

United States to Afghanistan, 20-09-2001

On the morning of 11 September 2001, nineteen terrorists affiliated with the terrorist organization Al Qaeda nearly simultaneously hijacked four civil airplanes in American airspace and diverted them off course in order to use them as missiles. Two of the planes hit the Twin Towers of the World Trade Center in New York City. The third plane struck the Pentagon building in Virginia. The fourth plane which was on its way to Washington DC crashed in Pennsylvania after passengers managed to overcome the hijackers. The attacks claimed 2992 lives, including the lives of the nineteen terrorists.¹

Almost immediately the US government identified Osama Bin Laden, the leader of the terrorist organisation Al Qaeda, as the main culprit.² Osama Bin Laden, who was behind multiple attacks on US interests in the 1990s, had directly or indirectly featured forty times in the Presidential daily briefings that President Bush had received since taking office in January 2001.³ The Saudi citizen Osama Bin Laden had received shelter in Afghanistan from the Taliban, a fundamentalist regime which had managed to establish control over the majority of the territory of Afghanistan, one of the poorest countries of the world ravaged by decades of war. Osama Bin Laden had planned and coordinated the attacks from the country.⁴ Despite considerable warning signs prior to the attacks that a major terror attack was afoot, no one in the US government had connected the dots.⁵

Following the attacks, the US government went in overdrive. On the day of the attacks, Bush told his Cabinet members 'we're at war' and started preparing plans to hit those who were responsible.⁶ That night he stated in a televised address 'we will make no distinction between the terrorists who committed these acts and those who harbor them.'⁷ The US government quickly started building a coalition of nations in, what soon came to be called, the global war on terror.⁸ The next day the North Atlantic Council invoked Article V on the condition that 'it is determined that this attack was directed from abroad against the United States.'⁹ The UNSCR called the attacks a threat to international peace and security and expressed 'readiness to take all necessary steps to respond to the terrorist attacks of 11 September 2001, and to combat all forms of terrorism.'¹⁰ Allies and foes expressed their support for the United States.¹¹ The French newspaper Le Monde ran the headline

¹ National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States (Authorized Edition)* (W. W. Norton, 2004), 552, fn.188.

² B. Woodward, *Bush at War* (New York: Simon & Schuster, 2002), 26–27.

³ National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 254. Peter Baker, *Days of Fire: Bush and Cheney in the White House* (New York: Anchor, 2014), 113, 115.

⁴ Lawrence Wright, *The Looming Tower* (Knopf Doubleday Publishing Group, 2006).

⁵ National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 277.

⁶ National Commission on Terrorist Attacks upon the United States, 326. Baker, *Days of Fire*, 124, 130.

⁷ Bush, George W., 'Statement by the President in Address to the Nation', 11 September 2001, <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010911-16.html>.

⁸ David J. Gerleman, Jennifer E. Stevens, and Steven A. Hildreth, 'Operation Enduring Freedom: Foreign Pledges of Military and Intelligence Support', 17 October 2001. The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', The National Security Archive, 2016, Document 1, U.S. Department of State, Memorandum, "Action Plan as of 9/13/2001 7:55:51am," September 13, 2001, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB358a/#22>. Jeffrey Michaels, *The Discourse Trap and the US Military: From the War on Terror to the Surge* (Palgrave Macmillan, 2013), Chapter 2, 17-80, esp. 43.

⁹ NATO, 'NATO Reaffirms Treaty Commitments in Dealing with Terrorist Attacks against the US', NATO, accessed 15 April 2016, http://www.nato.int/cps/en/natohq/news_18569.htm; Edgar Buckley, 'Invoking Article 5', *NATO Review* summer 2006, no. Invoking Article 5: five years on. (2006), <http://www.nato.int/docu/review/2006/issue2/english/art2.html>.

¹⁰ United Nations Security Council, 'S/RES/1368 (2001)' (United Nations Security Council, 12 September 2001), http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1368%282001%29.

