

U.S. Officials Guilty of War Crimes for Using 9/11 as a Justification for Waging War on Iraq

By [Washington's Blog](#)

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Theme: [Law and Justice](#), [Terrorism](#), [US NATO War Agenda](#)

In-depth Report: [IRAQ REPORT](#)

U.S. Officials Created a False Link Between Iraq and 9/11

5 hours after the 9/11 attacks, Donald Rumsfeld said [“my interest is to hit Saddam”](#).

He also said [“Go massive . . . Sweep it all up. Things related and not.”](#)

And at 2:40 p.m. on September 11th, in a memorandum of discussions between top administration officials, several lines below the statement “judge whether good enough [to] hit S.H. [that is, Saddam Hussein] at same time”, is the statement [“Hard to get a good case.”](#) In other words, top officials knew that there wasn’t a good case that Hussein was behind 9/11, but they wanted to use the 9/11 attacks as an excuse to justify war with Iraq anyway.

Moreover, “Ten days after the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon, [President Bush was told in a highly classified briefing that the U.S. intelligence community had no evidence linking the Iraqi regime of Saddam Hussein to the \[9/11\] attacks and that there was scant credible evidence that Iraq had any significant collaborative ties with Al Qaeda](#)”.

And a Defense Intelligence Terrorism Summary issued in February 2002 by the United States Defense Intelligence Agency [cast significant doubt on the possibility of a Saddam Hussein-al-Qaeda conspiracy](#).

And yet Bush, Cheney and other top administration officials claimed repeatedly for years that Saddam was behind 9/11. See [this analysis](#). Indeed, [Bush administration officials apparently swore in a lawsuit that Saddam was behind 9/11](#).

Moreover, President Bush’s [March 18, 2003 letter to Congress authorizing the use of force against Iraq](#), includes the following paragraph:

(2) acting pursuant to the Constitution and Public Law 107-243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

Therefore, the Bush administration expressly justified the Iraq war to Congress by representing that Iraq planned, authorized, committed, or aided the 9/11 attacks.

Indeed, Pulitzer prize-winning journalist Ron Suskind [reports](#) that the White House ordered the CIA to forge and backdate a document falsely linking Iraq with Muslim terrorists and 9/11 ... and that the CIA complied with those instructions and in fact created the forgery, which was then used to justify war against Iraq. And see [this](#).

Suskind also revealed that “Bush administration had information from a top Iraqi intelligence official ‘that there were no weapons of mass destruction in Iraq – intelligence they received in plenty of time to stop an invasion.’ ”

Cheney made the false linkage between Iraq and 9/11 [on many occasions](#).

For example, according to Raw Story, Cheney was still alleging a connection between Iraq and the alleged lead 9/11 hijacker in September 2003 – a year after it had been widely debunked. When NBC’s Tim Russert [asked](#) him about a poll showing that 69% of Americans believed Saddam Hussein had been involved in 9/11, Cheney replied:

It’s not surprising that people make that connection.

And even after [the 9/11 Commission debunked](#) any connection, Cheney [said](#) that the evidence is “overwhelming” that al Qaeda had a relationship with Saddam Hussein’s regime , that Cheney “probably” had information unavailable to the Commission, and that the media was not ‘doing their homework’ in reporting such ties.

Again, the Bush administration expressly justified the Iraq war by representing that Iraq planned, authorized, committed, or aided the 9/11 attacks. See [this](#), [this](#), [this](#).

On December 16, 2005, Bush admitted [“There was no evidence that Saddam Hussein was involved with the attack of 9/11”](#) (and see [this video](#)). However, Bush and Cheney *continued* to frequently [invoke 9/11](#) as justification for the Iraq war. And [see this](#). (Cheney finally [admitted](#) in 2009 that there was no link.)

A bipartisan Senate Report from 2006 found that [Bush misled the press on Iraq link to Al-Qaeda](#).

The administration’s false claims about Saddam and 9/11 helped convince a large portion of the American public to support the invasion of Iraq. While the focus now may be on false WMD claims, it is important to remember that, at the time, the alleged link between Iraq and 9/11 was [at least as important in many people’s mind as a reason to invade Iraq](#).

Indeed, the [false claims about Iraqi WMDs](#) probably would not have gained traction if it wasn’t for the anti-Arab hysteria after September 11th. And the government policy of torture would not have been tolerated if we weren’t misled into thinking that Saddam and Al-Qaeda had formed an unholy, all-powerful alliance on 9/11, and had to be stopped at any cost. Thus, the Saddam-911 deception was a necessary *precursor* to the administration’s WMD lies and torture policies.

