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In this Oct. 3, 2002 episode of Global Journalist, host Stuart Loory talks with four journalists about Osama bin Laden, the 9/11 mastermind whom President George W. Bush promised to get dead or alive, and Slobodan Milošević, the former Serbian leader on trial for war crimes at The Hague. The United States supports that prosecution despite the countries refusal to participate in the international Criminal Court.

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Time: 28:30

Stuart Loory 00:07

Welcome to Global Journalist on KBIA. This is the program that says mid-Missourians, indeed many Americans, are interested in international news. I'm Stuart Loory of the Missouri School of Journalism. This week we're going to discuss two situations that official Washington would rather ignore. The first Osama bin Laden. President George W. Bush said a year ago that he would get that man dead or alive. Now the president speaks only of Iraqi president Saddam Hussein as the center of all evil. Bush rarely mentioned Bin Laden. So what is the situation with Osama bin Laden? Is he still leading al Qaeda? Does that organization still exist as a serious threat to the United States? The second story: war crimes, Slobodan Milošević, the former Serbian leader is on trial in The Hague. The United States certainly supports that prosecution. In fact, it was instrumental in convincing Serbia to extradite Milosevic to the Netherlands to face trial. But the Bush administration refuses to let this country participate in an International Criminal Court that was founded only a few months ago. In fact, the European Union has given the United States immunity from prosecution in the court to make sure that this country remains involved in United Nations peacekeeping operations. Those are the two topics for today and to discuss them. We have John Burns of the New York Times talking to us today from Dubai in the United Arab Emirates; he just left Afghanistan. Indira A. R. Lakshmanan, Asia bureau chief of the Boston Globe.

She is in Hong Kong. She was in Afghanistan just recently as well. Sebastian Gottlieb of Netherlands radio in The Hague, and Ian Black European editor of the British newspaper, The Guardian in Brussels. Let's start with John Burns. John, you had a front-page story in the New York Times this week reporting that Osama bin Laden had not been seen in 10 months, but that he was seen in riding horseback in the mountains of Afghanistan, near the Pakistan border. But American forces have not been able to lay a hand on him what's going on?

John Burns 02:35

What's going on, I think is the most frustrating of all possible circumstances for the United States military forces in Afghanistan and in particular, for the Special Operations troops, who are the point of the spear where the hunt for Bin Laden is concerned. As anybody who's lost anything at his home or office knows, it's a great deal easier to look forward. If you're sure that you know the general area where you lost it, in the case of Osama bin Laden not only do they not are they not sure of where they ought to be looking, they're not even sure whether what they're looking for in this case, the most dangerous terrorist leader of all across the United States is concerned is dead or alive. I went back to Tora Bora, which is in the mountains of southeastern Afghanistan, right on the Afghan Pakistan border will be familiar to your listeners from the American bombing of Tora Bora last late November in December, when American intelligence determined that the Osama bin Laden was probably there. I went back there because it was obviously the last place that there was a trail to follow. And the trail went cold there. And I sort of interesting to go there and look at what is now actually known and what is clear is that the mountain was at Tora Bora. He had been there for some time. As a matter of fact, he made a base that since 1996, he was seen well into the bombing, which lasted about 12,14 days. Riding horse back in the area. He was seen close to the Pakistan border shortly before the bombing ended. And that seemed to me to establish a probability that he got out of there alive. But the United States was bombing the high-altitude caves scenario where the peaks rise to nearly 15,000 feet. And many of those caves collapsed and hundreds or even thousands of tons of debris and rubble and were impossible to search. So, there are some in the United States armed forces in the Pentagon, who think that he probably died at Tora Bora and the hunter be drawn down as a result. There are others the conventional force commanders and the president as far as I understand it, you say that the supposition is not good enough and that we will hunt him until we can be sure and and that hundred costs could go on for a very long time.

Stuart Loory 04:49

In the hunt can go on not only in Afghanistan, but Pakistan where else the Philippines, Indonesia, he can be anywhere... in Dera...Go ahead John.