¹¹ 'September 11 News.Com - International Reaction - The 09-11-2001 Attacks on the USA With Archived News, Images, Photos, & Newspapers from the September 11, 2001 Terrorist Attacks on New York City & the Pentagon.', accessed 20 April 2016, <http://www.september11news.com/InternationalReaction.htm>. House of Commons Library, '11 September 2001: The

'*Nous sommes tout Américains.*'¹² The Bush administration exerted great pressure on the government of Pakistan – elements of which it suspected of aiding the Taliban – to extend their cooperation in the upcoming campaign against the terrorists harbored by the Taliban. Deputy Secretary Armitage told the Pakistani Inter Services Intelligence Chief General Mahmud that Pakistan was either with the US or against it already on 12 September, which was followed by more concrete requests the days and weeks after. The following day the US ambassador told the Pakistani President Musharraf that the US government expected nothing less than strong commitments. The latter responded that 'we're together in this' and also agreed to the requests that were subsequently put to him.¹³

Meanwhile, the US government had started contemplating sending an ultimatum to the Taliban to hand over Osama Bin Laden, with the Department of State proposing sending an ultimatum of either 24 or 48 hours.¹⁴ On 17 September, following a weekend of deliberations, it was decided to do follow up a private *démarche* to the Taleban regime, sent through Pakistan, unequivocally stating US demands with a public ultimatum. In case of refusal the Pentagon was to develop plans to 'attack with missiles, bombers, and boots on the ground'.¹⁵ General Mahmud visited with the Taliban leader Mullah Omar on 17 September and conveyed him the following US demands: one, hand over Osama Bin Laden to the International Court of Justice or extradite him; two, hand over or extradite thirteen of Osama Bin Laden top's associates; and three, close all terrorist camps. In his relay of the conversation to Armitage, General Mahmoud reported that he had told Mullah Omar that the Taleban would have to choose between Osama Bin Laden or the wellbeing of 25 million Afghans. He also conveyed that 'the response was not negative on all these points' and the Taliban regime was now engaged in 'deep introspection'.¹⁶ The Taliban Regime convened a council of Islamic scholars. Mullah Omar, addressing them in a speech, proclaimed Osama Bin Laden's innocence and asserted:

We have told America that if it has any evidence, give it to the Afghan Supreme Court, or let the clerics from any three Islamic countries decide his case, or he could be placed under the observation of the Organization of Islamic Conference [a body representing 52 Islamic nations]. But these offers have all been rejected. We appeal to the American government for tolerance and ask it to conduct an investigation and track down the real culprits. We want to assure the world that Osama cannot use Afghan soil against any country. Despite all this, if America still wants to attack us, and to punish our innocent people, and to destroy the Islamic government of Afghanistan, we want to get the religious decision from you, our respected religious scholars. You should make a decision in light of Islamic Sharia [law].¹⁷

On Thursday 20 September President Bush issued the following public ultimatum in a televised address to a joint session of Congress:

Response. Research Paper 01/72' (London: House of Commons Library, 3 October 2001), 19–31, <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/RP01-72>.

¹² 'Nous Sommes Tous Américains', accessed 20 April 2016, http://www.lemonde.fr/idees/article/2007/05/23/nous-sommes-tous-americains_913706_3232.html.

¹³ The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', Document 2 – Islamabad 05087; Document 3 – State 157813 [Version 1]; Document 5 – State 159711; Document 8-Islamabad 05123. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 331.

¹⁴ The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', Document 6 – Memo U.S. Department of State, Gameplan for Polmil Strategy for Pakistan and Afghanistan," September 14, 2001, Secret/NODIS. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 33211.

¹⁵ Baker, *Days of Fire*, 148. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 333.

¹⁶ The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', Document 9 – State 161279.

¹⁷ The Guardian, 'Mullah Omar's Speech to the Taliban Clerics', *The Guardian*, 19 September 2001, sec. US news, <http://www.theguardian.com/world/2001/sep/19/september11.usa15>.

