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The Right To The Truth About The Mass Killings Of 11 September 2001

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A gross violation of human rights gives rise to a set of state obligations, including that of providing remedies to the victims. Among such remedies is the duty to establish the true circumstances surrounding the violation and ensuring the identification and punishment of those responsible for it. The mass killings of 9/11 were, apart of being a huge crime, also a gross violation of the right to life of approximately 3,000 people. Yet legal literature has not dealt with this event from that perspective. Thus, the right of the victims to have the truth established and the perpetrators identified and punished has not been subject to scrutiny. This study is meant to remedy this failure by applying existing human rights norms to the investigation of 9/11 by the U.S. authorities and assessing, more generally, the adequacy of these norms.

Introduction

Since 11 September 2001 the human rights community has faced a new challenge, namely the assault on individual freedoms in Western democracies in the name of the “war on terror”. Every day governments introduce new challenges to individual freedoms, including police powers to monitor private communications, mass surveillance methods and broadened search and detention powers. These attacks on human rights have been extensively analysed and denounced by the legal community. Yet, the event invoked by governments as a justification for all these attacks on human rights, commonly designated as a terrorist act or as an act of war – the mass killings of 9/11 – was equally a gross violation of human rights, giving rise to specific state obligations. It was thus

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the duty of the government where this event took place to investigate this violation, establish the truth on this violation and bring those responsible to justice. Impunity arises when a state fails to meet these obligations.¹ To date, nobody has been brought to trial for participation or complicity in the mass killings of 9/11.² This fact alone warrants an appraisal of the investigation of this gross violation and the norms applicable to such an investigation.

According to the official account, all 19 alleged perpetrators of the mass killings of 9/11 died in the crashes of aircraft they allegedly had hijacked. Consequently, they were not prosecuted and their guilt was not determined in accordance with the rule of law. Designated by the political class and by world media as the embodiment of evil, no one dared to stand to their defence. Muslims around the world either condemned their action as contrary to Islam or rejected the allegations but did not undertake any legal action to vindicate the suspects' rights to a fair hearing. A part of this article can be regarded as a belated attempt to provide a defence to the 9/11 suspects, a right to which they are entitled. Readers of this article may consider themselves as members of the jury.

Before embarking upon an appraisal of the investigations of 9/11, a review of the applicable norms is in order.

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1. The right to truth as a collective right

In 2005, the U.N. Commission on Human Rights (UNCHR) adopted an Updated Set of Principles to Combat Impunity. The first subset of principles is entitled the Right to Know and includes the following principles³ :

Principle 2: The inalienable right to the truth

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“ Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.

Principle 5: Guarantees to give effect to the right to know

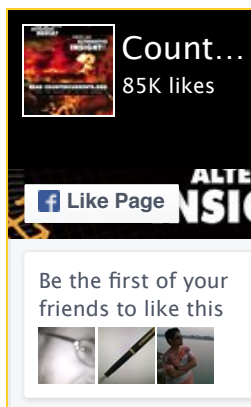
“ States must take appropriate action, including measures necessary to ensure the independent and effective operation of the judiciary, to give effect to the right to know. Appropriate measures to ensure this right may include non-judicial processes that complement the role of the judiciary. Societies that have experienced heinous crimes perpetrated on a massive or systematic basis may benefit in particular from the creation of a truth commission or other commission of inquiry to establish the facts surrounding those violations so that the truth may be ascertained and to prevent the disappearance of evidence. Regardless of whether a State establishes such a body, it must ensure the preservation of, and access to, archives concerning violations of human rights and humanitarian law.

The above principles reflect states' recognition that societies, as collectivities, possess the right to know the truth about past gross violations to human rights.

2. The right to the truth as a form of individual remedy

The first detailed study on the right to the truth was issued by the U.N. Commission on Human Rights in 2006. The study concludes

“ that the right to the truth about gross human rights violations and serious violations of human rights law is an inalienable and autonomous right, linked to the duty and obligation of the State to protect and guarantee human rights, to conduct effective investigations and to guarantee effective remedy and reparations. This right is closely linked with other rights and has both an individual and a societal dimension and should be considered as a non-derogable right and not subject to limitations.



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The study provides a useful historical overview of the right to the truth, which developed from specialised provisions of international humanitarian law to the current recognition of this right as an inalienable and autonomous human right.

Although international human rights treaties do not explicitly refer to the right to the truth, this right has been referred to by human rights courts and in documents adopted by various bodies of the United Nations.⁴ This right is also regarded as implicit in existing provisions of human rights treaties,⁵ such as Article 8, 11, 14 and 25 of the American Convention of Human Rights.⁶

In 1989, the United Nations adopted the U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions⁷ (hereafter: UN Principles) and in 1991 a manual on the implementation of these principles.⁸ According to paragraph 9 of the UN Principles, “the broad purpose of an inquiry is to discover the truth about the events leading to the suspicious death of a victim.”

In 2005, the U.N. General Assembly affirmed the duty of states to provide victims of human rights violations with “full and effective reparation... which include[s]... where applicable... [v]erification of the facts and full and public disclosure of the truth” and “[i]nclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.”⁹

The Inter-American Court for the Protection of Human Rights (IACtHR) has through its jurisprudence given substance to the concept of the right to truth: “[T]he right to the truth is subsumed in the right of the victim or his next of kin to obtain clarification of the events that violated human rights and the corresponding responsibilities from the competent organs of the State, through the investigation and prosecution that are established in Articles 8 and 25 of the Convention.”¹⁰ In 1998, the Inter-American Commission on Human Rights has for first time recognised that the right to truth belongs to members of society at large as well as to the families of victims of human rights violations.¹¹

In its 2007 report on the right to the truth, the Human Rights Council linked this right with the need to combat impunity, to achieve justice and to provide remedy to victims.¹²

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3. The duty to investigate: A derivative of the right to truth

States are, under international human rights law, under the duty to investigate within their respective jurisdictions “all cases of killing and other suspicious death, whether the perpetrators were private persons or State agents or are unknown.”¹³ The Basic Principles (2005) set out the specific obligation to investigate violations in the context of the overall obligation to ensure respect for human rights: “The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law... includes, *inter alia*, the duty to... [i]nvestigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law.”¹⁴

Before the adoption of the Basic Principles (2005), the U.N. Human Rights Committee (UNHRC), in its General Comment no. 31, pointed out that states are under the duty to protect individuals subject to their jurisdiction,

“ not just against violations of the [ICCPR] by [their] agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights... There may be circumstances in which a failure to ensure Covenant rights..would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”¹⁵

Part III of the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, based on a Model Protocol for a Legal Investigation drafted by the Minnesota Lawyers International Human Rights Committee (hence, “The Minnesota Protocol”),¹⁶ lists desirable procedures of an inquiry into the circumstances surrounding a suspicious death. These include, *inter alia*, specific tasks to be accomplished at the crime scene, the processing of evidence, avenues of investigation and identification and interviews of witnesses. The ‘Minnesota Protocol’ also provides a guideline for the establishment of independent commissions of inquiry and the performance of autopsies. States can, therefore, avail themselves of such guidelines, if they desire to fulfill in good faith their international obligations.

4. Standards of investigation

While states are under the obligation to investigate violations of human rights and international humanitarian law, they sometimes attempt to avoid investigations which might embarrass or implicate high officials. In order to cover up official complicity, states sometimes stage an investigation designed to fail. The IACtHR explicitly warned against this eventuality: “[T]he State has the duty to commence *ex officio* and without delay, a serious, fair, and effective investigation which is not undertaken as a mere formality condemned in advance to be fruitless.”¹⁷

The notion, that failure to *effectively* investigate arbitrary killings could itself be a violation of human rights, has been confirmed in numerous judgements by the ECtHR. In its judgements the court addressed five to six criteria which allow a relatively objective evaluation of the effectiveness of an investigation, namely: promptness, thoroughness, impartiality (or objectivity), independence and transparency.

4.1 Effectiveness of investigations

The requirement of effectiveness of investigations has been addressed by the ECtHR in numerous court judgements. A review of these judgements reveals that the Court uses the terms “effective” and “adequate” interchangeably. While the term “effective” is sometimes used to imply an obligation of result,¹⁸ the Court also refers to it as an obligation of means.¹⁹ The Court thus considered that “the nature and degree of scrutiny which satisfies the minimum threshold of [an] investigation's effectiveness depends on the circumstances of the particular case. It must be assessed on the basis of all relevant facts and with regard to the practical realities of investigation work. It is not possible to reduce the variety of situations which might occur to a bare check-list of acts of investigation or other simplified criteria.”²⁰ In determining whether effective investigations of alleged violations of human rights had taken place, the Court examines whether these investigations had been prompt, thorough, impartial (or objective), independent and sufficiently transparent.

While human rights courts generally avoid implying that ineffective investigations of human rights violations represent deliberate obstruction or a cover-up by the state, the ECtHR expressed its view in *Musayev and Others v Russia* that “the astonishing ineffectiveness of the prosecuting

authorities... can only be qualified as acquiescence in the events.”²¹

The ECtHR has also considered that a violation by a government of the right to life can be inferred from the failure by the government to provide “a plausible explanation... as to the reasons why indispensable acts of investigation have not been performed.”²²

4.2 Promptness of investigations

The necessity of promptly investigating an alleged violation of the right to life “may generally be regarded as essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts.”²³ The passage of time “inevitably erode[s] the amount and quality of the evidence available and the appearance of a lack of diligence will cast doubt on the good faith of the investigative efforts, as well as drag out the ordeal for the members of the family.”²⁴ A substantial delay in the investigation may, therefore, constitute “a breach of the obligation to exercise exemplary diligence and promptness.”²⁴

4.3 Thoroughness of investigations

A crucial feature for an adequate investigation of human rights violations is its thoroughness. According to paragraph 9 of the UN Principles:

“ There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases in which complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.... The Purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice, which may have brought about that death.”²⁵

The ECtHR inferred the lack of thoroughness from a garden-variety of *omissions* by the investigating authorities, such as failure to take reasonable steps to secure evidence;²⁶ ignorance of obvious evidence (failure to “connect the dots”);²⁷ failure to collect all the evidence that could

have clarified the sequence of events;²⁸ failure to report troubling facts;²⁸ failure to interrogate certain people or to ask certain questions in interrogations;²⁹ failure to ascertain possible eye-witnesses and failing to search for corroborating evidence;³⁰ failure to ascertain whether certain reported documents in fact existed;³¹ failure to clarify important inconsistencies;³² failure to consider alternative hypotheses for unnatural death;³³ lack of explanations for irregularities;³⁴ failure to preserve evidence at the scene (of the crime) and taking all relevant measurements;³⁵ and failure to inquire about motives.³⁶

4.4 Independence of investigations

The U.N. Human Rights Committee emphasises the need that investigations be carried out “through independent and impartial bodies.”³⁷

The U.N. Principles specify that

“ [g]overnments shall pursue investigations through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognised impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided in these principles.³⁸

The ECtHR also mentioned the necessity “for the persons responsible for and carrying out the investigation to be independent from those implicated in the events”.³⁹ The Court added: “This means not only a lack of hierarchical or institutional connection but also a practical independence.”³⁹

4.5 Impartiality of investigations

Impartiality, according to the ECtHR, requires that investigators, with an open mind, examine all

relevant evidence, including evidence that contradicts their “firm conviction”⁴⁰ and include in the scope of their investigation the possibility of official involvement in the crime, particularly when they are put on notice about suspicious activities by official entities.⁴¹ The obligation of impartiality can also be violated by judiciously restricting an investigative mandate to predefined outcomes.

In order to ensure the impartiality of an investigation, witnesses “shall be protected from... any... form of intimidation”⁴², particularly by state officials.

4.6 Transparency of investigations

According to paragraph 16 of the UN Principles “[f]amilies of the deceased and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence.”⁴³

The reporting requirements of an investigation are also spelled out in the UN Principles:

“ A written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.⁴⁴

The ECtHR explicitly related the need for transparency of investigations to the democratic right of official accountability:

“ Remedies must be effective in practice, not just in theory, with a sufficient element of

public scrutiny to ensure true accountability. In particular, alleged violations of the right to life deserve the most careful scrutiny. Where events lie wholly or largely within exclusive knowledge of the authorities...strong presumptions of fact will arise in respect of injuries and death, which occur. Indeed, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation.⁴⁵

5. The mass killings of 11 September 2001: A gross violation of the right to life

The mass killings of 11 September 2001 (“9/11”) were a gross violation of the right to life of approximately 3,000 human beings. It follows that the United States, as state party to the International Covenant of Civil and Political Rights, is under the obligation to provide an “effective remedy” to the victims of 9/11,⁴⁶ including their right to an effective investigation of these violations.

To the extent that these mass killings were also a *crime against humanity*, the United States government has, by U.N. resolution 3074 (XXVIII) of 1973, pledged to investigate such crimes. And by voting for U.N. Security Council Resolution 1368 (2001), the United States also pledged “to work together [with other states] urgently to bring to justice the perpetrators, organizers and sponsors” of the crime of 9/11.

Violations by the United States of international treaties to which it is party, such as the failure to investigate violations of human rights committed within its jurisdiction, are not at this point enforceable against the United States in any international court. The lack of international enforcement does not, however, void the international responsibility of the United States for its violations of obligations under international law⁴⁷ nor relieve the U.S. authorities of their moral responsibility to establish the truth on 9/11.