Sebastian Gottlieb 04:57

I think people have to remember that are the two, the two principal Al Qaeda fugitives who have been captured since September the 11th, outside the United States, both were captured in the teeming cities of Pakistan. They were not captured in the tribal areas along the border. You know Rumsey Banalshed, who was the Hamburg roommate of Mohamed Atta, pilot of one of the two planes that hit the World Trade Center was captured in Karachi two weeks ago, and the Operations Director of Al Qaeda, Abu Zubaydah Palestinian was captured in Faisalabad in Pakistan, in March. My feeling is that the hunt has to be much broader than that. Bin Laden is by ancestry, a Yemeni and he had expressed on numerous

occasions before September 11 last year, a yearning to return to his ancestral homeland of the Yemen. The Yemen is eminently reachable from Pakistan and Afghanistan across the north Arabian Sea, which has 1000-year-old maritime traffic of dhows, the sailing vessels have been used by Arabs since ancient times. I think it's entirely possible that he crossed the Arabian Sea. It could be somewhere else who knows, but it's got to be a pretty wide net.

Stuart Loory 06:11

Indira Lakshmanan what do you think?

Indira A. R. Lakshmanan 06:15

Well, I mean, I agree with John he could be anywhere. And I can say I mean, I recently spent basically on the anniversary of the September 11 attack, I wanted to be with US forces somewhere with the special operations forces who John is referring to, to say, to ask exactly that question one year has gone by, since September 11, happened in the search for Osama began and George Bush made that pledge and dead or alive was the key word. And you know, where is he after all this time? What's going on? So, I spent eight days at a special forces forward base in Paktika province at a place called Orgoon and it was fascinating because seeing both the conventional and the Special Forces that is to say, Green Berets working together. And you know, one year later what their search consists of, and a lot of them. I mean, basically what their search consists of is trying to collect as much intelligence as they can, in the course of also doing humanitarian type operations that are led by the civil affairs forces that is building schools, well, septic tanks, even starting a little weak in this town of Or goon, and through the course of building this kind of goodwill. They've built up a trust with the local people where the local people will come to them and say, Okay, well, we believe there's a weapons cache here. We believe there are some former Taliban guys there and they will go out and search for these people, but it's certainly not with these guys. I mean, yes, they're doing their job. Yes, they're collecting weapons on a regular basis. Yes, they're detaining suspects on a regular basis, but it's not the you know. It's not the the main of and the main event is Osama, and they want to know where is he and I think a lot of the US Special Forces and conventional forces are quite frustrated because they believe that he or other important figures may be over the border in Pakistan. As we know, Pakistan has been a key ally to the United States since last September 12, essentially, and because of that, we don't want to step on toes. We're working in concert with President Musharraf, but it means that US forces can't just cross the border. Now, I agree with John that thinking that they're hiding in the tribal areas, is probably not true, because as he points out, Karachi, and Feisal Abad have been where the two key else Al Qaeda figures who've been picked up this year have been found. And I think in a lot of ways, it's much easier to hide in a teeming city, you know, a huge metropolis of millions and millions of people than it is to hide in a tribal area where one guy may want a \$25 million reward and can turn you in, but I think that Tribal belt can serve as an easy transit point, you can move into the tribal area because I have been on both sides of that tribal border and have found that as a foreigner, it's impossible to cross you know, you're spotted right away. But as if you look local, if you're dressed locally, people just are crossing all the time all day long, all night long people are crossing. So, I can conceive of a scenario where people would be crossing it unofficial border points and, and, you know, use it, use Pakistan as a transit area, get to Karachi, get to some other coastal place, get into some of these doubts these boats and make an unofficial crossing somewhere else. So, I think that is an entirely possible scenario.

Stuart Loory 09:42

If I may just interrupt you Indira, you say that Osama is the main event. If he is the main event, why don't we hear more from Washington, from the president, from Donald Rumsfeld, from the Joint Chiefs of Staff, whoever about what is being done to try to find him? We don't hear a word about Osama Bin Laden anymore. The big target is Saddam Hussein?