The United States respects the people of Afghanistan — after all, we are currently its largest source of humanitarian aid — but we condemn the Taliban regime. It is not only repressing its own people, it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder. And tonight, the United States of America makes the following demands on the Taliban:

Deliver to United States authorities all the leaders of al Qaeda who hide in your land.

Release all foreign nationals, including American citizens, you have unjustly imprisoned.

Protect foreign journalists, diplomats and aid workers in your country.

Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist, and every person in their support structure, to appropriate authorities.

Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.

These demands are not open to negotiation or discussion. The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate.¹⁸

The following day, Bush approved the war plans for Afghanistan.¹⁹ The Islamic council convened by the Talebin meanwhile suggested on 21 September that Osama Bin Laden was to be asked to leave the country on his own accord 'in the proper time and of his own free will' – a decision they said they reached in order to avoid 'the current tumult'; at the same time the council members expressed 'their sadness over deaths in America' and their hope 'that America does not attack Afghanistan, exerts complete patience and accuracy and investigates the issue in its totality', while also proclaiming a jihad against the US should it attack Afghanistan.²⁰ The Bush administration rejected the offer already before the Taliban, through its Ambassador in Pakistan Mullah Abdul Salam Zaeef, rejected the verdict of the council. The Taliban ruled out Osama Bin Laden's extradition if no additional evidence was presented, because extraditing him would not be, it was perceived, in the spirit of Islam.²¹ The United Arab Emirates and Saudi Arabia subsequently withdrew their diplomatic recognition for the Taliban. This left the regime virtually isolated since it had no official ties to other states it could fall back on. Other countries either supported the US or remained on the sidelines.²² The UN Security Council adopted Resolution 1373 on 28 September in which it cited the right of self defence in the introduction, but neither condoned nor condemned the use of military force, which it would also refrain from doing in later resolutions.²³

In the mean time there seemed to have been no direct contact between the US government and the Taliban regime. The Pakistani government continued to function as an intermediary. General Mahmud, in a 28 September meeting with the senior leadership of the Taleban regime set up by his own initiative, implored the Taliban to comply so that 'the barrel of the gun would shift away from

¹⁸ Bush, George W., 'George W. Bush Address to the Joint Session of the 107th Congress United States Capitol Washington DC, September 20, 2001', C-SPAN.org, 20 September 2001, <http://www.c-span.org/video/?c4487624/bushs-20th-sept-speech>.

¹⁹ National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 33711.

²⁰ Luke Harding Rory McCarthy in Quetta, 'Bush Rejects Bin Laden Deal', *The Guardian*, 21 September 2001, sec. World news, <http://www.theguardian.com/world/2001/sep/21/afghanistan.september1111>. 'CNN.Com - Bush Delivers Ultimatum - September 21, 2001', accessed 20 April 2016, <http://edition.cnn.com/2001/WORLD/asiapcf/central/09/20/ret.afghan.bush/>.

²¹ Luke Harding and Rory McCarthy, 'Taliban Rule out Giving up Bin Laden', *The Guardian*, 22 September 2001, sec. World news, <http://www.theguardian.com/world/2001/sep/22/afghanistan.terrorism1>. John F. Burns With Christopher S. Wren, 'Without Evidence, the Taliban Refuses to Turn Over Bin Laden', *The New York Times*, 21 September 2001, sec. International Style, <http://www.nytimes.com/2001/09/21/international/21CND-PAK.html>.

²² Dr Myra Williamson, *Terrorism, War and International Law: The Legality of the Use of Force Against Afghanistan in 2001* (Ashgate Publishing, Ltd., 2013), 169. Gerleman, Stevens, and Hildreth, 'Operation Enduring Freedom'.

²³ United Nations Security Council, 'S/RES/1373 (2001)' (United Nations Security Council, 12 September 2001), <http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20%282001%29.pdf>; Williamson, *Terrorism, War and International Law*, 191–98.

