

What Can Be Done about Bin Laden?

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Brief Analysis

Saudi terrorist financier Osama bin Laden has posed a significant problem for the United States for some time. The extradition from Pakistan to Kenya this past weekend of Mohammad Sadiq Odeh, a reported Bin Laden associate, heightened speculation Bin Laden was involved in funding and planning the attacks on the Nairobi and Dar as Salaam embassies. Regardless of whether he is in fact implicated in these attacks, the outrage of the bombings and the recent publicity focused on Bin Laden's terrorist exploits has kindled a debate about what should be done about the "Bin Laden problem." Any effort to respond directly against Bin Laden will present Washington with a number of difficult decisions.

Past U.S. Efforts: Osama bin Laden is a leading suspect in several terrorist attacks against American targets. He has taken responsibility for a 1992 plot to kill 100 U.S. servicemen in Aden, Yemen; he has boasted that in Somalia, "My associates killed the Americans in collaboration with Farah Adid. . .In one explosion one hundred Americans were killed, then 18 more were killed in fighting." Bin Laden was implicated as a possible un-indicted co-conspirator in the bombing of the World Trade Center in 1993; a New York grand jury is reported to be considering indicting him for his role in that atrocity and the killing of 5 U.S. citizens in a 1995 bombing in Riyadh. Bin Laden is also a suspect in the 1996 bombing of Khobar Towers in Dhahran, which killed 19 American servicemen.

In his August 1996 epistle entitled Declaration of War against the Americans Occupying the Land of the Two Holy Places, Bin Laden made an extensive argument for killing Americans and expelling the "infidels from the Arabian Peninsula." "Terrorizing you," he wrote, "is a legitimate and morally demanded duty."

Over the years, the U.S. government has taken a number of actions that have constrained Bin Laden and partially limited his ability to carry out terrorism. After the bombing of the World Trade Center, the United States reportedly convinced Saudi authorities to revoke Bin Laden's citizenship. In addition to preventing his return to Saudi Arabia to seek recruits, this policy restricted an important potential source of funding to Bin Laden, especially when combined with the Saudi legislation limiting fund-raising for Islamic causes to those approved by the government. Likewise, it is believed that the United States persuaded Sudan to evict Bin Laden in 1996, after the Riyadh bombing. Sudan's permeable borders had provided Bin Laden with an operational freedom beyond that which has been afforded by his current home of Afghanistan. And U.S. pressure may well explain why the Taliban ordered Bin Laden not to pursue

publicity or undertake military (i.e., terrorist) operations while in Afghanistan -- a restriction he has violated, according to Taliban leaders, by giving interviews. News reports originating in Afghanistan earlier this year indicated that the United States had launched operations to abduct Bin Laden, but these reports appear to have been exaggerated or wrong. Likewise, there is no evidence to indicate that U.S. operatives have tried to assassinate him. While these particular American initiatives were clearly limited, they did help limit the scope of Bin Laden's global terror network. Overall, however, American initiatives have been insufficient to curtail Bin Laden's operations. If the recent reports linking Bin Laden to the embassy bombings are true, it will be incumbent on the United States to take further steps.

Policy Options: Yesterday, Secretary of State Albright suggested that the Taliban could be pressured to surrender or relinquish Bin Laden. She is right. However, this is only one possible direction of U.S. response to Bin Laden. A broad range of policy options are available to address the Bin Laden problem.

International diplomatic initiatives. Bin Laden has not lived up to his 1996 pledge to the Taliban to discontinue "political and military" activities in return for asylum. The Taliban may be tiring of their guest. On August 13, 1998, the Islamabad Khabrain newspaper reported that representatives of the Taliban requested that Bin Laden limit "activities so the Taliban are not subjected to further external pressures on account of you." The U.S. could press for Bin Laden's extradition or, at the very least, the Taliban might be pressured to strictly implement the proscribed limits on Bin Laden.

African countries and the Organization of African Unity (OAU) could be mobilized to pressure the Taliban to stop providing safe haven to Bin Laden. UN Security Council member Kenya could be encouraged to convene an international conference in Nairobi concerning the Taliban, or to request a UN Security Council debate on what should be done about the Taliban. Kenyan President Daniel arap Moi could be encouraged to visit Pakistan or Afghanistan, meet with Taliban officials, and lobby for the extradition of Bin Laden to Kenya to stand trial.

> In addition, Pakistan, the Taliban's closest ally, could be pressured through various means. The promise to mitigate the remaining U.S.-imposed sanctions (related to nuclear testing) might be an incentive for Pakistan to assist with the Bin Laden problem. China could be encouraged to raise the issue with its close allies in Pakistan. After all, Bin Laden has threatened to attack the Chinese government over the treatment of its Muslim population. (In 1997, China experienced four Islamist bus bombings, three in Xinjiang province in February and one in Beijing in March). Also, the United States could coordinate high level meetings focused on the Taliban issue with Taliban regional rivals Russia and/or Iran. The Iranian animosity toward the Taliban -- who currently hold 11 Iranian diplomats as hostages -- as well as longstanding enmity in Tehran toward Bin Laden himself, would likely encourage Iranian cooperation in this effort.

Military operations. Bin Laden currently resides in the Afghanistan mountains surrounded by a small army of well paid and extremely loyal soldiers. This would pose a serious problem for military actions. However, the problems are not necessarily insurmountable. American military operations against Bin Laden would be facilitated by the fact that, with the exception of Pakistan, the states that border the Afghani Taliban are all opposed to the Taliban. In addition to Iran, this includes Tajikistan, Uzbekistan, Turkmenistan and China. Also, the 1986 Libya precedent suggests that an air attack aimed at destroying the terrorist command and control capacity of Bin Laden and associates would not be in violation of Executive Order 12333 concerning political assassination.

Criminal prosecution. In the best-case legal scenario, Bin Laden would be extradited from Afghanistan to the United States, Kenya, or Tanzania, where he would stand trial for terrorist activities. However, it remains to be seen whether there will be enough evidence to bring Bin Laden to trial. Odeh might repudiate any confession he makes; he could plausibly claim he was coerced. Moreover, it is questionable whether Bin Laden would be convicted in a U.S. court. Much of the evidence linking Bin Laden to international terrorism is in the form of intelligence reports. While U.S.

intelligence agencies might possess convincing proof linking Bin Laden to terrorism, the agencies would probably be hesitant to release this evidence. The problem is that when intelligence evidence is introduced in a U.S. court case, the accused has the constitutional right to review the entirety of intelligence evidence gathered about him, in case any of that evidence suggests innocence. Given the high standard of proof and strict rules of evidence in U.S. courts, the government has, on occasion, decided not to prosecute terrorists. Despite an impressive case and overwhelming evidence, it is far from certain that an accused terrorist such as Bin Laden would be convicted.

Conclusion: While the U.S. government prefers the law enforcement approach to counter-terrorism, this doesn't preclude the use of other initiatives against Bin Laden. The path to justice can prove slow and excruciating. However, the ability to deter often requires a swift and visible response. The key is that there are options -- political, diplomatic and military -- that complement the law enforcement approach and counteract a perceived lack of U.S. resolve against terrorism. Commenting on the killing of Americans in Somalia, Bin Laden wrote: "Clinton appeared in front of the whole world threatening and promising revenge, but these threats were merely a preparation for withdrawal. You have been disgraced by Allah and you withdrew; the extent of your impotence and weakness became very clear." There are ways to prove Bin Laden wrong.

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