Indira A. R. Lakshmanan 10:13

Well, I think you already made the point. It's a political issue. I mean, if you put so much weight on finding one individual, and one year later, you still haven't found him, then, you know, you need to divert attention. You know, people might say that that's an unfair judgment. But I think that there, there's an argument to be made that they can say a year later, they're sitting around the situation room and they can say, Oh, my gosh, we haven't found him yet. We promised the American people we would find him we can't prove he's dead. If he's alive. We don't know where he is. So, you know, it's easy enough to focus on someone else who you also think is a danger. And I think that's part of what's going on. I mean, that's part of the whole reason that I wanted to spend eight days with US forces in Afghanistan because I felt like a year later, a lot of the American people have forgotten that they're out there, had completely forgotten they're out there and have forgotten what they're doing and what is their mission?

Stuart Loory 11:04

Yeah. John did did you also get the impression that Osama is the main event? I get the impression frankly from the reading and in television viewing that I do hear that the main event for Americans now in Afghanistan is nation building.

Sebastian Gottlieb 11:22

My feeling talking to American officers is that the ace card is bin Laden. They don't have to make an elaborate political rationale for this. This is the man they set out to get. This is the man we now know with overwhelming probability was if not the operational mastermind, certainly the inspiring genius behind September 11. It's a little bit like the FBI in Chicago in the 30s saying, forget about Capone. We're disrupting the network that Capone was confined was the main man they got Capone in the end. I think if General Franks has dreams or nightmares at night, it will be about Osama bin Laden. Where the hell is he? How do we get him? I think there is an interesting question beyond that as to how much Bin Laden as an individual really matters. Is it possible for Al Qaeda to continue to function effectively without him? Is it the case as Mr. Bush said earlier this year, that he didn't exactly say we get about Bin Laden, but he said he was a lot less concerned about him because he was diminished by American military operations. I think the way but it was a year ago, he was running a country and now he's running a cave. I think that could be a misjudgment Mr. Bin Laden from a cave. And where he lived at Tora Bora was really not much more than a cave struck an extremely deadly blow at the great empire of the 21st century. If he is still in a cave somewhere, or for that matter, somewhere in the mountains of Yemen or in the city in Pakistan, as long as he's alive. He's an icon of enormous power. And he's obviously an highly intelligent man, highly capable man. And I think it would be a great mistake. A Grave misunderestim—as the president might say, a misunderestimation, to count him out.

Stuart Loory 13:17

Indira?

Indira A. R. Lakshmanan 13:19

Yeah, I was trying to say that I think in the mind of every US service person in Afghanistan, you know, there's no question that Osama bin Laden is the main event. That's the only reason they're there. A lot of these people didn't even know where Afghanistan was before last September 11. And, you know, that's what keeps them going every day, a lot of them are quite bored. And, you know, feel as if their job is, you know, the words that many soldiers said to me is our job here is over, you know, unless we get Bin Laden, and most of them don't believe he's any longer in Afghanistan, they feel as if their job is over, and they're ready to go to Iraq or you know, wherever if there is another conflict to be wherever that would be. I mean nation building is an important thing. And it's something that the Afghans are extremely happy that the Americans are to some extent anyway, taking seriously for the moment. But I don't think that anyone in the in the sort of US military establishment is considering nation building to be their main task there, I think to be, you know, brutally Frank, they're doing it, you know, in the meantime, while they're still there, while they're still looking for Bin Ladin and other key Al Qaeda or Taliban figures, they are nation building, because it's the right thing to do. But it's not really a task for military to do. It's a task for UN organizations and for NGOs. And you know, there are all sorts of other issues that are involved there was the whole question of mixing a civil and military role. It gets confusing, you know, because then it can also make NGO types sort of targets as combatants because nobody sure who was military who was not military, so, I don't think they're really there to do nation building. But I think It's you know, it's great that they're doing it in the meantime, but that's not their reason for being there.

Stuart Loory 15:04

Okay, before we take a break, I just like to ask the two of you about Al Qaeda, how powerful and important and organization is this at the present time? Is it still an organization that we have a great deal of worry about John Burns?