6. The official account of 9/11

On September 11, 2001, the entire world witnessed on television the impact of an aircraft crashing on the South Tower of the World Trade Center in New York, the ensuing fires and the subsequent and sudden disintegration of both towers. Television and other media provided non-stop coverage

about rescue efforts and presented live testimonies of survivors, eyewitnesses, rescue workers, fire fighters and law enforcement personnel. In addition to what was shown live on television, numerous people witnessed and experienced the events in person. After seeing a second aircraft impacting the World Trade Center, it was evident that this was no accident, but a deliberate attack aimed to destroy and kill.

Approximately 20 minutes after being informed that a second aircraft had crashed into the World Trade Center, President George W. Bush, exiting a school class, announced to the world that the United States was under attack.⁴⁸ In his TV address he said: “Two airplanes have crashed into the World Trade Center in an apparent terrorist attack on our country.”⁴⁹ Such wording was not self-evident: Neither at that moment nor later, did President Bush or his aides possessed any evidence that the aircraft seen crashing on the WTC had come from abroad.

On 12 September 2001, the U.S. Congress adopted by acclaim a resolution that contained the following factual assertions:

- The events of the previous day had been “attacks against” the United States;
- Terrorists had “hijacked and destroyed” four civilian aircraft;
- The attacks “destroyed both towers of the World Trade Center”; and
- The attacks were intended “to intimidate our Nation and weaken its resolve.”⁵⁰

There was nothing extraordinary for the Congress to condemn the mass-murder of the previous day, express its sympathy to the victims and their families and commend the valiant efforts of rescue teams and first responders. Numerous governments and international bodies did so immediately without suggesting how, by whom and why the mass-murder was executed.⁵¹ What distinguished the congressional resolution from numerous similar resolutions was the specificity of the factual allegations it included. Despite ample time for debates, Congress members displayed a surprising lack of curiosity about the actual events of the previous day. No member of Congress demanded concrete evidence in support of the allegations he or she was asked to endorse. Instead, one after the other rose to pledge his or her unreserved support for the President, designate the

events as an act of war and call for foreign military operations against the unidentified aggressors and their alleged hosts. Some members of Congress actually warned against treating the events as a crime because, as Senator Jeff Sessions, explained, “As a Federal prosecutor, I know about the difficulties that have to be overcome to prosecute a person and convict them beyond a reasonable doubt. You don't have that burden when you are in war.”⁵²

Already from the first hour, mass media published horrid details about the events – partly based on leaks from unidentified public and airline officials – and had talking heads speculating about the identities of the perpetrators and their masterminds. On 14 September the main features of the official account on 9/11 were finalised prior to any investigation and remained since that day engraved in stone. These can be summarised in a few sentences:

Nineteen Arab Muslim fanatics boarded four aircraft in the morning of 11 September 2001. Five of them boarded flight AA11 that departed from Boston; five boarded UA175 that also departed from Boston; five boarded flight AA77 that departed from Dulles Airport, Washington, D.C.; and four boarded flight UA93 that departed from Newark International Airport. These four terrorist teams, each led by a trained pilot, hijacked the aircraft in mid-air with knives, removed the pilots of the aircraft from their seats and flew the aircraft into buildings, killing themselves, the passengers and the crew. They flew the aircraft designated as flight AA11 into the North Tower, flight UA175 into the South Tower, flight AA77 into the Pentagon and attempted to crash flight UA93 into the White House but did not succeed to carry out their plan due to the uprising of the passengers. That aircraft then crashed near Shanksville, Pennsylvania. The hijackers were swiftly identified as having links to al-Qa'ida. Osama bin Laden later admitted to have personally selected them for these specific attacks.

Public authorities are, despite thorough investigations, sometimes unable to identify perpetrators or determine the circumstances of a crime. In the case of 9/11, U.S. authorities swiftly named the suspects,⁵³ designated the tools of the crime as the aircraft assigned to flights AA11, AA77, UA175, and UA93, and presented a detailed narrative of the circumstances surrounding the events. Due to the traumatic nature of the events, few noticed at the time the absence of hard evidence in support of these allegations. Even as the U.S. went to war against Afghanistan, the U.S. government failed to provide hard evidence to the United Nations which would link that country to the events of 9/11. In its letter to the Security Council, John D. Negroponte, the representative of the United States

wrote: “[M]y Government has obtained clear and compelling information that the Al-Qaeda organization, which is supported by the Taliban regime in Afghanistan, had a central role in the attacks. There is still much we do not know. Our inquiry is in its early stages. We may find that our self-defense requires further actions with respect to other organizations and other States.”⁵⁴ In a confidential wire sent by the State Department on October 1, 2001 to all U.S. embassies around the world, embassy officials were informed that “the United States is not obliged in any way to make any kind of showing as a prerequisite or precondition to the exercise of its right of self-defense under Article 51 of the U.N. Charter, whether now or in the future”.⁵⁵ As these lines are being written in late 2012, the United States has failed to produce evidence linking Afghanistan to the events of 9/11.

7. No urgency to investigate

On 12 September 2001 U.S. Attorney General John Ashcroft announced in a press conference that the Department of Justice “has undertaken perhaps the most massive and intensive investigation ever conducted in this country.”⁵⁶ Yet, while making this announcement, he paradoxically added that the investigation was not FBI's priority. The *Washington Post* described Ashcroft's caveat as follows:

“ FBI Director Robert S. Mueller III began to describe the investigation underway to identify those responsible for hijacking the four airplanes the day before. Mueller said it was essential not to taint any evidence gathered so that if accomplices were arrested, they could be convicted. But Attorney General John D. Ashcroft interrupted him. Let's stop the discussion right here, he said. The chief mission of U.S. law enforcement, he added, is to stop another attack and apprehend any accomplices or terrorists before they hit us again. If we can't bring them to trial, so be it.”⁵⁷

While Ashcroft and Mueller held their press conference, Press Secretary Ari Fleischer held a press gaggle at the White House, during which he declared that the risks of another attack were “significantly reduced”. He explained to the baffled attendance – citing unidentified intelligence sources – that “the perpetrators have executed their plan”.⁵⁸ Fleischer's statement, implying that the White House knew the planned scope of the attacks, was included in an Associated Press news

report and reported in some media outlets⁵⁹ but the transcript of this press gaggle, originally found on the website of the Department of State,⁵⁸ is, for unknown reasons, not posted on the White House's website.

As if Ashcroft's statement of 12 September was not sufficiently clear, on 9 October 2001 – merely four weeks after the events – the *New York Times* revealed that John Ashcroft and Robert Mueller had actually “ordered [FBI] agents to drop their investigation of the attacks or any other assignment any time they learn of a threat or lead that might suggest a future attack.” A law enforcement official, speaking on condition of anonymity, said to the paper: “The investigative staff has to be made to understand that we're not trying to solve a crime now.”⁶⁰ Note that FBI agents were not asked to drop their 9/11 investigation only when a *genuine and grave* threat existed, but when they learn of *any* threat or lead *that might suggest* a future attack. Indeed, a new threat came soon to replace 9/11 in the minds of many Americans.

On 18 September 2001, letters laced with deadly anthrax began appearing in the U.S. mail. Five Americans were killed and 17 were sickened in what became the worst biological attacks in U.S. history.⁶¹ This campaign prompted the FBI to start a new investigation, dubbed *Amerithrax*, designated by the FBI as “one of the largest and most complex in the history of law enforcement.”⁶¹ The FBI downplayed the fact that the unidentified mailer had included in the mailing the messages “Death to America”, “Death to Israel” and “Allah is Great”.⁶² After initially toying with the temptation to attribute the mailings to Iraq, U.S. authorities finally admitted that the anthrax originated from a unique pool of spore preparations maintained at U.S. Army Medical Research Institute for Infectious Diseases, Fort Detrick, Maryland.⁶³ Initially a scientist by the name of Dr. Hatfill was maligned as the main suspect for these mailings. Eventually a certain Dr. Bruce Ivins, who was about to be charged for mailing these anthrax samples, was said to have committed suicide.⁶⁴ His alleged suicide relieved the U.S. authorities from the burden to prove his guilt and reveal his motives and accomplices. The anthrax story then disappeared from the news.

Interest in the 9/11 investigation disappeared. Americans focussed on the war. While Osama bin Laden was on everyone's lips on 9/11, he soon disappeared from presidential speeches. In March 2002, President Bush, asked by a journalist why he rarely mentions Osama bin Laden, answered:

“Who knows if he's hiding in some cave or not; we haven't heard from him in a long time... You know, I just don't spend that much time on him, Kelly, to be honest with you.”⁶⁵ In 2006 the FBI admitted that the agency has no hard evidence connecting Osama bin Laden to 9/11.⁶⁶

8. Omitted investigations

We begin by listing some investigations that should have been, but were not, carried out.

8.1 No aircraft crash investigation

Mary Schiavo, former Assistant Secretary of Labor and former Inspector General of the U.S. Department of Transportation, highlighted in her testimony before the 9/11 Commission the failure of conducting an investigation of the aircraft crashes that occurred on 9/11:

“*In every other aviation disaster, including those precipitated by terrorism or aviation crimes or piracy, the National Transportation Safety Board [NTSB] examined the tragedy and issued technical, operational and policy recommendations to our government, the airlines, airports, and others. The NTSB does this to enable us to correct the lapses that permitted the tragedy to occur. (...) No such NTSB investigation occurred nor is forthcoming to examine the 9/11 crashes.*”⁶⁷

The NTSB explains on its website why it did not conduct an aircraft crash investigation regarding 9/11:

“*The terrorist attacks of September 11, 2001 are under the jurisdiction of the Federal Bureau of Investigation. The Safety Board provided requested technical assistance to the FBI, and this material generated by the NTSB is under the control of the FBI. The Safety Board does not plan to issue a report or open a public docket.*”⁶⁸

Two years before 9/11, the Statutory Code of the NTSB was amended by an Act of Congress, which empowered the Attorney General to shift investigative priority from the NTSB to the FBI when an

aircraft crash is suspected to have been caused by an intentional criminal act.⁶⁹ The FBI, contrary to the NTSB, does not hold public hearings, is not required by statute to conduct investigations, and is not obliged to publish reports on its investigations.

8.2 No investigation of air defence failures

According to the official account, four large passenger aircraft, allegedly hijacked on the morning of 9/11, deviated from their planned flight paths,⁷⁰ switched off their transponders (thus concealing their identities and altitudes from air traffic control)⁷¹ and flew unobserved for varying durations without being intercepted by air defences.⁷² The explanation provided by the authorities for this failure was that the multiple hijackings had *confused* air defences. Yet interceptions of deviating aircraft had been a routine procedure. In the year 2000 this routine was carried out 129 times without hitch.⁷³ Secretary of Defense Donald Rumsfeld confirmed to the Senate Committee on Armed Services in 2004 that the Department of Defense did not conduct an “after-action review” regarding the apparent failure to intercept the allegedly hijacked aircraft.⁷⁴

Part of the confusion derived undoubtedly from the fact that air traffic controllers had to contend with far more than four suspected hijackings on the morning of 9/11. According to the 9/11 Commission, there were “multiple erroneous reports of hijacked aircraft in the system” over the course of the morning of 9/11.⁷⁵ According to the *Daily Telegraph*, “as many as nine aircraft may have been part of the original plot”.⁷⁵

NORAD Major General Larry Arnold declared that, on the morning of 9/11, a total of 21 planes had been identified as possible hijackings.⁷⁶ He reiterated this statement later in an interview with the 9/11 Commission, which did not mention it in its Final Report.⁷⁷ Colonel Robert Marr, the NEADS battle commander, said he was informed that “across the nation there were some 29 different reports of hijackings.”⁷⁸ Apart from the four aircraft designated as the “death flights”—AA11, AA77, UA175 and UA93— the following flight numbers were reported as suspected hijackings at some point during September 11, 2001: AAL2247, USA41, DAL89, DAL1989, NWA197, UAL641, UAL57, USA633,⁷⁹ UAL163,⁸⁰ UAL177,⁸¹ Continental 321,⁸² AA189,⁸³ and KAL85.⁸⁴ This list is

far from exhaustive. In at least three cases (flights Continental 321, KAL85 and USA930 [or USA937]), the suspected aircraft emitted a hijacking code, for which no explanation was given. No interviews of the pilots of these flights could be found and their identities are suppressed.

There was a good reason for the above confusion, although this was not reported at the time: On the morning of 9/11, the U.S. Military scheduled multiple war games (or exercises, or drills) in the very air space where the actual crashes took place. At least one of these exercises included a live-fly hijacking exercise.⁸⁵ The Final Report of the 9/11 Commission mentions such an exercise in passing, in connection with a notification received by NEADS at 8:37:52, saying that flight AA11 “had been hijacked”. The following conversation is quoted by the Commission:

“ FAA: Hi. Boston Center TMU (Traffic Management Unit), we have a problem here. We have a hijacked aircraft headed towards New York, and we need you guys to, we need someone to scramble some F-16s or something up there, help us out.

NEADS: Is this real-world or exercise?

