Blair and Obama should reflect whether they too have now killed too many innocent civilians in the name of the war on terror and revert to the rule of law - however difficult that may be.

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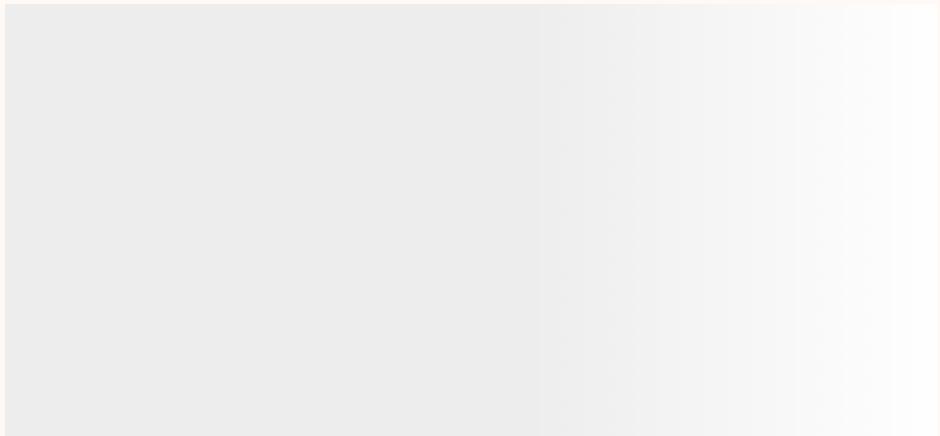
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