And 2006 polls show that almost [90% of the troops in Iraq are under the mistaken belief that the U.S. mission in that country is “to retaliate for Saddam’s role in the 9-11 attacks.”](#) In other words, our kids are fighting and dying because of this lie.

U.S. Officials Launched a Systematic Program of Torture Using Specialized Techniques Which Produce *False* Confessions ... to Justify the Iraq War

Not only did Bush, Cheney and other top government officials lie about us into the Iraq war by making a false linkage between Iraq and 9/11, but they carried out a systematic program of torture in order to *intentionally create false evidence* of that allegation.

Indeed, [the entire purpose behind the U.S. torture program](#) was to obtain *false* confessions.

And the torture techniques used were [Communist techniques specifically designed to produce false confessions](#).

Senator Levin, in commenting on a Senate Armed Services Committee report on torture in 2009, [dropped the following bombshell](#):

With last week's release of the Department of Justice Office of Legal Counsel (OLC) opinions, it is now widely known that Bush administration officials distorted Survival Evasion Resistance and Escape "SERE" training - a legitimate program used by the military to train our troops to resist abusive enemy interrogations - by authorizing abusive techniques from SERE for use in detainee interrogations. Those decisions conveyed the message that abusive treatment was appropriate for detainees in U.S. custody. They were also an affront to the values articulated by General Petraeus.

In SERE training, U.S. troops are briefly exposed, in a highly controlled setting, to abusive interrogation techniques used by enemies that refuse to follow the Geneva Conventions. The techniques are based on tactics used by Chinese Communists against American soldiers during the Korean War for the purpose of eliciting false confessions for propaganda purposes. Techniques used in SERE training include stripping trainees of their clothing, placing them in stress positions, putting hoods over their heads, subjecting them to face and body slaps, depriving them of sleep, throwing them up against a wall, confining them in a small box, treating them like animals, subjecting them to loud music and flashing lights, and exposing them to extreme temperatures. Until recently, the Navy SERE school also used waterboarding. The purpose of the SERE program is to provide U.S. troops who might be captured a taste of the treatment they might face so that they might have a better chance of surviving captivity and resisting abusive and coercive interrogations.

Senator Levin then documents that SERE techniques were deployed as part of an official policy on detainees, and that SERE instructors helped to implement the interrogation programs. He noted:

The senior Army SERE psychologist warned in 2002 against using SERE training techniques during interrogations in an email to personnel at Guantanamo Bay, because:

[T]he use of physical pressures brings with it a large number of potential negative side effects... When individuals are gradually exposed to increasing levels of discomfort, it is more common for them to resist harder... If individuals are put under enough discomfort, i.e. pain, they will eventually do whatever it takes to stop the pain. This will increase the amount of information they tell the interrogator, but it does not mean the information is

accurate. In fact, it usually decreases the reliability of the information because the person will say whatever he believes will stop the pain... Bottom line: the likelihood that the use of physical pressures will increase the delivery of accurate information from a detainee is very low. The likelihood that the use of physical pressures will increase the level of resistance in a detainee is very high... (p. 53).

McClatchy [filled in](#) some of the details:

Former senior U.S. intelligence official familiar with the interrogation issue said that Cheney and former Defense Secretary Donald H. Rumsfeld demanded that the interrogators find evidence of al Qaida-Iraq collaboration...

For most of 2002 and into 2003, Cheney and Rumsfeld, especially, were also demanding proof of the links between al Qaida and Iraq that (former Iraqi exile leader Ahmed) Chalabi and others had told them were there."

It was during this period that CIA interrogators waterboarded two alleged top al Qaida detainees repeatedly — Abu Zubaydah at least 83 times in August 2002 and Khalid Sheik Muhammed 183 times in March 2003 — according to a newly released Justice Department document...

When people kept coming up empty, they were told by Cheney's and Rumsfeld's people to push harder," he continued."Cheney's and Rumsfeld's people were told repeatedly, by CIA . . . and by others, that there wasn't any reliable intelligence that pointed to operational ties between bin Laden and Saddam . . .

A former U.S. Army psychiatrist, Maj. Charles Burney, told Army investigators in 2006 that interrogators at the Guantanamo Bay, Cuba, detention facility were under "pressure" to produce evidence of ties between al Qaida and Iraq.