FAA: No, this is not an exercise, not a test.⁸⁶

As part of these exercises, electronic blips representing simulated hijacked aircraft appeared on the radars of air traffic controllers, leading them to wonder whether the blips they saw moving on their screens belonged to phantom aircraft, real aircraft participating in the exercises or ordinary commercial aircraft. Similar exercises had been conducted just days prior to 9/11, all working with the scenario of terrorists hijacking a London to New York flight with plans to detonate explosives over New York.⁸⁶

Upon receiving notification from Boston regarding the possible hijacking of flight AA11 NEADS commander Col. Robert Marr asked if the notification was part of the exercise. Lt. Col. Dawne Deskins also received word of the possible hijacking from Boston. She, too, initially assumed it must be part of the exercise. Thinking the reported hijacking was part of the exercise, Major Kevin Nasypyany reportedly said, “[t]he hijack’s not supposed to be for another hour.”⁸⁷ Even Major General Arnold said later that, when he first heard of the hijacking, his first thought was to ask, “Is

this part of the exercise?”⁸⁸

Upon observing his personnel reacting to the news of the hijacking, Col. Marr reportedly thought the day's exercise was “kicking off with a lively, unexpected twist.” Even after a colleague informed him of the situation – “real life, not part of the exercise” – he continued to believe his colleague was playing a part in the exercise by attempting to mislead him. Marr said he thought that “this is an interesting start to the exercise. This ‘real-world’ mixed in with today's simex [simulated exercise] will keep [my staff members] on their toes.”⁸⁹ The expression “real-world exercises”, is actually a military expression referring to exercises using real objects, weapons and people, as distinct from table-top, office, exercises. It does not refer to genuine attacks.⁹⁰ Even more surprising is that inside the command centre at NEADS, “there was no sense that the attack was over with the crash of United 93; instead, the alarms go on and on. False reports of hijackings... continue well into the afternoon.” No explanation has been given for these continuing alarms.

No investigation was carried out to determine the relationship between these multiple “real-world” hijacking exercises and the deadly events. None of the following questions were asked by media or addressed by the 9/11 Commission: Who coordinated the exercises? What were the scenarios on 9/11? Which airlines and which aircraft participated in the hijacking exercises? Who played the role of hijacked passengers in these exercises?

8.3 No investigation of WTC pulverisation

Of approximately 2,700 people who died at the World Trade Center, no trace has been found of more than 1,100 victims, “not even a fragment of bone”.⁹¹ The mother of Michael Ragusa, a victim at Ground Zero, could not fathom that there is “no trace of so many people. It can't happen that way... People don't just disappear.”⁹²

According to Dr. Charles Hirsch, the Chief Medical Examiner of New York City, many bodies had been “vaporized” and were beyond identification.⁹³ Ellen Borakove, his spokesperson, said he meant that bodies were consumed by blazing fuel from the two crashed airliners, or “rendered into dust” when the skyscrapers collapsed.⁹³ Dr. Hirsch refused to comment upon that statement. He later offered an explanation that left much unsaid: “[I]f reinforced concrete was rendered into

dust, then it wasn't much of a mystery as to what would happen to people.”⁹⁴

Virtually all non-metallic parts of the towers and their contents were converted to microscopic dust particles or small unrecognisable fragments. According to the *Scientific American*,

“ [t]he collapse of the Twin Towers pulverized and then scattered into the air millions of tons of cement, steel, drywall, window glass and other building materials. It also crushed and incinerated⁹⁵ thousands of computers as well as mile after mile of items such as electrical cable and heating and cooling ducts. Finally, the dust contained the remains of the 2,753 people killed in the attack,⁹⁶ along with the hair and skin cells shed by those who worked in the World Trade Center over the decades.⁹⁷

Eyewitnesses indeed expressed their surprise that they did not observe in the rubble of the WTC evidence of file cabinets, desks, chairs, telephones, office furniture and even glass that filled the buildings.⁹⁸ Each of the Twin Towers had a total of eight electrical substations and each substation had four air-cooled transformers.⁹⁹ Nothing was ever found of this equipment in the WTC rubble.

The pulverisation of the buildings was so immense and widespread that according to the Environment Protection Agency (EPA), 20,000-30,000 residences in Lower Manhattan were still in 2003 eligible to have private contractors hired by New York City clean all hard surfaces, rugs, carpets, curtains, drapes, upholstered furnishings, air conditioner units, exterior balconies and terraces, exterior window ledges and window guards. By January 2003 only 6,700 had been cleaned.¹⁰⁰

While the dust particles may contain the key for determining the proximate cause of death of 1,100 human beings, no investigation was carried out to find out what energy source could have caused the massive, total and instantaneous pulverisation of the Twin Towers¹⁰¹ and their contents into such microscopic dust.¹⁰²

9. Inadequate investigations

Some investigations or inquiries regarding 9/11 were conducted and funded by the U.S. authorities. Only those which purported to examine the actual events of 9/11 will be considered here.¹⁰³ The 9/11 Commission's investigative records are meanwhile stored at the National Archives in Washington, D.C. (NARA), but the majority of these records are still sealed.¹⁰⁴ Those released are not easily accessible online but have been posted in an accessible form on a private website. They will be mentioned in this study by their folder (Team and Box number).¹⁰⁵

9.1 FBI's criminal investigation (PENTTBOM)

When federal crimes occur, such as on 9/11, the main investigative entity in the United States is the Federal Bureau of Investigation (FBI). Notwithstanding the low priority assigned to the investigation, as mentioned earlier, the FBI took upon itself to investigate the events of 9/11 as a crime and dubbed its investigation PENTTBOM. The precise mandate given to FBI supervisors and agents for their investigation is not known.

9.1.1 The lack of FBI independence

Organisationally, the FBI reports to both the attorney general and the director of national intelligence. FBI's Director since 9/11 has been Robert S. Mueller, III, who was appointed by President George W. Bush and confirmed by the Senate. The FBI is, therefore, constitutionally, part and parcel of the executive branch. To the extent that elements of the U.S. executive branch were suspected to be involved in the crime of 9/11, the FBI could not act as an independent investigator. Reasons to consider the U.S. government as one of the suspects arose early on for numerous reasons, such as the unusual speed of “identifying the perpetrators”, drafting and adopting the PATRIOT Act, initiating a global “war on terrorism”, attacking Afghanistan, and opposing an investigation of the crime. Such suspicions grew with time. According to a July 2006 poll conducted by Scripps News Service, no less than one-third of Americans suspected that the Bush administration either facilitated the 9/11 attacks or allowed them to happen in order to provide a pretext for wars in the Middle East.¹⁰⁶ In the light of such extensive suspicions of the Bush administration, an independent investigation of 9/11 could not have been adequately conducted by an agency dependent on the U.S. government.

9.1.2 The lack of transparency

On 18 April 2002, the FBI invited victims' families to listen to the cockpit voice recorder (CVR) from Flight UA93. The recording was supposed to contain the voices of the alleged hijackers after they took over the control of the aircraft, as well as voices of crew members. Department of Justice prosecutors "exhorted families not to describe the tapes' contents because they will be played as evidence in the terrorism conspiracy trial of Zacarias Moussaoui."¹⁰⁷ FBI agents "asked the relatives to surrender all cell phones, palm pilots and pagers to prevent the recording of any of the day's proceedings."¹⁰⁷ After the session, the family members left "under the escort of New Jersey state troopers and federal agents, who walked them to their cars and shielded them from reporters."¹⁰⁷ The CVR recording was played during the Moussaoui trial at the specific request of the prosecution in order to emotionally affect the jury.¹⁰⁸ The trial judge decided, upon the request of an unidentified family member, to reseal the recording after it was played. While an alleged transcript of this CVR recording was released by the U.S. authorities, the recording itself was not released. It is, therefore, not possible to verify the authenticity of the transcript.

In 2004, the FBI agreed to play recordings of some phone calls from the aircraft to victims' families. They had to "sign nondisclosure agreements and were not permitted to take notes. Civil attorneys and the media were barred. FBI agents filled the halls of the hotel [where the presentation took place] and took any camera or recording equipment before people were admitted to the [presentation]. Those who left the three-and-a-half-hour session to relieve themselves were accompanied into rest rooms by agents."¹⁰⁹

According to published accounts, the FBI possesses recordings of phone calls made from the aircraft by five callers.¹⁰⁹ The only recordings released to the public were four minutes of a lengthy phone call reportedly made by flight attendant Betty Ong from flight AA11¹¹⁰ and a short phone call by flight attendant CeeCee Lyles.¹¹¹

Until the year 2006, the FBI refused to release video evidence in its possession that would document flight AA77 impacting on the Pentagon. At first the FBI claimed that it did not possess such documents. Later the Department of Justice admitted it did possess such documents but refused to release them, claiming that this "could reasonably be expected to interfere with enforcement proceedings"¹¹² On 16 May, 2006, the Pentagon released two videos that American

media described as “the first video images of American Airlines Flight 77 crashing into the Pentagon.” It is, with the best will, impossible to distinguish an aircraft from these video, let alone to identify it. The Pentagon still refuses to release 83 other videos from security cameras surrounding the building.¹¹³

The FBI appears to pursue a policy of denying systematically Freedom of Information (FOIA) requests for 9/11-related documents, even those which have been released previously. For example, on 16 April 2012, the FBI denied FOIA requests for copies of documents 302-1880 and 302-3005, which are already publicly available from the National Archives (NARA),¹¹⁴ claiming that their release “could reasonably be expected to interfere with enforcement proceedings.” FBI's denial was affirmed on appeal by the Office of Information Policy of the Department of Justice and signed by Janice Galli McLeod, Associated Director and Anne D. Work, Senior Counsel.¹¹⁴

Whereas the FBI failed to issue a public report describing PENTTBOM,¹¹⁵ mass media demonstrated a surprising lack of interest in the investigation. Only a single report on PENTTBOM was published by a major media, and this was in 2004.¹¹⁶ The following paragraph is all what the FBI has released to the public about the investigation it had designated as the largest in the agency's history:

“ Our... investigation of the attacks of 9/11 – code-named “PENTTBOM” – was our largest investigation ever. At the peak of the case, more than half our agents worked to identify the hijackers and their sponsors and, with other agencies, to head off any possible future attacks. We followed more than half-a-million investigative leads, including several hundred thousand tips from the public. The attack and crash sites also represented the largest crime scenes in FBI history.¹¹⁷

9.1.3 No prosecutions

One of the goals of an effective investigation is to identify those responsible for a gross violation of human rights and bring them to trial. According to the CIA, its “officers worked with foreign intelligence services to detain more than 2,900 al-Qa'ida operatives and associates in over 90 countries” in the aftermath of 9/11.¹¹⁸ Yet as of this writing, not a single “al-Qa'ida operative”, or

anyone else for that matter, has been prosecuted, anywhere, for organising or participating in the mass killings of 9/11. The striking paucity of 9/11 prosecutions was duly noted by prominent lawyer Helen Duffy.¹¹⁹

The only person convicted in the United States in relation to the events of 9/11 is a mentally disturbed French national by the name of Zacarias Moussaoui. Although he was not accused to have participated in planning, organising, funding or facilitating 9/11, and although he helped relieve the U.S. government from the burden to prove its 9/11 account by stipulating the truthfulness of this account, he was thanked for his help by being sentenced to life imprisonment without parole.¹²⁰

9.2 The first investigation of the WTC demise (FEMA-BPAT)

On 12 September 2001, the Federal Emergency Management Agency (FEMA) and its contractor, Greenhorne and O'Mara, Inc., established a Building Performance Assessment Team (BPAT) to conduct a formal analysis of what they predetermined as the “progressive collapses” of the buildings.¹²¹ The involvement of FEMA in this investigation was not self-evident. The traditional mission of the agency was to help “State and local governments... alleviate the suffering and damage which result from... disasters.”¹²² In February 2001, President Bush nominated Joe M. Allbaugh, formerly director of his election campaign and one of his inner circle of advisors, as Director of FEMA.¹²³ After nominating his friend Allbaugh to head FEMA, President Bush announced that FEMA would expand its responsibility to include government response to terrorist attacks.¹²⁴ In the wake of the 9/11 events, Allbaugh appointed Dr. W. Gene Corley of Construction Technologies Laboratories to head the BPAT team.¹²⁵ Dr. Corley had previously served as the principal investigator of the bombing of the Murrah Building in Oklahoma City,¹²⁵ another criminal event still marred by unanswered questions and suspicions of an official cover-up.¹²⁶

The deployment of the FEMA-BPAT team was delayed for three weeks, during which a “significant amount of steel debris – including most of the steel from the upper floors – was removed from the rubble pile, cut into small sections, and either melted at the recycling plant or shipped out of the U.S.”¹²⁷ According to some members of the team, they had been “prevented... from interviewing

witnesses, examining the disaster site and requesting crucial information such as recorded distress calls to the police and fire departments.”¹²⁸ Members of the team were also threatened with dismissal if they spoke to the press.¹²⁸

The final report of the FEMA-BPAT investigation was released in May 2002.¹²⁹ Bill Manning, chief editor of *Fire Engineering*, called the FEMA-BPAT investigation “a half-baked farce that may already have been commandeered by political forces whose primary interests, to put it mildly, lie far afield of full disclosure.”¹³⁰

The FEMA-BPAT investigation left many questions regarding the demise of the buildings unanswered, and ignored most signs of the use of explosives. It started with a predetermined conclusion, namely that the buildings underwent a “progressive collapse” and fit its findings to that conclusion.

9.3 The second investigation of the WTC demise (NIST)

A thorough investigation of the demise of the World Trade Center buildings was called for because of two distinct reasons:

(a) In view of the criminal nature of the events, it was necessary to establish what led to the deaths of approximately 2,700 people, and most particularly the complete disappearance of approximately 1,100 people.

(b) Due to the unprecedented demise of high-rise steel-reinforced buildings, it was extremely important for the structural engineering community to determine what caused the structural failure on a single day of three such buildings, including one that was not hit by an aircraft (WTC no. 7).