Sebastian Gottlieb 15:25

I think so. Absolutely. Al Qaeda, was a sort of loosely held conglomerate, in the first place. We know, for example, that the people who seemed to have planned September 11, probably did it in Hamburg as much as anywhere else. They went to Afghanistan. They took training there. They were certainly inspired by Bin Laden, Bin Laden had full knowledge of what they were going to do. But they've shown that they can operate across all five continents. I think we were told the house of 60 countries and it's it It's a kind of it's a holding company, if you will, Al Qaeda. Many of these people belong previously to other organizations and and belong contemporaneously to other organizations, which are more nationalist in outlook. Al Qaeda, as you know, I'm sure emerged last year with Egyptian Islamic Jihad. There are many Egyptians there they have Egyptian agenda. There are Tennesseans Chechnya, Georgians, Somalia, Sudanese, Algerians, you name it. So, I think that, you know, whether we think of it Al Qaeda or as a, as a widespread international network or conspiracy as Lakshmanan was might say, Lakshmanan might say we would be at our greatest peril to underestimate what they might still do.

Stuart Loory 16:50

Okay, I'm sorry, but we do have to take a break. This is Global Journalist on KBIA. I'm Stuart Loory. We'll be right back. Welcome back to Global Journalist, you may listen to this program again, ask

questions or make comments by going to [www dot globaljournalists.org](http://www.globaljournalists.org) or hear in mid Missouri by calling us at 573-882-9641. Let's move on to a discussion of war crimes. The trial of Slobodan Milosevic, the former president of Serbia, for war crimes has been going on in the Hague now for several weeks. Sebastian Gottlieb, can you please bring us up to date on just what the situation is there?

Sebastian Gottlieb 17:41

Yes, well, the last days has been really excited because they started with a second indictment for Mr. Milosevic, concerning the war crimes in Bosnia, where he's also accused of genocide. And one of the importance witnessed till now was the former president of Yugoslavia. Mr. message, who said that actually miss Milosevic divided Yugoslavia between him and Franjo Tuđman the Croatian president till 1991. That they said, well, we'll be fine Bosnia Herzegovina, between Croatia and Serbia, and that's when actually started the war. This has always been denied by Milosevic. But now there is a really important witness who accused him of having made this deal with Mr. Tudman to divide this country. So, that has been really important. Another important witness was Mrs. Plavšić. She was the former president of the Serb republic in Bosnia, and she pleaded guilty of war crimes and also genocide by video link to the court in The Hague when she was asked if she pleaded guilty or not guilty. Everybody was really surprised. She said, Yes, I am guilty of all these accusations. So, I think the last weakness is has been really bad for Mr. Milosevic.

Stuart Loory 19:18

How much longer is this trial likely to go on?

Sebastian Gottlieb 19:21

Well, there are actually three indictments who has to be dealt with this is the second one for Bosnia and the third one is Croatia. So, probably will go on till March or maybe April next year.

Stuart Loory 19:37

And at that point, we will have a conclusion because I think originally, the feeling was that this trial could go on endlessly. But that may not be the case. Now let me ask...

Sebastian Gottlieb 19:51

Also for for someone who is accused with these criminals like genocide and war crimes, there is a human factor of trial it can be going on for for ages, there has to be an end to this trial also for persons who has been charged with this awful criminal acts.

Stuart Loory 20:12

Right. Let me ask you, Sebastian and Ian also the question of the relationship, if any, between this trial in this court and the International Criminal Court that the United States refuses to join, what is the feeling about the United States's position on the scene, new Europe?

Sebastian Gottlieb 20:41

The Europeans were very upset at the way the American position changed.

Stuart Loory 20:48

Yeah, but the European attitude seems to have changed now.

Sebastian Gottlieb 20:52

I think we have to look at this, you know, pre-September the 11th and post September the 11th that is where the difference lies. Before September the 11th, we had the Europeans angry that the Bush administration had changed the position from the Clinton administration and withdrawn IT support for the court. They were angry about that. But in the new world in which we now live, I think one of the big themes is of Europeans who are frustrated, marginalized, isolated, not doing much in this great crisis over Iraq and the war against terrorism, feeling that they cannot afford yet another blazing row with the United States, which faced with opposition from the Europeans or anybody else is going to do exactly what it wants. So, what we saw this week in Brussels where I am was European Union foreign ministers, very reluctantly putting together a compromise deal, which said they would do exactly what they had previously said they would never do to make a separate agreement on immunity for Americans. With the United States, and I think it's a sign of our times that even though the Europeans led by Britain have bent over backwards to try to accommodate the US, it's not at all clear that Washington will indeed be satisfied with the new conditions that they've agreed.

