

## The Bin Laden affair: “What will the U.S. do next?”

Judith Harris (May 10, 2011)



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The [Navy Seals](#) [2]’ dramatic killing of Osama Bin Laden gripped all of Italy and its media for two or three days, but by the end of the week a nascent debate over its legality was swept aside by the continuing savage Syrian government attacks on demonstrators, by speculation that Greece will drop out of the Euro zone, and by domestic politics as the country gears up for administrative elections May 15-16. The daily drama of terrified Libyans on the island of Lampedusa also continues to hold center stage. Even as [Pope Benedict XVI](#) [3] this Sunday called upon Venetians to be welcoming to immigrants, TV viewers watched heart-rending scenes taken during the night of May 7, when a fishing boat laden with 400 Libyans attempting to enter the Lampedusa port in rough seas ran aground on rocks. Horrified onlookers, including soldiers, police and ordinary citizens, immediately formed a human chain and handed the passengers, one by one, to shore. Not a life was lost—this time. But only the day before a similar boat sank off Sicily, with loss of life.

On the governmental level, Italy remains solidly behind the U.S. on the Bin Laden affair. Foreign Minister [Franco Frattini](#) [4], who met this week in Rome with his U.S. counterpart [Hillary Clinton](#) [5], called the killing of Bin Laden "a reward for the efforts made by all of us who stood side by side with the U.S. in the fight against terrorism." This is, he went on to say, "a victory of good over evil, of right over wrong, of the free and democratic world."

In general the Italian media had special words praise for CIA chief [Leon Panetta](#) [6], taking care to remind readers that he is an Italian-American. For [Corriere della Sera](#) [7] the CIA action was incredibly costly, but still, "just like a movie—a patient work of surveillance conducted with prudence." Relations with Pakistan were already tense, the daily pointed out, because CIA agent Raymond Davis had wound up in a Pakistani jail after having killed two Pakistani secret servicemen under what appear mysterious circumstances, perhaps linked to the Bin Laden investigation.

An editorial writer for the right-wing daily *Il Foglio* found it ironical that human rights associations had been endlessly battling the measures President George W. Bush had taken to combat terrorism, which included, as the writer pointed out, permitting overseas CIA actions like "black sites" and the Guantanamo prison. "But today the same critics who had attacked George Bush's methods are keeping silent." A law enacted by Bush the week after September 11 authorized the President to use "every possible means" against individuals who planned, authorized, committed or facilitated the attacks on the Twin Towers. "What counts therefore is the legal profile of the operation, which shows that to kill Bin Laden was not a violation of the law.... To kill Bin Laden was morally right and perfectly correct legally."

Writing for the daily *La Repubblica*, the prestigious Judge [Antonio Cassese](#) [8], who is professor of international law at the [University of Florence](#) [9] and editor of the *Journal of International Criminal Justice*, took exactly the opposite tack. The U.S. violated its own principles, Cassese wrote May 6, first because it tried to acquire information through officially sanctioned torture. "Strangely enough, Leon Panetta, slated now to become Secretary of Defense, condemned torture in 2008, observing that it cannot be justified on grounds of national security." Secondly, the operation violated the sovereignty of Pakistan, although—Cassese acknowledges—Islamabad was obliged to attempt to repress terrorism but did not do so: "In a certain sense, obviously neglecting to have taken action for years, in a certain sense Pakistan legitimized a substitutive action." His third point is that the U.S. formally acted as an assassin because no state of war exists between the USA and Al Qaeda. Even if war status existed, the enemy can be killed on a battlefield, not while sitting at home watching TV; according to Cassese, Bin Laden should have been taken prisoner and put on trial. What the U.S. has done, he concludes, is to respect laws against summary execution and torture on U.S. soil while creating "a legal limbo" outside the U.S., where anything goes, including extra-judicial executions. "In which case, we have serious reasons to worry for the future about what is in store from the planetary superpower," he concludes.

As Cassese's comments show, while there is little public debate today in Italy, on a serious level the U.S. decision to kill rather than to capture Bin Laden and put him on trial diminishes the U.S. reputation for setting a high benchmark in respect for international law. On the human level, reports that Bin Laden's young daughter saw him being killed, and that his 70-year-old mother-in-law had a stroke and died when she heard the news, definitely struck a sour note in this country, where family ties still count. Finally, the televised scenes of soccer-match style celebration just after the news hit Washington and New York also distressed many here. Shock and awe may have a short shelf life in this case, but can return to haunt.

But even in what is a tragic and difficult story there is always, also, a flippant level, and satirical cartoonists were busy at work. Down at our local café five grizzled farmers stood over their coffees and gazed at the headlines of the newspapers aligned on a rack. "Four," one said marveling. "There are 365 days in the year. So there was at least one wife for every night of the year." What mattered to them was not the moral issue, but a peek at polygamy.



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