NIST (The National Institute of Standards and Technology) was founded in 1901, as a federal agency within the U.S. Department of Commerce.¹³¹ NIST directors are presidential nominees. NIST is no academic institution but part and parcel of the Executive Branch of the U.S. government, involved even in national security issues.¹³²

On August 21, 2002, NIST announced the initiation of its building and fire safety investigation of the World Trade Center (WTC) disaster. This investigation was then conducted under the authority of the National Construction Safety Team (NCST) Act, which was signed into law on October 1, 2002.¹³³

While the investigation by NIST was funded by the Government and was promoted as a scientific effort, no part of any report resulting from NIST's investigation was to be admitted as evidence or used in any suit or action for damages. Additionally, NIST employees involved with these investigations were not permitted to serve as expert witnesses.¹³⁴

A draft summary report of the NIST investigation into the demise of the Twin Towers was released on June 23, 2005. Dr. Hratch Semerjian, Acting Director of NIST, presenting this report, characterised NIST's investigation as “thorough, open, independent.”¹³⁵

According to the official account, as presented in the Final Reports of the Federal Building and Fire Investigation of the World Trade Center Disaster conducted by NIST,¹³⁶ the Twin Towers collapsed due to structural failure caused by the fires and the damage from the aircraft's impact. The \$16 million study by NIST, released in September 2005, represents the official position of the U.S. government regarding the demise of the Twin Towers.

Because NIST was not an *independent* body, but an agency within the U.S. Department of Commerce, its official findings had to be approved by a Presidential appointee.

NIST's investigation was relatively *transparent* because it invited public comments to its draft reports and published voluminous findings of its investigation. However, not everyone viewed NIST's investigation as transparent. Sally Regenhard, Chairperson of Skyscraper Safety Campaign, a Project of Parents and Families of Firefighters and WTC Victims,¹³⁷ said in her Statement to the House Committee on Science in 2005:

“ The relative secrecy of the [NIST] investigation, and the withholding of all materials and documents used by NIST to arrive at the study's conclusions is very disturbing. These materials should be made available to professionals for further study and

analysis, to question and/or duplicate the findings, according to the scientific method, and should not be locked away in the National Archives or anywhere else.¹³⁸

Was NIST's investigation *thorough*?

The scope of NIST's investigation was limited to the circumstances *leading* to the buildings' demise. What occurred *during* the demise remained outside the scope of NIST's investigation. This was by no means an oversight. The Draft Report published in June 2005 explicitly says that the report “covers the characterization of the conditions of the WTC towers before the attacks, their weakening due to the aircraft impacts, the response of the structural systems to the subsequent growth and spread of fires, and the progression of local failures that *led ultimately* to the total collapse of both towers.”¹³⁹ NIST's report does not, therefore, contain an examination of the actual demise, let alone the puzzling observations and testimonies that accompanied that demise, described as collapse. Already in this respect, NIST's investigation must fail the test of *thoroughness*.

Jim Hoffman, who compared the Draft Report and the Final Report of NIST, provides a fine-grained analysis of NIST's deceptive efforts. In a section of his study entitled ‘Circumscribing the Investigation’ he wrote: “The Report explicitly limits its scope to the time between the jet impact and the start of the collapse of each Tower... The extent of NIST's explanation for the totality of the collapses and their many demolition-like features is simply that the total collapse was ‘inevitable’ once a collapse event was ‘initiated’.”¹⁴⁰

Hoffman points out that the main difference between the Draft and the Final Report “is the addition in the Final Report of Section 6.14.4, *Events Following Collapse Initiation*, which consists of five paragraphs filling half a page.” In order to explain why it did not investigate the actual ‘collapse’, the Final Report explains: “Since the stories below the level of collapse initiation provided little resistance to the tremendous energy released by the falling building mass, the building section above came down essentially in free fall, as seen in videos. As the stories below sequentially failed, the falling mass increases, further increasing the demand of the floors below, which were unable to arrest the moving mass.”¹⁴¹

Leaving readers wondering how NIST came to the above conclusion, let alone whether such an

explanation is compatible with the laws of physics, let us examine how NIST addressed the following facts, observed by numerous witnesses, that strongly indicate the use of explosives to demolish the buildings:

1. Witnesses reported that *ground shaking* preceded the demise of the towers;¹⁴²
2. Observers, including television news anchors, reported that the demise visually resembled to *controlled demolitions*;¹⁴³
3. The demise of the towers started *suddenly* rather than after gradual sagging¹⁴⁴
4. More than 120 firefighters and first responders testified to have heard, seen or experienced *multiple explosions* that preceded and accompanied the demise of the Twin Towers¹⁴⁵)
5. Large parts of the Twin Towers and their human contents turned instantaneously into *dust* in mid-air (what has been referred to as 'pulverisation');¹⁴⁶
6. Heavy steel beams were ejected *forcefully and horizontally* from the Twin Towers;¹⁴⁷
7. The Twin Towers and WTC no. 7 disintegrated *symmetrically*;¹⁴⁸
8. WTC no. 7 fell at virtually *free-fall speed*;¹⁴⁹
9. *Pools of molten steel* were discovered below Ground Zero and remained very hot for weeks;¹⁵⁰
10. Unreacted thermitic material incorporating nanotechnology was discovered in the WTC dust.¹⁵¹

NIST investigators (and before them FEMA-BMAT) did not deny the above facts. They simply ignored them.

NIST's ignorance of the above 10 characteristics of a controlled demolition proves that its investigation was neither professional nor thorough.¹⁵² Such ignorance constituted, in fact, a *misprision of felony*, i.e. the concealment of a felony committed by others. Misprision of felony is a federal offence punishable by a fine or imprisonment up to three years.¹⁵³ NIST's unprofessional investigation has prompted the establishment of Architects and Engineers for 9/11 Truth, an international organisation, that has meanwhile got more than 1,700 professional members.¹⁵⁴ The mission of the organisation is “to research, compile, and disseminate scientific evidence relative to the destruction of the three World Trade Center skyscrapers, calling for a truly open and independent investigation and supporting others in the pursuit of justice.”¹⁵⁴ No aspect of the 9/11 official account challenges professional expertise and physical law as much as the official explanation for the demise of the Twin Towers and WTC no. 7. According to a new study, it emerged that the International Code Council (ICC)'s International Building Code (IBC), did not adopt building code changes to increase structural resistance as a result of the demise of the WTC buildings and NIST's findings.¹⁵⁵ It clearly did not take seriously the findings of NIST regarding the demise of the World Trade Center.

9.4 The investigation by the 9/11 Commission

9.4.1 Government opposition to a public investigation

While public inquiries into past national calamities, such as the attack on Pearl Harbor, the sinking of the *Titanic*, the assassination of President Kennedy and the explosion of the Shuttle Challenger, were established within less than 10 days,¹⁵⁶ the U.S. government opposed for more than a year a *public inquiry* of 9/11, or in today's terminology, a Truth Commission.

On the first anniversary of 9/11, Jim Dwyer of the *New York Times* highlighted the difference between the reactions of the respective governments to 9/11 and to the sinking of the *Titanic*:

“ [F]indings on the sinking of the *Titanic* entered the public record after the *Carpathia* docked at the Chelsea piers in Manhattan on April 18, 1912, with the 705 survivors plucked from the North Atlantic. Starting the next morning at the Waldorf-Astoria, the barely dry witnesses provided a rich body of facts about the accident, the *Titanic*,

*and maritime practices to the United States Senate Commerce Committee, which held 18 days of hearing (...). No inquiry remotely similar in scope, energy or transparency has examined the attacks of last Sept. 11 ... A handful of tightly focused reviews have taken place mostly in secret, conducted by private consultants, or by Congressional committees. One year later, the public knows less about the circumstances of 2,801 deaths at the foot of Manhattan in broad daylight than people in 1912 knew within weeks about the Titanic, which sank in the middle of an ocean in the dead of night.*¹⁵⁷

Patrick Martin of the *World Socialist Web Site* noted that “[d]espite its public show of sympathy for the victims and their families, the Bush administration is denying them what is their most basic right: a thorough investigation into the causes of the attacks on the World Trade Center and the Pentagon and the circumstances in which they took place... This official stonewalling is the most staggering fact about September 11, one largely ignored by the American media.”¹⁵⁸ He added that “there is no innocent explanation for the Bush administration's [refusal of a public inquiry]. There are no national security secrets to protect about the details of the hijackings... Bush, Cheney & Co. conduct themselves like men with something to hide. Their methods of cover-up and provocation indicate a consciousness of guilt and fear of exposure.”¹⁵⁸ These words were written in 2002.

According to Philip Shenon, whose book *The Commission* was reviewed in the *New York Times* in 2008, Dick Cheney called Tom Daschle, then the Senate majority leader, in January 2002 to warn him that a proper investigation of 9/11 would be a “very dangerous and time-consuming diversion for those of us who are on the front lines of our response today.”¹⁵⁹

9.4.2 The establishment of a sham investigation

Due to pressure by victims' families, supported by media and some members of Congress, President Bush relented and grudgingly permitted the establishment of a National Commission of Inquiry. On 15 November 2002 the U.S. Congress established the *National Commission on Terrorist Attacks Upon the United States*, whose mandate was to “examine and report on the facts and causes relating to the September 11th terrorist attacks” and “make a full and complete accounting of the circumstances surrounding the attacks.”¹⁶⁰ By its very title – “Terrorist

Attacks *Upon* the United States” – the Commission's work was to predicate upon the theory of a foreign attack.

In order to limit the Commission's resources, it was initially accorded \$3 million,¹⁶¹ a derisory sum in comparison with the \$40 million price tag of the Kenneth Starr investigation into President Clinton's relation with Monica Lewinsky¹⁶² or the \$112 million spent by NASA to investigate the Columbia space shuttle tragedy in which seven people died.¹⁶³ When asked for an additional \$8 million for the 9/11 Commission's work, President Bush initially refused the request.¹⁶⁴

Under its mandate, drafted by Congress, the Commission were asked to “ascertain... facts and circumstances surrounding the attacks” developed by other agencies (paragraph 2 of Section 602), while at the same time “build[ing] upon the investigations of other entities”, such as the FBI, CIA, NSA, NTSB, FAA, NORAD, and “avoid unnecessary duplication” (paragraph 3). By this little noted device, the Commission could later justify its reliance on these agencies' findings and avoid verifying their findings.

9.4.3 The 9/11 Commission's lack of independence

Most members of the 9/11 Commission had a conflict of interest.¹⁶⁵ The Commission's Executive Director, Philip D. Zelikow, appointed by President Bush, had huge conflicts of interest that prompted the Family Steering Committee (a group of victims' families) to repeatedly demand his removal.¹⁶⁶ He managed the Commission's staff, decided whom to interview and served as a gate-keeper between his staff and the Commissioners.¹⁶⁷

Commissioner *Tim Roemer* discovered by chance that Zelikow had made a secret agreement with the Department of Justice to cut Commissioners' access to documents from the Joint Congressional Inquiry¹⁶⁸ until the White House was able to review them. Roemer was reportedly furious and asked: “Why is our executive director making secret deals with the Justice Department and the White House? He is supposed to work for us.”¹⁶⁹

According to another secret agreement between the Zelikow and the U.S. Department of Justice

(DOJ), the Commission was required to advise DOJ in case it intends to interview individuals who appear on a list provided by the Government.¹⁷⁰ The list, published as Annex X to the agreement, included persons who received phone communications from any passenger during the alleged hijacking of flights AA11, UA175, AA77, UA93; family members of victims of 9/11; a select group of crime scene witnesses, whose choice is not explained; medical examiners who worked on 9/11 victims/matters; American Airlines personnel who worked at Dulles [Airport] on 9/11 (but not AA personnel who worked at Logan Airport); instructors, owners, students, or employees of more than a dozen flight schools, who had contact with any of the hijackers; family members of Ziad Jarrah (but not of Mohamed Atta); [m]embers of the Islamic community in Hamburg, Germany, who had contact with Atta, al-Shehhi, Jarrah, Binalshibh, Essabar, Bahaji, El-Motassadeq; and many others. It was not explained why the Commission had to inform the Government about its intention to interview these particular individuals.

9.4.4 The 9/11 Commission's partiality

As mentioned earlier, the very title of the Commission manifested its predetermined conclusion that the conspiracy of 9/11 originated outside the United States. By March 2003, before the Commission began its actual work, Executive Director Zelikow and his former professor Ernest May had already prepared a detailed outline of the final report, complete with chapter headings, subheadings, and sub-subheadings.¹⁷¹ Zelikow showed this outline to Chairman Kean and Vice-Chairman Hamilton, who were “worried that the outline would be seen as evidence that they – and Zelikow – had predetermined the report's outcome.”¹⁷¹ May said that he and Zelikow agreed that the outline should “treated as if it were the most classified document the commission possessed.”¹⁷² As summed by Prof. David Ray Griffin, the work of the 9/11 Commission began with “Kean and Hamilton conspiring with Zelikow and May to conceal from the [Commission's] staff members... that their investigative work would largely be limited to filling in the details of [predetermined] conclusions.”¹⁷³

9.4.5 The 9/11 Commission's lack of thoroughness

A brief review below presents evidence that the 9/11 Commission did not conduct a thorough investigation and did not even intend to do so.

Several categories of persons were not invited to testify before the Commission. These include witnesses to a second, mysterious, aircraft above the crash site in Pennsylvania; witnesses who had reported explosions and other indications of a controlled demolition prior or during the demise of the Twin Towers; air traffic controllers confused by the military exercises on the morning of 9/11; individuals who met the alleged terrorist Mohamed Atta at various locations in the United States; airline employees who witnessed the boardings of the four aircraft; FBI officials responsible for the crash sites; personnel responsible for security at the World Trade Center; and many other eyewitnesses who possessed knowledge that would have undermined the official account.