Afghanistan.²⁴ His overtures led nowhere, however, other than again eliciting promises of Mullah Omar that he 'would think about' a proposed solution in which Osama Bin Laden was to be tried by a council of Islamic leaders of foreign nations.²⁵ The Taliban slightly shifted its position when its Information Minister Qudrutullah Jamalwhad declared on 27 September that he expected that the verdict of the Islamic council had been delivered by now to Osama Bin Laden, even if he claimed the next day that the regime was unaware of his precise whereabouts.²⁶ The threat of war was building with reports appearing that US special operatives had entered the country on 26 September and joined up with forces of the Northern Alliance, a coalition of factions assembled against the Taliban.²⁷ Then on 1 October the Taliban admitted it knew of Osama Bin Laden's whereabouts but still refused to hand him over. Mullah Omar in a defiant public broadcast claimed that the 'Americans don't have the courage to come here.'²⁸ US Secretary of Defense Rumsfeld when asked what the response of the US would be should the Taliban not comply with US demands, simply stated that 'that ought to be self-evident at this point.'²⁹ On 5 October the Taliban repeated its offer to try Osama Bin Laden if the US handed over evidence this time going as far as saying that 'if America is not satisfied with our trial of Osama, we are also ready to find another Islamic way of trying him.'³⁰ The United States declined the offer although it did provide evidence to its NATO allies to bolster its case. The latter found it a 'compelling' case and removed the conditional clause from their earlier invocation of Article V.³¹

Backdoor channel communications by the US intelligence chief of station responsible for Afghanistan with a high ranking Taliban official also failed to convince the Taliban to comply.³² On 7 October, Secretary Powell ordered the US ambassador to establish contact with either General Mahmud or President Musharraf, and ask them to deliver the message to the Taliban regime that the US government possessed intelligence of additional terror plots of Al Qaeda, and to repeat the previous US demands warning that 'we will hold leaders of the Taliban personally responsible [...]. Every pillar of the Taliban regime will be destroyed.'³³ By 7 October the US was ready to implement the second phase of what it had called Operation Enduring Freedom after having negotiated access to Afghanistan through neighbouring countries despite initial apprehension of Russia.³⁴ The United States had decided to bypass NATO and launched Operation Enduring Freedom with the help of its ally the United Kingdom, whose leader Tony Blair had been a close supporter of Bush in the weeks following the 9/11 attacks.³⁵ After even the final overtures had failed coerce the Taliban regime into compliance, aerial bombings of Afghanistan started on 7 October. Bush declared in another

²⁴ The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', Document 11 – Islamabad 05337; The National Security Archive, Document 12 – Islamabad 05452.

²⁵ The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', Document 11 – Islamabad 05337; The National Security Archive, Document 12 – Islamabad 05452.

²⁶ Rory McCarthy, 'Taliban Order Bin Laden to Leave', *The Guardian*, 28 September 2001, sec. World news, <http://www.theguardian.com/world/2001/sep/28/afghanistan.terrorism1>.

²⁷ Baker, *Days of Fire*, 160.

²⁸ Luke Harding Duncan Campbell in Los Angeles, 'Taliban Admit Sheltering Bin Laden', *The Guardian*, 1 October 2001, sec. World news, <http://www.theguardian.com/world/2001/oct/01/afghanistan.terrorism>.

²⁹ Angeles.

³⁰ 'Taliban "Will Try Bin Laden If US Provides Evidence"', 5 October 2001, <http://www.theguardian.com/world/2001/oct/05/afghanistan.terrorism>.

³¹ "'Conclusive Evidence" Bin Laden Was behind Attacks', *The Guardian*, 2 October 2001, sec. World news, <http://www.theguardian.com/world/2001/oct/02/afghanistan.terrorism10>.

³² 'What If America Had Never Invaded Afghanistan? - The Atlantic', accessed 20 April 2016, <http://www.theatlantic.com/international/archive/2015/02/what-if-america-had-never-invaded-afghanistan/385026/>.

³³ The National Security Archive, 'New Documents Detail America's Strategic Response to 9/11', Document 16 – State 175415.

³⁴ Ahmed Rashid, *Descent into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia*, First Edition edition (New York: Viking, 2008), 66–71.