"While we were there a large part of the time we were focused on trying to establish a link between al Qaida and Iraq and we were not successful in establishing a link between al Qaida and Iraq," Burney told staff of the Army Inspector General. "The more frustrated people got in not being able to establish that link . . . there was more and more pressure to resort to measures that might produce more immediate results."

"I think it's obvious that the administration was scrambling then to try to find a connection, a link (between al Qaida and Iraq)," [Senator] Levin said in a conference call with reporters. "They made out links where they didn't exist."

Levin recalled Cheney's assertions that a senior Iraqi intelligence officer had met Mohammad Atta, the leader of the 9/11 hijackers, in the Czech Republic capital of Prague just months before the attacks on the World Trade Center and the Pentagon.

The FBI and CIA found that no such meeting occurred.

In other words, top Bush administration officials not only knowingly lied about a non-existent connection between Al Qaida and Iraq, but they pushed and insisted that interrogators use special torture methods aimed at extracting *false confessions* to attempt to create such a false linkage.

The Washington Post [reported](#) the same year:

Despite what you've seen on TV, torture is really only good at one thing: eliciting false confessions. Indeed, Bush-era torture techniques, we now know, were cold-bloodedly modeled after methods used by Chinese Communists to extract confessions from captured U.S. servicemen that they could then use for propaganda during the Korean War.

So as shocking as the latest revelation in a new Senate Armed Services Committee report may be, it actually makes sense — in a nauseating way. The White House started pushing the use of torture not when faced with a “ticking time bomb” scenario from terrorists, but when officials in 2002 were desperately casting about for ways to tie Iraq to the 9/11 attacks — in order to strengthen their public case for invading a country that had nothing to do with 9/11 at all.

Gordon Trowbridge writes for the Detroit News: “Senior Bush administration officials pushed for the use of abusive interrogations of terrorism detainees in part to seek evidence to justify the invasion of Iraq, according to newly declassified information discovered in a congressional probe.

Indeed, one of the two senior instructors from the Air Force team which taught U.S. servicemen how to resist torture by foreign governments when used to extract false confessions has blown the whistle on the true purpose behind the U.S. torture program.

As Truth Out [reported](#) last year:

Jessen's notes were provided to Truthout by retired Air Force Capt. Michael Kearns, a “master” SERE instructor and [decorated](#) veteran who has previously held high-ranking positions within the Air Force Headquarters Staff and Department of Defense (DoD).

Kearns and his boss, Roger Aldrich, the head of the Air Force Intelligence's Special Survival Training Program (SSTP), based out of Fairchild Air Force Base in Spokane, Washington, hired Jessen in May 1989. Kearns, who was head of operations at SSTP and trained thousands of service members, said Jessen was brought into the program due to an increase in the number of new SERE courses being taught and “the fact that it required psychological expertise on hand in a full-time basis.”

Jessen, then the chief of Psychology Service at the US Air Force Survival School, immediately started to work directly with Kearns on “a new course for special mission units (SMUs), which had as its goal individual resistance to terrorist exploitation.”

The course, known as SV-91, was developed for the Survival Evasion Resistance Escape (SERE) branch of the US Air Force Intelligence Agency, which acted as the Executive Agent Action Office for the Joint Chiefs of Staff. Jessen's notes formed the basis for one part of SV-91, “Psychological Aspects of Detention.”

Kearns was one of only two officers within DoD qualified to teach all three SERE-related courses within SSTP on a worldwide basis, according to a copy of a 1989 letter written Aldrich, who [nominated him](#) officer of the year.

The Jessen notes clearly state the totality of what was being reverse-engineered – not just ‘enhanced interrogation techniques,’ but an entire program of exploitation of prisoners using torture as a central pillar,” he said. “What I think is important to note, as an ex-SERE Resistance to Interrogation instructor, is the focus of Jessen’s instruction. It is exploitation, not specifically interrogation. And this is not a picayune issue, because if one were to ‘reverse-engineer’ a course on resistance to exploitation then what one would get is a plan to exploit prisoners, not interrogate them. The CIA/DoD torture program appears to have the same goals as the terrorist organizations or enemy governments for which SV-91 and other SERE courses were created to defend against: the full exploitation of the prisoner in his intelligence, propaganda, or other needs held by the detaining power, such as the recruitment of informers and double agents. Those aspects of the US detainee program have not generally been discussed as part of the torture story in the American press.”

Jessen wrote that cooperation is the “end goal” of the detainer, who wants the detainee “to see that [the detainer] has ‘total’ control of you because you are completely dependent on him, and thus you must comply with his wishes. Therefore, it is absolutely inevitable that you must cooperate with him in some way (propaganda, special favors, confession, etc.).”