According to the guidelines included in the “Minnesota Protocol,”¹⁷⁴ a commission of inquiry established to investigate gross human rights violations “shall assess all information and evidence it receives to determine its relevance, veracity, reliability and probity.”¹⁷⁵ In the case at hand, the Commission should have objectively determined the relevance, veracity, reliability and probity of allegations and findings presented by the various government agencies.

The 9/11 Commission, instead, relied heavily, as can be gauged from its Final Report, on irrelevant, unreliable and unverifiable information provided by the CIA, the FBI, the FAA and the Military. The Commission acknowledges that its “access to [al-Qa'ida detainees] has been limited to the review of intelligence reports based on communications received from the locations where the actual interrogations take place.” The Commission wrote that it “submitted questions for use in the interrogations, but had no control over whether, when, or how questions of particular interest would be asked.” Commission members were “[not] allowed to talk to the interrogators... to better judge the credibility of the detainees and clarify ambiguities in the reporting.”¹⁷⁶ It appears that the 9/11 Commission engaged in good faith efforts to obtain access to the detainees and met stiff resistance by the government.¹⁷⁷ Ultimately, however, entire chapters in the Final Report were based on these dubious sources.

The Commission did not verify FBI claims regarding the identification of the alleged hijackers of 9/11; neither did it request or obtain authenticated passenger lists or other documents that would have proven the identities of the alleged hijackers. This led, for example, to the claim by the Commission that Waleed Al-Shehri, one of the alleged hijackers, had stabbed a flight attendant aboard flight AA11 before dying in the crash.¹⁷⁸ Yet Al-Shehri was kicking and alive in Morocco

after 9/11, surprised to be designated as a terrorist.¹⁷⁹ This was by no means a case of a simple mix-up: Al-Shehri acknowledged that he attended flight training school at Daytona Beach in the United States, and was indeed the same Waleed Al-Shehri to whom the FBI has been referring.¹⁷⁹ He was actually not the only alleged hijacker who emerged alive after 9/11 in another country, and claimed no connection to the crime. The numerous press reports about these “living suicide hijackers” were not acknowledged or verified by the Commission.

The Commission also didn't seek forensic evidence about the identities of the crashed aircraft. The Commission thus took on faith FBI claims that debris found at the alleged crash sites belonged to aircraft assigned to flights AA11, AA77, UA175 and UA93. It transpired later, thanks to a civil action instituted by Aidan Monaghan, a concerned citizen, at the Nevada District U.S. Court, that the FBI did not at all conduct a forensic identification of the wreckage. Assistant U.S. Attorney Patrick A. Rose, representing the FBI, attempted to justify this omission by claiming in a written submission to the court: “The identities of the airplanes hijacked in the September 11 attacks was (sic) never in question.”¹⁸⁰ Apart from the falsity of this statement¹⁸¹ and the admission that the FBI did not consider itself bound to formally identify the tools of a mass-murder, this incredible failure by the FBI was not reported to and by the 9/11 Commission, nor by U.S. media, leaving the public believing that such identification had certainly taken place.¹⁸²

In a book specifically analysing the Final Report of the 9/11 Commission, Prof. David Ray Griffin lists over 100 relevant facts *omitted* from that report, because their inclusion would have prompted doubts about the official account on 9/11.¹⁸³ As for the thoroughness of the 9/11 Commission's work, he wrote with subtle irony: “The report's lack of thoroughness is, in fact, one of its outstanding characteristics.”¹⁸⁴ I must concur.

9.5 Ineffective investigation: The perpetrators were not identified

The U.S. government has officially accused the following nineteen individuals as being the perpetrators of the mass killings of 9/11 (flight numbers in parentheses): Satam M.A. Al Suqami, Waleed M. Alshehri, Wail M. Alshehri, Mohamed Atta, and Abdulaziz Alomari (AA11); Khalid Almihdhar, Majed Moqed, Nawaf Alhazmi, Salem Alhazmi, and Hani Hanjour (AA77); Marwan Alshehhi, Fayez Rashid Ahmed Hassan Al Qadi Banihammad, Ahmed Alghamdi, Hamza

Alghamdi, and Mohand Alshehri (UA175); Saeed Alghamdi, Ahmad Ibrahim A. Al Haznawi, Ahmed Alnami and Ziad Samir Jarrah (UA93).

British and Arab media reported in September 2001 that at least five of the above individuals (Abdulaziz Alomari, Wail al-Shehri, Salem al-Hamzi, Saeed al-Ghamdi and Ahmed al-Nami) were still living.¹⁸⁵ FBI Director Robert S. Mueller admitted twice on CNN (20 and 27 September 2001) that there is “no legal proof to prove the identities of the suicidal hijackers”.¹⁸⁶ The FBI, however, still maintains on its website the names and photographs of the above 19 individuals as those “believed” to have committed the mass killings, adding for good measure that “attempts to confirm the true identities of these individuals are still under way.”¹⁸⁷ While the FBI, as the official voice of the executive branch maintains this ambiguity until today, the 9/11 Commission, purporting to provide “the fullest possible account of the events surrounding 9/11,”¹⁸⁸ did not hesitate to present these individuals throughout its Final Report as the definite perpetrators.

Leaving aside whether the four alleged suicide-pilots possessed the motive to kill themselves and the skill to steer large passenger aircraft with 500 miles per hour into buildings,¹⁸⁹ there exists no evidence that they and their alleged 15 companions boarded these aircraft in the first place. Here is a brief summary of the absence of such evidence.¹⁹⁰

9.5.1 No authenticated passenger lists

It is widely believed that the U.S. authorities have released passenger lists for the four allegedly hijacked flights of 9/11. This belief is mistaken. The U.S. authorities have until now persistently refused, despite numerous appeals, to produce authenticated passenger lists of these flights in order to confirm their allegations. When I asked American Airlines to merely confirm the presence of Arabic names on the passenger list of flight AA77, an official of the airline wrote to me that their names had been redacted, providing no explanation.

9.5.2 No authenticated CCTV

It is widely believed that recordings from security cameras (CCTV) document the presence of alleged hijackers at the respective airports on the morning of 9/11. This belief is based on

deception. Two CCTV recordings have been widely shown on television with the intent to convince viewers this evidence exists. One of these recordings shows two men, claimed to represent Mohamed Atta and Abdulaziz Alomari, passing security control at Portland Airport, before they boarded on a connecting flight to Boston from where they allegedly left with flight AA11 on the way to their creator.¹⁹¹ No CCTV exists, however, from Logan Airport in Boston. The video from Portland is grainy and does not permit a positive identification of the men.¹⁹² The other CCTV, released by the prosecution in the trial of Zacarias Moussaoui, shows several men passing an alleged security checkpoint at Dulles Airport. The 9/11 Commission claimed that this video depicts the hijackers of flight AA77.¹⁹³ The recording was not released by the government, but by a private law firm. It can be viewed on youtube.com.¹⁹⁴ It is not only grainy, but lacks the attributes of an authentic security video, particularly a time stamp and the camera number. Without such data, a security video has no probative value. It is, therefore, unknown when and where the recording was made.

Airport security manager Ed Nelson of Dulles Airport told authors Susan and Joseph Trento, that shortly after arriving at the airport on the morning of 9/11, FBI agents played to him a security tape from a checkpoint through which they told him that the alleged hijackers had passed before boarding the plane. He expressed his astonishment that the FBI agents could within that short time pick out "the hijackers" on the security tape from hundreds of others passengers. He said: "So fast. It didn't make sense to me."¹⁹⁵ The FBI has not allowed any agent to testify on this matter. The 9/11 Commission did not mention the dubious nature of this recording.

9.5.3 No eyewitnesses

Did any airport or airline employee perhaps recall having checked-in or boarded Mohamed Atta or any of the other alleged suicide-pilots? Starting on the very day of the events, FBI interviewed dozens of airport and airline employees. According to the Final Report of the 9/11 Commission, no security personnel at the respective airports recalled to have seen any of the alleged hijackers.¹⁹⁶ Surprisingly, the FBI possessed already on the very day of 9/11 photographs of some of the alleged hijackers, as discovered by Ed Nelson at Dulles Airport (mentioned in the previous section) and as revealed to the media by Tony Amos, manager of Shuckum's bar in Hollywood, Florida, to whom an FBI agent showed on the very day of 9/11¹⁹⁷ a photograph of Mohamed

Atta.¹⁹⁸ One must, therefore, presume that when questioning airline employees, FBI agents would have asked them to identify photographs of suspects that they might have seen. Yet, no employee has testified to have checked-in or boarded any of the alleged suicide-pilots.

9.5.4 No identified bodies

It is widely believed that the alleged hijackers died at the known crash sites. Yet, there is no evidence to support this belief. According to official statements, their bodies were identified by means of exclusion. What does that mean? Chris Kelly, spokesman of the Armed Forces Institute of Pathology (AFIP), where the identification of victims' remains from flights AA77 and UA93 took place, explained: "The remains that didn't match any of the samples were ruled to be the terrorists".¹⁹⁹ Somerset County coroner Wallace Miller said that the "death certificates [for the suspected hijackers] will list each as 'John Doe'".²⁰⁰ A spokeswoman for the New York Medical Examiner's Office, where the identification of the WTC victims took place, said that the centre received from the FBI in February 2003(!) "profiles of all 10 hijackers... so their remains could be separated from those of the victims... No names were attached to these profiles."²⁰¹ Howard Baum of the New York medical examiner's forensic unit, told *Newsweek* in 2009: "We had no idea where the profiles came from or how they were developed."²⁰²

Under a ruling issued on 11 October 2001 by a Somerset County judge, everyone who died aboard flight UA93 "except the terrorists" would get death certificates. At the "insistence of the FBI, the terrorists won't be getting [death certificates] because investigators *aren't sure of their identities*."²⁰³ So!

According to the General Comment drafted by the Working Group on Enforced or Involuntary Disappearances of the U.N. Human Rights Council,

“ The right to know the truth about the fate and whereabouts includes... the right of the family to have the remains of their loved one returned to them, and to dispose of those remains according to their own tradition, religion or culture. The remains of the person should be clearly and indisputably identified, including through DNA analysis. The State, or any other authority, should not undertake the process of identification of

the remains, and should not dispose of those remains, without the full participation of the family and without fully informing the general public of such measures.²⁰⁴

The U.S. authorities, claiming that Muslim hijackers died at the crash sites, failed to invite their families to participate in the identification of their remains,²⁰⁵ failed to “clearly and indisputably identif[y]” their remains and did not return these to the families for burial. It thus failed its international obligations towards the families of these 19 young men, who should be counted among the 9/11 victims.

10. Proactive measures to suppress the truth

In its jurisprudence regarding states' obligations towards victims of human rights violations, the ECtHR invoked numerous times *failures* by State parties to conduct adequate or effective investigations. Failures to establish the truth on gross violations of human rights are not, however, limited to acts of omission, such as inadequate investigations. They may also include acts of commission, such as concealing, destroying and planting of evidence, as well as inducing witnesses and victims to keep silent by bribes or intimidation. Examples of such conduct can be observed in the case of 9/11, as reported below.

10.1 Concealing evidence

The U.S. authorities, aware that a substantial proportion of Americans suspect them of covering-up the truth on 9/11, would appear to have an incentive to dispel such suspicions by producing all the evidence they possess to prove their allegations. Yet, despite increasing suspicions, they prefer to conceal evidence from the public (if it exists), including documents which would simply confirm what is already known to the public. Among suppressed records are the original passenger lists of the four flights, video recordings depicting the impact of an aircraft on the Pentagon, documentation of the retrieval of the aircraft wreckage from Shanksville, audio recordings of the cockpit voice recorder from flight UA93, audio recordings of phone calls for which transcripts had been released, and other such documents, the release of which can neither endanger national security or interfere with law-enforcement efforts and privacy.

The determination of the U.S. authorities to conceal these documents suggests that their release

would seriously embarrass them or incriminate high officials in various types of criminal conduct. It is, however, equally possible that these documents do not exist at all.

10.2 Destroying evidence

When a crime occurs, it is a legal obligation, including in the United States, to safeguard the crime site. Destruction of criminal evidence raises a presumption of guilt against the person who participated in such destruction. Paul Rea, author of *Mounting Evidence*, formulates four useful questions when evidence is systematically suppressed or destroyed²⁰⁶ :

- Who is doing this?
- What are they most interested in covering up?
- Why are these areas so sensitive?
- What do these sensitive areas imply about what really went on?

10.2.1 The destruction of the WTC steel

The demise of the Twin Towers remains a unique event in the history of high-rise, steel-reinforced buildings. Such demise never occurred before or after 9/11, even after wider, longer and fiercer fires. In order for structural engineers to understand what caused such demise, it was crucial to preserve the steel beams from the buildings. In addition to this professional interest, the site of the Twin Towers was evidently a crime scene that had to be preserved. An examination of the steel that remained on the site could have helped explain what precisely caused the deaths of over 2,000 people.

Yet, most of the steel from the crime scene was not only swiftly removed from the site, but sold to scrap metal dealers, who shipped it for recycling to China,²⁰⁷ India,²⁰⁸ South Korea,²⁰⁹ Malaysia,²¹⁰ and reportedly to other destinations. Hugo Neu Corporation, a company dealing with scrap metal, said it handled 250,000 tons of World Trade Center scrap steel and shipped it to 11 countries, including Malaysia, China, South Korea and Japan.²¹⁰ The company's

general manager, Bob Kelman, said debris from the twin towers was sliced into pieces with industrial guillotines or blow torches and thrown in with other scrap before being shipped.²¹⁰

Some might argue that removing steel from the site was necessary to facilitate rescue operations. This explanation is, however, not compelling. The steel was also removed from the site of WTC no. 7, which was evacuated seven hours before its collapse.²¹¹ The steel from that building was removed, unmarked, and also shipped overseas, leaving not a single beam for a forensic examination of the demise of that building. WTC no. 7, let us recall – a building of 47 floors – was not hit by an aircraft, was not subject to widespread and fierce fires, and yet collapsed at free-fall speed at 5:20 p.m. on 9/11, prompting numerous experts to conclude that it was a classical case of controlled demolition. An examination of the steel beams from that building would have made it possible to verify this hypothesis.