³⁵ Baker, *Days of Fire*, 151–53; House of Commons Library, '11 September 2001: The Response. Research Paper 01/72', 19–21. National Commission on Terrorist Attacks upon the United States, *The 9/11 Commission Report*, 337–33811.

public address that 'the United States military has begun strikes against al Qaeda terrorist training camps and military installations of the Taliban regime in Afghanistan.'³⁶

On 14 October, the Taliban publicly offered to extradite Osama Bin Laden to a third country, if the bombing stopped and if evidence was given, but their offer was rejected.³⁷ Another proposal on 17 October secretly sent by the Taliban foreign minister in Pakistan to extradite Osama Bin Laden to a third country, allegedly without any precondition attached, was rejected too.³⁸ What followed in the weeks, months and years after, was the removal of the Taliban from power by Northern Alliance forces supported by American and British forces and the subsequent arrival of a large multinational cohort of forces operating in the NATO led International Security Assistance Force (ISAF) mission that subsequently attempted to pacify the country. Elections were held and a new government was appointed. While senior leaders of both the Taliban and Al Qaeda were killed, both Mullah Omar and Osama Bin Laden managed to escape. The former died in 2013, which was reported only in 2015, while the latter was finally caught and killed whilst hiding in a compound in Abbotabad, Pakistan in 2010. In 2014 both Operation Enduring Freedom and the ISAF Mission officially ended and were succeeded by much smaller missions. An active insurgency waged by the former Taliban regime was still continuing in summer 2016.³⁹ In the final months of 2001, following its ultimatum, the US incurred twelve military deaths in Afghanistan, while an estimated 1600 battle related deaths occurred on the Afghan side.⁴⁰ Between 2001 and 2015, an estimated 92,000 Afghans died, 26,000 of which were civilians.⁴¹ Over 3,500 coalition forces died in this period, 2,381 of which were Americans.⁴² In the end, despite the overwhelming US military power, and having received repeated threats both in public and private settings, the Taliban regime under the leadership of Mullah Omar, decided not to comply with the US ultimatum after which the US invaded the country.

³⁶ Bush, 'Address to the Nation on Operations in Afghanistan, October 7, 2001, Selected Speeches of President George W. Bush, 2001-2008'.

³⁷ Quetta, 'Bush Rejects Bin Laden Deal'.

³⁸ Rory McCarthy, 'New Offer on Bin Laden', *The Guardian*, 17 October 2001, sec. World news, <http://www.theguardian.com/world/2001/oct/17/afghanistan.terrorism11>.

³⁹ BBC News, 'Afghanistan Profile - Timeline', BBC News, accessed 20 April 2016, <http://www.bbc.com/news/world-south-asia-12024253>; NATO, 'Resolute Support Mission in Afghanistan', NATO, accessed 20 April 2016, http://www.nato.int/cps/en/natohq/topics_113694.htm; 'Obama, Hagel Mark End of Operation Enduring Freedom', U.S. DEPARTMENT OF DEFENSE, accessed 20 April 2016, <http://www.defense.gov/News-Article-View/Article/603860/obama-hagel-mark-end-of-operation-enduring-freedom>; 'Resolute Support / Freedom's Sentinel', Global Security, accessed 20 April 2016, <http://www.globalsecurity.org/military/ops/resolute-support.htm>.

⁴⁰ UCDP, 'UCDP Battle-Related Deaths Dataset', Codebook (Uppsala Conflict Data Program, 2014), Afghanistan, 2001, Best Estimate., <http://goo.gl/QDLC5W>.

⁴¹ 'Afghan Civilians | Costs of War', accessed 20 April 2016, <http://watson.brown.edu/costsofwar/costs/human/civilians/afghan>.

⁴² 'Soldiers Killed in Action in Afghanistan 2001-2016 | Statista', Statista, accessed 20 April 2016, <http://www.statista.com/statistics/262894/western-coalition-soldiers-killed-in-afghanistan/>.