Kearns said, based on what he has read in declassified government documents and news reports about the role SERE played in the Bush administration’s torture program, Jessen clearly “reverse-engineered” his lesson plan and used resistance methods to abuse “war on terror” detainees.

So we have the two main Air Force insiders concerning the genesis of the torture program confirming – with original notes – that the whole purpose of the torture program was to extract false confessions.

Indeed, the top interrogation experts from U.S. military and intelligence services say that [all torture is lousy at producing actionable intelligence](#), the *only things* it is good for are (1) producing false confessions, (2) creating more terrorists, and (3) *itself* acting as a [form of terrorism](#).

And false confessions *were*, in fact, extracted.

For example:

- A humanitarian aid worker said: [torture only stopped when I pretended I was in Al Qaeda](#)
- Under torture, Libyan Ibn al-Sheikh al-Libi [falsely claimed there was a link between Saddam Hussein, al-Qaida and WMD](#)
- President Bush mentioned Abu Zubaydah as a success story, where torture saved lives. Zubaydah was suspected of being a high-ranking al-Qaida leader. Bush administration officials claimed Zubaydah told them that al-Qaida had links with Saddam Hussein. He also claimed there was a plot to attack Washington with a “dirty bomb”. [Both claims are now recognized to be false, even by the CIA, which also admits he was never a member of al-Qaida.](#)

- One of the Main Sources for the 9/11 Commission Report was [*Tortured Until He Agreed to Sign a Confession that He Was NOT EVEN ALLOWED TO READ*](#)
- The so-called 9/11 mastermind said: [“During ... my interrogation I gave a lot of false information in order to satisfy what I believed the interrogators wished to hear”](#) (the self-confessed 9/11 “mastermind” [falsely confessed to crimes he didn’t commit](#))

(Indeed, the 9/11 Commission Report was largely based on a *third-hand* account of what tortured detainees said, with [two of the three parties in the communication being government employees](#). And the government went to great lengths to [obstruct justice and hide unflattering facts](#) from the Commission.)

Again, this essay is not focused on questioning the government’s statements about Al Qaeda and 9/11 ... it focuses on the false testimony and coercion post-9/11 to justify war against Iraq.

Did Government Officials Have Any Motive?

When criminal prosecutors look assess whether or not a suspect is likely guilty, they determine whether or not he had motive, means and opportunity.

The means and opportunity for top U.S. officials to carry out the war crimes of lying us into war based upon a false linkage between Iraq and 9/11 and to torture people into giving false confessions is a given. Specifically, top government officials such as President Bush, Vice President Cheney and Secretary of Defense Rumsfeld had power to take such actions, if they had wanted to.

It has been extensively documented that the White House decided to invade Iraq [before 9/11](#):

- Former CIA director George Tenet said that the White House [wanted to invade Iraq long before 9/11, and inserted “crap” in its justifications for invading Iraq](#). Former Treasury Secretary Paul O’Neill – who sat on the National Security Council – also [says](#) that Bush planned the Iraq war before 9/11. Top British officials [say](#) that the U.S. discussed Iraq regime change even before Bush took office. And in 2000, Cheney [said](#) a Bush administration might “have to take military action to forcibly remove Saddam from power.” And [see this](#).
- Cheney made Iraqi’s oil fields a national security priority [before 9/11](#). And the Sunday Herald [reported](#): “Five months before September 11, the US advocated using force against Iraq ... to secure control of its oil.” (remember that [Alan Greenspan](#), [John McCain](#), [George W. Bush](#), [Sarah Palin](#), a [high-level National Security Council officer](#) and others all say that the Iraq war was really about oil.)

Indeed, neoconservatives planned regime change [in Iraq – and throughout the Middle East and North Africa – 20 years ago](#).

This provides evidence of motive by top American officials to create false justifications for a war against Iraq.

Moreover, Saddam [allegedly](#) offered to leave Iraq:

“Fearing defeat, Saddam was prepared to go peacefully in return for £500million (\$1billion)”.

“The extraordinary offer was revealed yesterday in a transcript of talks in February 2003 between George Bush and the then Spanish Prime Minister Jose Maria Aznar at the President’s Texas ranch.”

“The White House refused to comment on the report last night. But, if verified, it is certain to raise questions in Washington and London over whether the costly four-year war could have been averted.”