In an attempt to downplay the significance of the removal and destruction of most WTC steel, Gene Corley, mentioned earlier, told the U.S. House of Representatives in 2002, that “there is no indication that having access to each piece of steel from the World Trade Center would make a significant difference to understanding the performance of the structures.”²¹² Yet, the steel was considered important enough to equip the trucks removing it from the site with GPS locators, at a cost of \$1000 apiece, so that the movements of the trucks could be monitored.²¹³

Bill Manning, editor-in-chief of the magazine *Fire Engineering*, blasted the ongoing destruction of the WTC steel in the magazine's editorial of January 2002:

“ For more than three months, structural steel from the World Trade Center has been and continues to be cut up and sold for scrap. Crucial evidence that could answer many questions about high-rise building design practices and performance under fire conditions is on the slow boat to China, perhaps never to be seen again in America until you buy your next car. Such destruction of evidence shows the astounding ignorance of government officials to the value of a thorough, scientific investigation of the largest fire-induced collapse in world history. I have combed through our national standard for fire investigation, NFPA 921, but nowhere in it does one find an exemption allowing the destruction of evidence for buildings over 10 stories tall. [...]

The destruction and removal of evidence must stop immediately.²¹⁴

The U.S. authorities did not heed Bill Manning's admonition and refused to disclose under whose authority the WTC steel was swiftly removed, sold to scrap dealers, and shipped overseas, in violation of criminal law.

10.2.2 The destruction of testimonies made by air traffic controllers

A group of six air traffic controllers working at the FAA center in Nashua recorded on tape what they had observed in the morning of 9/11. Their tape was destroyed by a supervisor without anyone making a transcript or even listening to it. The supervisor “crushed the cassette in his hand, shredded the tape and dropped the pieces into different trash cans around the building”²¹⁵ The controllers who recorded their stories were never identified or asked to re-record their impressions.

10.2.3 The destruction of recordings documenting interrogations of al-Qa'ida detainees

CIA director General Michael Hayden confirmed that his agency destroyed videotapes taken during the interrogations of two al-Qa'ida suspects soon after 9/11. He said that to keep these tapes posed a security risk: they could expose the CIA interrogators shown on them to al-Qa'ida reprisals. Really? Did the CIA not learn about pixelisation?²¹⁶ The CIA's claim that it destroyed the video tapes to protect the interrogators' identity is false, because it could have released the transcripts of these interrogations and redacted the names of the interrogators. Destroying the tapes and concealing the transcripts even from the 9/11 Commission suggests that the U.S. government was hiding evidence of malfeasance, transcending alleged torture.

The co-chairmen of the 9/11 Commission, Tom Kean and Lee Hamilton, blasted in the *New York Times* the destruction of these recordings: “Those who knew about those videotapes — and did not tell us about them — obstructed our investigation. More strikingly still, they explicitly include the White House at the top of their list of guilty parties.”²¹⁷

10.2.4 The destruction of evidence regarding an FBI investigation of al-Qa'ida

On 29 May 2002, *CBS News* revealed that the FBI destroyed evidence gathered in an investigation involving Osama bin Laden's al-Qa'ida network in early 2000.²¹⁸ The episode was described in documents made public through a Freedom of Information Act request filed by the Electronic Privacy Information Center, a Washington advocacy group. FBI officials refused to comment upon this investigation.

10.3 Planting evidence

10.3.1 *At the alleged crash site of flight UA93*

The U.S. authorities have claimed that documents allegedly belonging to the suspected hijackers of flight UA93 were found at that flight's alleged crash site in Somerset County, Pa. Among these documents were the passport of Al-Ghamdi,²¹⁹ Alnami's Florida driver's license,²²⁰ his Saudi Arabian Youth Hostel Association ID card,²²¹ a visa page from Ziad Jarrah's passport,²²² and a business card of Jarrah's uncle.²²³ Local inhabitants who went to the alleged crash site within minutes of hearing an explosion and seeing smoke, told media that they did not see any human bodies, blood, or even a hint of an aircraft crash at the site.²²⁴ The site was swiftly taken over by the FBI, which kept activities within the site secret. Lisa Beamer, the celebrated widow of UA93 passenger Todd Beamer, wrote in her book:

“ [Arriving to the crash site of UA93 six days after the events] federal authorities wouldn't allow us to get too close to the actual spot where the plane had struck the ground, but they took great care to describe it for us and to answer any questions about how they believed the plane had come down... I didn't see a single piece of airplane anywhere.²²⁵

That's how the lack of debris was explained to her:

“ Little could be found. Because of the reclaimed strip mine, the ground was softer than other surrounding areas. The plane had pierced the earth like a spoon in a cup of coffee: the spoon forced the coffee back, and then the coffee immediately closed around the spoon as though nothing had troubled the surface. Anything that

remained of Flight 93 was buried deep in the ground.²²⁵

Merely 12 days after 9/11, the FBI announced to have recuperated 95 per cent of the aircraft wreckage, and handed it to United Airlines. No journalist was, however, allowed to document the recovery of the aircraft and photograph the recovered wreckage. We only have FBI's word that such recovery had occurred.

10.3.2 At Logan Airport, Boston

According to the 9/11 Commission, Mohamed Atta and Abdulaziz Alomari, two of the persons named as participating in the hijacking of flight AA11 from Boston, had driven on 10 September 2001 from Boston to Portland, Maine, from where they reportedly returned on the very morning of 9/11 to Boston with an early connecting flight, before allegedly boarding flight AA11. The 9/11 Commission said it could not explain why they went to Portland,²²⁶ and thereby risked – had their connecting flight been delayed – to disrupt their “attack upon the United States” that they had allegedly planned for years.²²⁷ However, this detour meant that their luggage had to be manually transferred between the flights. Only Atta's bags failed to be loaded into flight AA11. They remained in Boston, to be swiftly discovered by the authorities.²²⁸

Amongst the items allegedly found in Atta's bags were a hand-held electronic flight computer, a simulator procedures manual for Boeing 757 and 767 aircraft, a slide-rule flight calculator, a copy of the Qur'an and a handwritten testament written in Arabic.²²⁹ According to FBI Special Agent Fitzgerald, Abdul Aziz Alomari's passport was also found in one of the bags.²³⁰ According to an FBI document, the bags also contained three English grammar books, a perfume bottle, anti-dandruff hair dressing, a check book, photographs, and a handkerchief.²³¹ When Dieter Snell, Senior Counsel of the 9/11 Commission, addressed the Commission at its 12th Public Hearing, he said that Atta and Omari's luggage had also contained, amongst other items, “correspondence from the university Atta attended in Egypt and Omari's (sic) international driver's license.”²³²

The owner of the bags seemed to have vanished: No one apparently saw him at Boston airport, let alone boarding flight AA11. It is also not known who flew from Portland to Boston under the names of Mohamed Atta and Abdulaziz Alomari.

Leaving aside the question of identification, one may ask why a future hijacker would pack pepper spray and a knife into his luggage if these weapons were intended to be used in the hijacking, and why he would pack his testament in the luggage, knowing that it would burn in the crash. Did the alleged hijacker intend the luggage, with its comprehensive incriminating items, to be found? But if so, how could he foresee or ensure that it would remain in the airport? Did someone ensure that it would not be loaded onto flight AA11? It appears so, as suggested below.

It was revealed in 2009 that Atta's luggage discovered in Boston carried a “*covert marking* that indicated that the suitcases belonged to a passenger, [who] was a *security issue*”.²³³ This observation was made by baggage expeditor Philip A. DePasquale (“The two suitcases had a covert tag from US Airways to warn that Atta and his luggage were a security issue”).²³³ The presence of such a marking indicates that an employee of US Airways in Portland, from where the passenger came, had made this mark. Who was this employee, and on what grounds did he consider Atta a “security issue” before the events? The 9/11 Commission did not pursue these questions. Was this covert marking perhaps a signal to employees in Boston not to load these bags onto flight AA11?

For lack of evidence that the owner of the bags, allegedly Mohamed Atta, had boarded an aircraft at Logan Airport, it must be presumed that the bags had been planted there to be found.

The *Guardian* commented at the time with wry irony: “The finds are certainly very fortunate, though some might think them a little too fortunate.”²³⁴

10.4 Buying the silence of witnesses and victims' relatives

“ A person is guilty of bribing a witness if he or she offers, confers, or agrees to confer any benefit upon... a person whom he or she has reason to believe may have information relevant to a criminal investigation... with intent to... (b) Induce that person to avoid legal process summoning him or her to testify; or... (d) Induce that person to refrain from reporting information relevant to a criminal investigation...²³⁵

10.4.1 Buying the silence of victims' relatives

Shortly after 9/11, the Congress established the September 11 Victim Compensation Fund for

victims' families, as a part of the Air Transportation Safety and System Stabilization Act (ATSA).²³⁶ The compensation fund was administered by Kenneth Feinberg, appointed by Attorney General John Ashcroft, as the “Special Master” of the fund.²³⁷ In order to apply for compensation, they had to waive their “right to file a civil action... in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001.”²³⁸ Feinberg confirmed that this provision was intended to deter victims' families from suing the airlines, although ATSA demands that they waive their right to sue anyone, including security firms, the New York Port Authority, the U.S. Government, or any other domestic entity.

Ninety-six families opted not to apply to the government compensation fund. Their motives varied. Some were seeking larger settlements than the compensation fund was likely to offer them. But many who sued hoped to use the litigation process to compel disclosure of a fuller picture of what the airlines did – and left undone – on 9/11 and before. Tim Harper of the *Toronto Star* explained some of the motives:

“For some, it's blood money, a repugnant payoff they feel they have no choice but to accept... But as many as 73 families²³⁹ see the process of U.S. government compensation as an attempt to protect those who should be held accountable for what they believed was mass murder.”²⁴⁰

Monica Gabrielle, who lost her husband in the WTC attack, was amongst those who rejected the government compensation offer. She told Tim Harper: “This is about mass murder. I want to know who was responsible. No one has been fired. No one has been demoted. The same people who are guarding us today on an elevated security alert are the same people who were working that day.”²⁴⁰

Those who chose not to apply for this compensation brought a cause of action against the airlines and security firms in order to force them to reveal what went wrong. But they did not count with the hurdles the government had established. ATSA limited their forum choice to the U.S. District Court for the Southern District of New York,²⁴¹ where they had to face Judge Alvin Hellerstein. Hellerstein, as evidenced throughout these cases, endeavoured to protect defendants from disclosure. He also decided to reverse the traditional judicial procedure where liability is

determined before damages are discussed in the hope that more cases might settle out of court “once families get a sense of how much money they are likely to get from a jury”, as he explained to the media.²⁴² And indeed, 95 of the families who initially refused to apply to the Compensation Fund and wanted to know “who was responsible” for 9/11, gave in to Hellerstein's pressure, by settling out of court. They received far more than what they would have received from the Fund.²⁴³ Collectively they received \$500 million, making the average pay-out slightly greater than \$5 million. The court has prohibited the families to reveal how much money they received.²⁴⁴ What the defendants ultimately disclosed to the families in court was not revealed publicly. These secret settlements were made at the expense of the public's right to know the truth.

These compensations had, indeed, the desired effect. From approximately 3,000 families of 9/11 victims, only a single person, Ellen Mariani, remains determined – against heavy odds – to establish the truth through court procedures.²⁴⁵ In an open letter, she described what she has been through until 2007. It includes, in her own words, “emotional abuse, harassment, lawyers' misguidance, and... the prospect of financial ruin.”²⁴⁶ By their conduct, “Special Master” Feinberg and Judge Hellerstein, representing respectively the Executive and the Judicial Branches of the United States, intentionally and successfully thwarted the initial quest by families of 9/11 victims to establish the truth on the mass killings of 9/11.

Other payments to victims' families constitute “college scholarships estimated to meet about 70 percent of the financial need of all 4,500-4,700 children of victims”.²⁴⁷ Those promised such scholarships would most probably refrain from undermining the future of their children by demanding evidence about 9/11 or expressing in public doubts about the government's account.

10.4.2 Pampering victims' families

Much efforts were spent by the U.S. authorities and media to create and nurture the story of a heroic struggle by passengers on Flight 93 to reclaim control over the aircraft. Whether the story has any relation to reality is beyond the scope of this paper. It ensured, however, that passengers' families felt proud and gracefully accepted official invitations and media encounters. It is evident that people enjoying to be feted will hardly have the temerity to accuse their well-wishers of deception or complicity in the murder of their beloved ones. Effectively, none of the relatives of

passengers from flight UA93 has publicly expressed doubts about the official account regarding that flight.