Stuart Loory 22:18

Well, the conditions are that the United States, if any charges are brought against any of its people will try those people domestically. Is that the idea?

Ian Black 22:28

Yes, I mean, the the idea is that it's the case with all signatories to the International Criminal Court that they must, in the first instance, deal with it in the domestic courts. But the European concern is that individual countries that try to make bilateral deals with the US will come under greater pressure than they would have done, had they been able to stick together. But I think there's an important point to be made. You started talking about the Milosevic trial. And the link between the two is this but the Milosevic trial taking place in The Hague at the International Criminal Tribunal for the former Yugoslavia. That is a unique court set up to deal with crimes committed in the Wars of the Yugoslave succession. There is a similar court, as you know, in Rwanda dealing with the atrocities rounded about the terrible genocide of 1994. The point of the International Criminal Court, that America and Europe are arguing about is that it will be a Permanent Court, which will deal for the foreseeable future, with all crimes against humanity with all war crimes with all charges of genocide. So, it will not be necessary to cobble together these temporary structures every time a new conflict throws up these horrendous consequences. That's the importance of the court. And it's the importance of the disagreement between the United States and the many other countries which have signed up to it.

Stuart Loory 23:58

The United States in this case is, has aligned itself with Israel, some Arab countries. And who else China in opposing this court?

Ian Black 24:08

Yeah. I mean, it's not an impressive roll call of countries. How should we say that we're in the forefront of, you know, groundbreaking international humanitarian law. Their countries, really the other way around, they have lined up with the United States. One of the beefs of the Europeans is that America tried very hard to persuade Romania to make a deal on the code. Why is this significant? It's significant because Romania is one of those East European former communist countries, which wants very much to join NATO, as it almost certainly will do later this year. There was a sense in Europe that the Americans were picking on countries and using their own ambitions to twist their arm on this issue, that the Europeans responded by an attempt to come together with the United position. But frankly, they made some effort to save face. But they've gone a long way to doing what the United States wanted. Even if, as I said earlier, they've still fallen short. And this is an emblematic dispute about international humanitarian law and human rights in a world where everybody outside America and that particularly include Europe, I think, feels that they're dealing with an unassailable superpower. And they have very little influence over it when it wants something very badly.

Stuart Loory 25:38

Yeah. Ian, let me ask you. Does the European Union's action this week mean that it is giving up on the hope of getting the United States to join the International Criminal Court?

Ian Black 25:52

Well, I think that one of the European arguments for the compromise that they put together this week was that it was better to have the United States cooperating with this court and sitting outside it. If you if you telescope back in time, as it were, it's a bit like it's a bit like the same argument about the role of the United Nations in the Iraq crisis. The United Nations or the League of Nations of the 1930s, or the International Criminal Court will not be substantial institutions if they exclude the most powerful country on Earth, even more so today, certainly than was the case of the League of Nations in the 1930s when America was in one of its isolations periods. The European argument is poor engagement with the United States. So, it is a partner an indispensable partner in this complex and difficult world in which we all live.

Stuart Loory 26:44

Okay, we have...

Sebastian Gottlieb 26:45

I think let me say something I think you have to realize that it's not concerning the whole European Union and there's a big difference it between lots of countries in the in the European Union. For example, Holand in the Netherlands, the the foreign minister said he would never never sign a bilateral treaty with the United States, for exception to extradite Americans.

Stuart Loory 27:12

Sebastian Okey if you could please finish in five seconds?

Sebastian Gottlieb 27:16

Yeah, well, I think Europe is really divided about the way the United States deals with the the criminal court in The Hague. There's been a lot of disappointment for it. And there is still hope that with the next president, it will change.

Stuart Loory 27:35

Sebastian I'm sorry. We are out of time. Our guest today have been John Burns of the New York Times and Indira Lakshmanan of the Boston Globe, Ian Black of The Guardian, and Sebastian Gottlieb of Netherlands radio. Our director is Pat Akers, our producer Sarah Andrea Fajardo, for all I'm Stuart Loory, Global Journalist. We'll be back next week.