According to the tapes, Bush told Aznar that whether Saddam was still in Iraq or not, “We’ll be in Baghdad by the end of March.” See also [this](#) and [this](#). If true, this adds additional circumstantial evidence that U.S. officials were committed to a war in Iraq even if Saddam Hussein voluntarily left.

But Are They Guilty of War Crimes?

The Nuremberg Tribunal which convicted and sentenced Nazis leaders to death conceived of wars of aggression – i.e. wars not launched in self-defense – [defined](#) the following as “crimes against peace”, or war crimes:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i)

The Tribunal considered wars of aggression to be the ultimate war crime, which [encompassed all other crimes](#):

To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.

Judgment of October 1, 1946, International Military Tribunal Judgment and Sentence, 22 IMTTIALS, supra note 7, at 498, reprinted in 41 AM. J. INT’LL. 172, 186 (1947).

Given that Iraq had *no connection* with 9/11 and possessed no weapons of mass destruction, the Iraq war was a crime of aggression and – under the standards by which Nazi leaders were convicted by the Nuremberg Tribunal – the American leaders who lied us into that war are guilty of war crimes.

Benjamin Ferencz, a former chief prosecutor for the Nuremberg Trials, declared:

A prima facie case can be made that the United States is guilty of the supreme crime against humanity — that being an illegal war of aggression against a sovereign nation.

See [this](#), [this](#), and [this](#).

The Chief Prosecutor for the International Criminal Court – Luis Moreno-Ocampo – [told](#) the Sunday Telegraph in 2007:

That he would be willing to launch an inquiry and could envisage a scenario in which the Prime Minister and American President George W Bush could one day face charges at The Hague. Luis Moreno-Ocampo urged Arab countries, particularly Iraq, to sign up to the court to enable allegations against the West to be pursued.

As a Japan Times Op/Ed [noted](#) in 2009:

In January 2003, a group of American law professors warned President George W. Bush that he and senior officials of his government could be prosecuted for war crimes if their military tactics violated international humanitarian law.

Eminent legal scholars such as former [U.S. Attorney General Ramsey Clarke](#) and Dean of the Massachusetts School of Law and a professor of law [Lawrence Velvel](#) have since stated that high-level Bush administration officials did commit war crimes in relation to the Iraq war.

Torture is – of course – a violation of the [Geneva Conventions](#), which make it illegal to inflict mental or physical torture or inhuman treatment. It is clearly-established that [waterboarding is torture](#). The torture was, in fact, systematic, and included widespread sexual humiliation, murder and other [unambiguous forms of torture](#).

Velvel and many other legal experts say that the torture which was carried out after 9/11 is a [war crime](#).

Colin Powell's former chief of staff stated that [Dick Cheney is guilty of war crimes for overseeing torture policies](#).

Matthew Alexander – a former top Air Force interrogator who led the team that tracked down Abu Musab al-Zarqawi – notes that government officials [knew they are vulnerable for war crime prosecution](#):

They have, from the beginning, been trying to prevent an investigation into war crimes.

A Malaysian war crimes commission also found Bush, Cheney, Rumsfeld, and five administration attorneys [guilty of war crimes](#) (although but the commission has no power to enforce its judgment).

The United States War Crimes Act of 1996, a federal statute set forth at [18 U.S.C. § 2441](#), also makes it a federal crime for any U.S. national, whether military or civilian, to violate the Geneva Convention by engaging in murder, torture, or inhuman treatment.

The statute applies not only to those who carry out the acts, but also to those who [ORDER IT, know about it, or fail to take steps to stop it](#). The statute applies to [everyone, no matter how high and mighty](#).

18 U.S.C. § 2441 has no statute of limitations, which means that a war crimes complaint can be filed at any time.

The penalty may be life imprisonment or — if a *single* prisoner dies due to torture — death. Given that there are numerous, documented cases of prisoners being tortured to death by U.S. soldiers in both Iraq and Afghanistan, that means that the death penalty would be appropriate for anyone found guilty of carrying out, ordering, or sanctioning such conduct.

The Military Commissions Act of 2006 limited the applicability of the War Crimes Act, but still made the following [unlawful](#): torture, cruel or inhumane treatment, murder, mutilation or maiming, intentionally causing serious bodily harm, rape, sexual assault or abuse.

Postscript: A similar analysis could potentially be carried out for [Afghanistan and other countries which America has invaded since 9/11](#). And indiscriminate drone strikes [may well be war crimes](#) ... even in countries against which we haven't officially declared war.

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