Lisa Beamer and Deena Burnett, widows of two passengers on flight UA93, wrote books about their experiences. In Lisa Beamer's book, she describes the thrill she felt to become a national celebrity, being interviewed on ABC's *Good Morning America* and CNN's *Larry King Live* shows,²⁴⁸ “privileged” to meet and talk with Mayor Giuliani who “made a point to hug me and to express how proud he was of the heroes aboard Flight 93”²⁴⁹ and invited to the Congress, which “rose to its feet in one motion” to celebrate her and her deceased husband.²⁵⁰ She sums it up: “[T]his was America's statement to the world that we were indeed the *United States*. It was an incredible, historic experience, and I felt so honored to be there on behalf of Todd and all the other passengers, crew, and families of Flight 93.”²⁵¹

President Bush then invited all of the surviving family members of Flight 93 to come to the White House for a private meeting on 24 September 2001. Beamer:

“First, President Bush spoke kindly and compassionately to the entire group in the East Room of the White House. He used no notes and spoke from the heart, almost conversationally. Then he and his wife, Laura, moved to an adjacent room, where they took time to meet with each family individually... The president and first lady met with our family for about eight to ten minutes²⁵² ... In preparation for us, the White House staff had lined both sides of the hall in a sort of makeshift honor guard, clapping their hands for us as we walked by.”²⁵³

When the Flight 93 victims' families met with President Bush at the White House two weeks after 9/11, the President also spoke with [Deena] Burnett and kissed her on both cheeks.²⁵⁴ Later, she received a certificate signed by President Bush. The certificate stated that the United States honoured her husband and that the document was “awarded by a grateful nation in recognition of devoted and selfless consecration to the service of our country in the Armed Forces of the United States.”²⁵⁴ In her book, Mrs. Burnett confirms that she shook hands with both President Bush and his wife and that the President kissed her on the cheek.²⁵⁵ She also confirms that Tom received a military funeral, which was in her view, a “great honor”.²⁵⁶

Deena Burnett also described a cryptic pledge made to her on the very morning of 9/11 by a police representative who introduced himself to her as Chris Stangle:

“Officer Stangle came over, knelt down in front of me, and took my hand... Then he looked at me and said, ‘First of all, you're not going to have to sell this house and here's why. It sounds like your husband had a good job. I'm sure he has a financial plan in place to take care of you and the children. Because of the way he died, you're going to have enough people helping, that you will be able to stay in this house and raise your children the way you want to. You're not going to have to worry about any of that right now. And if none of that comes through, I am personally going to make sure you can stay in this house. If that's what you want. The police have wonderful resources. We can help you. You don't have to worry about anything.’²⁵⁷

Who was Officer Stangle who had the authority to make a personal pledge to Mrs. Burnett on the morning of 9/11 and tell her “We can help you”?

10.4.3 Promoting military officials who did not defend the United States on 9/11

According to the official version of 9/11, the United States was *successfully* attacked on 9/11 by 19 amateur terrorists, who only used simple knives and relied on their luck to defeat the world's most powerful military and intelligence machinery. The 9/11 Commission stated that U.S. officials were “in every respect” unprepared to stop the attacks and that the agencies responsible for air defences, particularly NORAD and FAA had “struggled, under difficult circumstances, to improvise a homeland defense against an unprecedented challenge they had never encountered and had never trained to meet.”²⁵⁸ These failures were blamed on confusion, lack of imagination and bureaucracy.²⁵⁹ According to this view, the U.S. military, endowed with a budget larger than the combined military of all other countries, had never conceived of anyone using planes to crash on the World Trade Center or on the Pentagon.²⁶⁰ If such gross incompetence had been the case, one would have expected top military officials to be named, demoted, fired or even court-martialled. The absence of such sanctions was noted by some members of Congress.²⁶¹ In fact, the nation's top military officials were later honoured or even promoted.

General Richard B. Myers, for example, was Acting Chairman of the Joint Chiefs of Staff(JCS) on 9/11, pending his upcoming confirmation as Chairman of the JCS. He claimed that on the morning of 9/11 he was on Capitol Hill meeting with Senator Cleland to discuss his confirmation hearings.²⁶² In an interview with the Armed Forces Radio and Television Service, he said that no one disturbed him during that meeting to inform him that both Twin Towers of the WTC had been hit. When he came out of the meeting, he learned about the second hit: “Then right at that time somebody said the Pentagon has been hit.” He immediately talked to Gen. Eberhart and then “jumped in the car, ran back to the Pentagon.”²⁶³ According to his account, he set out for the Pentagon after it had been hit at 9:37 a.m. Assuming that he told the truth, his assistants must have grossly failed their duty to alert him immediately to what was perceived as an “attack on our nation”. According to counterterrorism “tsar” Richard Clarke, however, who directed a video conference of all top U.S. leaders on the morning of 9/11, Myers took part in that conference from about 9:10 a.m. until after 10:00 a.m. Which version is true?

In the confirmation hearings, conducted on Capitol Hill on 13 September 2001, General Myers was asked by Senator Levin whether “the Defense Department contacted the FAA or the FBI or any other agency after the first two hijacked aircraft crashed into the WTC, prior to the time that the Pentagon was hit”. Myers answered: “Sir, I don't know the answer to that question.” Senator Nelson then asked: “You said earlier in your testimony that we had not scrambled any military aircraft until after the Pentagon was hit. And so, my question would be: Why?” Myers: “I'd have to go back and review the exact timelines.” Is it conceivable that the highest military commander of the United States forgot these crucial details within two days and came unprepared to a Congressional hearing?

Cynthia McKinney, member of the House Armed Services Committee for the 108th Congress, asked General Myers at the budget hearing for FY2006, who was in charge of the war games conducted on 9/11. He avoided to answer her question. Instead he claimed that the war games had improved the ability of the U.S. to respond to the “attacks”. This was of course absurd, for it is impossible to improve an omission.²⁶⁴ In October 2005, President Bush presented Myers the Presidential Medal of Freedom.²⁶⁵

General Ralph E. Eberhart, was on 9/11 Chief Commander of NORAD and thus responsible for the failure of the military to intercept the allegedly hijacked aircraft on 9/11. During his testimony

before the Senate Armed Services Committee on 25 October 2001, this top military man manifested a surprising uncertainty about the identities of the aircraft that crashed on 9/11: “The first flight *I think* was American flight 11... *I think* it's 77 that crashed into the Pentagon... *I think* it's United flight 93 [that crashed] in Pennsylvania.”²⁶⁶ What made him so uncertain? In May 2002, he was promoted by President Bush to lead the newly created U.S. Northern Command.²⁶⁷

Brigadier-General Montague Winfield, commander of the National Military Command Center (NMCC), the Pentagon's emergency response centre, requested on 10 September 2001 his deputy, Captain Charles Leidig, to replace him on the morning of 9/11 for approximately two hours. Leidig replaced Winfield throughout the 9/11 crisis until about 10:30 a.m. Winfield never explained the reason for his absence during the crisis. Yet both Leidig and Winfield were later promoted: In May 2003, Winfield was promoted to the rank of Major General.²⁶⁸ Also in 2003, Captain Charles J. Leidig was appointed to the rank of 80th commandant of midshipmen, responsible for the day-to-day activities of 4,000 midshipmen.²⁶⁹

What prompted the U.S. government to honour and promote leading military officials who failed to ensure the protection of the U.S. capital and the Pentagon against an attack by a group of amateurs?

10.5 Intimidation to ensure silence

10.5.1 Intimidating private witnesses

Various persons who reported to have seen Mohamed Atta, the alleged team-leader of the 19 alleged hijackers, were specifically warned not to talk to journalists. These include employees at Walmart and Pizza Hut in Portland, Maine, who were told by the FBI not to mention what said Atta had bought;²⁷⁰ residents of Venice, Florida, were warned not to talk to journalists about Atta's non-Islamic conduct;²⁷¹ Amanda Keller, a former stripper, was warned not to talk about her affair with Atta;²⁷² and Johnelle Bryant, was warned by “authorities” not to speak about her bizarre meeting with Atta,²⁷³ but decided, nevertheless, to accord a mind-blowing interview to *ABC News* about her encounter.²⁷⁴ Both Amanda Keller and Johnelle Bryant vanished.

10.5.2 Intimidating witnesses to the 9/11 Commission

The Government has also insisted in having its officials accompany witnesses who appeared before the 9/11 Commission or its staff. Most often they were attorneys of the respective agencies. These “minders” were “reporting to their respective agencies on Commission staff’s lines of inquiry and witnesses’ verbatim responses”, occasionally “answering questions directed at witnesses”. They also “positioned themselves physically and... conducted themselves in a manner that [staff members] believe intimidate[d] witnesses from giving full and candid responses.”²⁷⁵ The issue of “minders” was raised in a Press Release by 9/11 Citizens Watch. The group demanded greater transparency and accountability from the 9/11 Commission, including the prohibition of “minders” and that testimonies be made under oath.²⁷⁶ An example of the effects of such minders is an interview by 9/11 Commission staffers of air traffic controller Greg Dukeman on 2 October 2003. The interview was attended by Michael McKinley, an FAA attorney. Throughout the interview Dukeman claimed forgetfulness, provided vague answers or played dumb.²⁷⁷

10.5.3 Intimidating first responders and firefighters

A perfidious method of intimidation was revealed by the *Huffington Post* on 21 April 2011. As described above, numerous first responders and firefighters reported having heard, seen or experienced explosions before and during the demise of the Twin Towers. Some also reported molten steel at Ground Zero. These testimonies constitute the most serious challenge to the official account on 9/11 and strongly suggest that the buildings were demolished with explosives. For the U.S. administration, it was important to silence these witnesses. As many first responders got ill from the toxic dust and needed expensive health services, a 9/11 Health and Compensation Law was passed by Congress. At the last moment, an Amendment was added to the law requiring those who wish to get treatment for the ailments that they suffer as a result of their work at Ground Zero, to have their names “run through the FBI’s terrorism watch list.”²⁷⁸ The declared rationale for this amendment was “to ensure that no terrorists get these benefits.” The list, which includes between 400,000²⁷⁹ and one million names,²⁸⁰ is classified, meaning that individuals cannot know whether they are included on the list. Due to the large size of this list, it is likely that the most individuals included on this list have no connection whatsoever to terrorism. First responders, including firefighters, who intend to apply for health benefits, will now think twice before giving

interviews about the explosions they witnessed at the World Trade Center.

The aforementioned examples of pressure, harassment and intimidation manifest a clear intent by the U.S. administration to suppress the truth on the events of 9/11.

11. Establishing the truth on human rights violations: Prescriptions and proscriptions

As presented previously, the corollary to the right to truth are state obligations to conduct adequate (or effective) investigations into alleged violations of human rights. We submit that this standard does not fully ensure the fulfilment of the right to truth. The standard of an adequate (or effective) investigation essentially encompasses positive obligations, those of thoroughness, independence, impartiality, transparency and promptness. States are, however, also apt to undertake measures intended to cover-up the truth regarding violations of human rights. Such active measures are not adequately addressed by *prescriptive* standards. We submit that in order to ensure the “right to the truth”, states should be required to *strive in good faith to establish the truth*, rather than merely conduct an *adequate investigation*. Establishing the truth derives directly and logically from a right to know the truth and encompasses both *prescriptions* and *proscriptions*, such as refraining from destroying, fabricating or planting evidence, refraining from inducing or intimidating individuals to keep silent about the events, and refraining from attributing guilt to innocent persons for the violations (or crime). I, therefore, submit that the obligation to provide remedy to victims of gross human rights violations be formally extended to *good faith efforts to establish the truth*.

Conclusions

The primary purpose of this study was to apply criteria developed by the case-law of the ECtHR to the investigations into 9/11, a crime against humanity that affected in some way most inhabitants of the world.

Paraphrasing the ECtHR,²⁸¹ I can sum up the above findings by stating that even if the failings of some U.S. authorities would not alone warrant a finding of the inadequacy of the investigation, their cumulative effect are more than sufficient for such a finding. Indeed, I am struck by how the different agencies and branches of the U.S. administration acted in concert in preventing the

establishment of the truth regarding this gruesome mass-murder.

The ECtHR has in the past identified numerous methods by which states seek to ensure the impunity of violators of the right to life. Due to the case at hand, this study was able to identify more types of state conduct leading to impunity: (a) The political predetermination of facts, prior to investigation; (b) Overt opposition to a public inquiry; (c) Destruction of forensic evidence; (d) The planting of evidence; (e) Bribing victims and suspects to ensure their silence; (f) Intimidating witnesses. In examining State investigations of gross violations of human rights, international and regional bodies are urged to stay alert to these various forms of conduct.

States must, under international law, comply in good faith with their treaty obligations. As a State party to the ICCPR – an international treaty – the United States must in good faith protect the right to life of those found within its jurisdiction. This obligation entails the duty to undertake an adequate investigation of a gross violation of that right. The Human Rights Committee, which monitors the implementation of the ICCPR by State parties, might wish to avail itself of the findings presented herein in its examination of the United States' periodical report in order to call the State party to task for its gross violation of the aforementioned obligation.

Concerned citizens in various countries, including members of several parliaments, have called for the establishment of an independent, international commission of inquiry on the events of 9/11, possibly modeled on the Special Tribunal for Lebanon (STL), set up to try the alleged murderers in 2005 of former Lebanese prime minister Rafiq Hariri.²⁸²

Within the United States, a large truth-seeking movement has emerged, composed of eminent personalities from all walks of life, including former administration and military officials. Their common demand is for a new, truly independent, investigation of 9/11. Some of these personalities have established functional groups, such as Architects and Engineers for 9/11 Truth (an association with more than 2,000 members),¹⁵⁴ Firefighters for 9/11 Truth,²⁸³ Lawyers for 9/11 Truth,²⁸⁴ Medical Professionals for 9/11 Truth,²⁸⁵ Military Officers for 9/11 Truth,²⁸⁶ Pilots for 9/11 Truth,²⁸⁷ Political Leaders for 9/11 Truth,²⁸⁸ Religious Leaders for 9/11 Truth,²⁸⁹ Scholars for 9/11 Truth and Justice,²⁹⁰ and Scientists for 9/11 Truth.²⁹¹ Local and regional chapters have also emerged in the United States,²⁹² Canada, Australia, and European countries.²⁹³

While the demand for a truly independent investigation appears to me justified, I doubt whether this can be accomplished under the current political situation. The reason for my doubt is that the refusal to establish the truth on 9/11 extends to the entire political class of Western societies. Such refusal cannot plausibly be ascribed to ignorance. The Western alliance needs to maintain the perception of an enemy²⁹⁴ that threatens our well-being and is capable of mounting deadly operations such as 9/11, in another words, a unifying myth: “[I]n the absence of believable myths, coherent public action becomes very difficult to improvise or sustain.”²⁹⁵ The perception of a common enemy provides Western governments with the justification for eroding democratic rights at home and resuscitating neo-colonialist policies abroad.

Those who have given thought to the implications arising from the findings presented in this paper may have realised the depth of the abyss revealed by investigating 9/11. Those mustering the courage to face this abyss with open eyes may be rewarded by overcoming fear and discovering that the emperor is naked.

1. Updated Set of principles for the protection and promotion of human rights through action to combat impunity, *Commission on Human Rights*, 8 February 2005, UN Doc. No. E/CN.4/2005/102/Add.1, Principle I: General Obligations. [[↗](#)]
2. One person, Zacarias Moussaoui, has been tried by a U.S. court in relation to 9/11. He was not, however, charged as accomplice to the crime. He was accused to have known about the plans for 9/11 and not reporting his alleged knowledge to the authorities after he was arrested a few weeks before 9/11. There is no evidence, however, that he possessed such foreknowledge. A collection of articles on Moussaoui's trial can be found here. [[↗](#)]
3. Updated Set of principles to combat impunity, *supra* note 1. [[↗](#)]
4. For an overview of references to the right to truth, see Yasmin Naqvi, ‘The right to the truth in international law: fact or fiction?’ (2006) 88 *International Review of the Red Cross* 862. (Cached). [[↗](#)]
5. *Bámaca-Velásquez v Guatemala*, IACtHR, Judgment of 25 November 2000, Series C 70, Separate Concurring Opinion of Judge Hernán Salgado Pesantes. (Cached). [[↗](#)]
6. American Convention of Human Rights, O.A.S.Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978. [[↗](#)]
7. ECOSOC Res. 1989/65, UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, 24 May 1989 (hereafter “UN Principles”). [[↗](#)]

8. Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, U.N. Doc. E/ST/CSDHA/.12 (1991) (includes the “Minnesota Protocol”) (Cached). [[↗](#)]
9. UN General Assembly Res. 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, Articles 18 and 22. (Cached). [[↗](#)]
10. *Chumbipuma Aguirre et al. v Peru* (Barrios Altos Case), IACtHR, Judgment of 14 March 2001, para. 48. (Cached). [[↗](#)]
11. The Right to the Truth. Office of the Special Rapporteur for Freedom of Expression, IACHR. (Cached). [[↗](#)]
12. Human Rights Council, Right to the truth: Report of the Office of the High Commissioner for Human Rights, 7 June 2007, UN doc. A/HRC/5/7, paras. 9–10. (Cached). [[↗](#)]
13. *Enukidze and Girgvliani v. Georgia*, European Court of Human Rights, Judgment of 26 April 2011, Application no. 2509/07, para. 241. (Cached). [[↗](#)]
14. UNCHR Res. 2005/35, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, U.N. Doc. E/CN.4/2005/L.10/Add.11 (19 April 2005), Article 3; also GA Res. 60/147, *supra* note 10. (Cached). [[↗](#)]
15. UNHRC, General Comment No. 31. Nature of the General Legal Obligation Imposed on States Parties to the Covenant. UN Doc. CCPR/C/21/Rev.1/Add.13 (26 May 2004) para. 8. (Cached). [[↗](#)]
16. United Nations Manual on the Effective Prevention and Investigation (...), *supra* n. 8. [[↗](#)]
17. *Ximenes-Lopes v Brazil*, IACtHR, Judgment of 4 July 2006, para. 148. (Cached). [[↗](#)]
18. In *Enukidze*, *supra* note 13, for example, the Court held that the “investigation must be effective in the sense that it is capable of leading to the establishment of the relevant facts and the identification and punishment of those responsible.” (para. 242). [[↗](#)]
19. See, for example, *Kelly and Others v. the United Kingdom*, no. ECtHR, Application no. 30054/96, Judgment of 4 May 2001, para. 96-97 (Cached); and *Anik and Others v. Turkey*, ECtHR, Application no. 63758/00, Judgment of 5 June 2007, para. 72 (Cached). [[↗](#)]
20. *Toteva v Bulgaria*, ECtHR, Application no. 42027/98, Judgment of 19 May 2004, para. 80 (Cached). [[↗](#)]
21. *Musayev and Others v Russia*, ECtHR, Applications nos. 57941/00, 58699/00 and 60403/00, Judgment of 26 July 2007, para. 164. (Cached). [[↗](#)]

22. *Toteva*, *supra* note 20, para. 82. [🔗]
23. *Adali v Turkey*, ECtHR, Application no. 38187/97, Judgment of 31 March 2005, para. 224. (Cached). [🔗]
24. *Trubnikov v Russia*, Application no. 49790/99, Judgment of 5 July 2005, para. 92. (Cached). [🔗] [🔗]
25. UN Principles, *supra* note 7, para. 9. [🔗]
26. *Ahmet Özkan and Others v Turkey*, ECtHR, Application no. 21689/93, Judgment of 6 April 2004, para. 312. (Cached). [🔗]
27. *Ülkü Ekinci v Turkey*, ECtHR, Application no. 27602/95, Judgment of 16 July 2002. (Cached). [🔗]
28. *Nachova v Bulgaria*, ECtHR, Applications nos. 43577/98 and 43579/98, Judgment of 26 February 2004, para. 138. (Cached). [🔗] [🔗]
29. *Toteva*, *supra* note 20, para. 79. [🔗]
30. *Aydin v Turkey*, ECtHR, Application no. 57/1996/676/866, Judgment of 25 September 1997, para. 106. (Cached). [🔗]
31. *Buldan v Turkey*, ECtHR, Application no. 28298/95, Judgment of 20 April 2004, para. 86. (Cached). [🔗]
32. *Sergey Shevchenko v Ukraine*, ECtHR, Application no. 32478/02, Judgment of 4 April 2006, para. 67; *Nachova*, *supra* note 30, para. 140. (Cached). [🔗]
33. *Ognyanova and Choban v Bulgaria*, ECtHR, Application no. 46317/99, Judgment of 23 February 2006, paras. 109-112. (Cached). [🔗]
34. *Angelova v Bulgaria*, ECtHR, Application no. 38361/97, Judgment of 13 June 2002, paras. 142-145. (Cached). [🔗]
35. *Nachova*, *supra* note 29, para. 132. [🔗]
36. *Adali v Turkey*, *supra* note 23, para. 231. [🔗]
37. Human Rights Committee, General Comment no. 31, *supra* note 15, para. 15(d). [🔗]
38. UN Principles, *supra* note 78, para. 11 (emphasis added). [🔗]
39. *Adali*, *supra* note 23, para. 222. [🔗] [🔗]
40. *Kaya v Turkey*, ECtHR, Application no. 158/1996/777/978, Judgment of 19 February 1998, para. 90 (Cached); *Semsi Onen v Turkey*, ECtHR, Application no. 22876/93, Judgment of 14 May 2002, para. 88. (Cached). [🔗]

41. Tepe v Turkey, ECtHR, Application no. 27244/95, Judgment of 9 May 2003, paras. 179-180 (Cached); Buldan supra note 33, para. 86; Finucane v United Kingdom, ECtHR, Application no. 29178/95, Judgment of 1 July 2003 (Cached); Kaya, supra note 43, para. 88, Semsi Onen, supra note 43. [[↗](#)]
42. UN Principles, supra note 7, para. 15. [[↗](#)]
43. UN Principles, supra note 7, para. 16. [[↗](#)]
44. UN Principles, supra note 7, para. 17. [[↗](#)]
45. Hugh Jordan v The United Kingdom, ECtHR, Application No. 24746/94, Judgment, 4 May 2001, para. 109 (Cached). [[↗](#)]
46. Article 2(3) of the International Covenant on Civil and Political Rights (Cached). [[↗](#)]
47. Article 2 of the Draft articles on Responsibility of States for internationally wrongful acts, adopted by the International Law Commission at its fifty-third session (2001). (Cached). [[↗](#)]
48. Remarks by President George W. Bush at Emma Booker Elementary School, Federal News Service, 11 September 2001 (Cached). [[↗](#)]
49. Transcript of George W. Bush's address to the nation, CNN, 11 September 2001, (Cached). [[↗](#)]
50. Joint Resolution 61 (by the Senate and House of Representatives), 12 September 2001, (Cached). [[↗](#)]
51. On 12 September 2001, the G-7 Ministers of Finance and Central Bank Governors condemned the “appalling terrorist attacks carried out in the United States”; the Euro-Atlantic Partnership Council condemned these “brutal and senseless atrocities”; the U.N. General Assembly condemned the “terrorist attacks in the United States of America”, and so forth (emphasis added). [[↗](#)]
52. Congressional debates, 12 September 2001, (Cached). [[↗](#)]
53. FBI Announces List of 19 Hijackers, FBI National Press Office, 13 September 2001, (Cached). [[↗](#)]
54. John D. Negroponte Letter to U.N. Security Council President, 7 October 2001, (Cached). [[↗](#)]
55. ‘Declassified wire from the U.S. Department of State to U.S. embassies around the world’, 1 October 2001, No. 170698, Subject: ‘September 11: Working together to fight the plague of global terrorism and the case against al-Qa’ida’ (Cached). [[↗](#)]
56. John Ashcroft, Media Briefing, 12 September 2001. Available at www.yale.edu/lawweb/avalon/sept_11/ashcroft_briefing01.htm. [[↗](#)]
57. Bob Woodward and Dan Balz, ‘We Will Rally the World’ [A review of the events of 12 September 2001], Washington Post, 28 January 2002. (Cached). [[↗](#)]

58. Ari Fleischer, White House Morning Briefing, 12 September 2001, 9:57 AM. The transcript of this press briefing was removed from the White House website. [↗] [↗]
59. *St. Petersburg Times* (Florida), for example, carried this AP report on its 12 September 2001 issue. (Cached) Another source for Fleischer's statement is Keith Koffier, 'President ratchets up rhetoric, terms attacks 'acts of war'', on *Government Executive Com*, a "government's business news daily and the premier website for federal managers and executives", 12 September 2001 (Cached). [↗]
60. Phil Shenon and David Johnston, 'F.B.I. Shifts Focus to Try to Avert Any More Attacks', *New York Times*, 9 October 2001 (Cached). [↗]
61. Amerithrax or Anthrax Investigation, FBI (Cached). [↗] [↗]
62. See FBI photo of message (Cached). [↗]
63. Science Briefing on the Anthrax Investigation, Opening Statement by Dr. Vahid, Majidi, 18 August 2008 (Cached). [↗]
64. David Willman, 'Apparent suicide in anthrax case', *Los Angeles Times*, 1 August 2008 (Cached). [↗]
65. Press Conference of President George W. Bush, The White House, 13 March 2002 (Cached). [↗]
66. No hard evidence connecting Bin Laden to 9/11", *Information Clearing House*, 18 June 2006 (Cached). [↗]
67. Mary Schiavo, Statement to the National Commission on Terrorist Attacks Upon the United States, 23 May 2003 (Cached). [↗]
68. NTSB Identification DCA01MA060 (Cached). [↗]
69. National Transportation Safety Board Amendments Act of 1999. 30 September 1999. Amendment to Section 1131, Paragraph 2(B). (Cached.) This Amendment was applied for the first time on the case of 9/11. It allowed the U.S. government to prevent an investigation of the crashes, which would have occurred, had it been conducted by the NTSB. ((The NTSB may conduct public hearings and publishes detailed reports regarding its investigations of aircraft crashes. See, The Investigative Process at NTSB, (Cached). [↗])
70. Flight AA11 deviated from its flight path at 8:28 (official crash time 8:46); flight UA175 deviated from its flight path at 8:58 (official crash time 9:03); flight AA77 deviated from its flight path at 8:54 (official crash time 9:37); flight UA93 deviated from its flight path at 9:41 (official crash time 10:03) (Source: Final Report of the 9/11 Commission). (Cached). [↗]
71. Flight AA11 turned off its transponder at 8:21 (official crash time 8:47); flight UA175 changed twice its transponder code at 8:47 (official crash time 9:03); flight AA77 turned off its transponder at 8:56 (official crash time 9:37); flight UA93 turned off its transponder at 9:41

- (official crash time 10:03) (Source: Final Report of the 9/11 Commission). (Cached). [🔗]
72. Flights AA77 and UA93 were in the air for more than 30 minutes after it was known that the Twin Towers had been struck, and after these two aircraft had been designated as hijacked. [🔗]
 73. Linda Slobodian, 'Norad on Heightened Alert: Role of air-defense agency rapidly transformed in wake of Sept. 11 terrorist attacks', *The Calgary Herald*, 13 October 2001. (Cached). [🔗]
 74. Hearings before the Committee on Armed Services, United States Senate, 16-17 August 2004, para. 39. (Cached). [🔗]
 75. 9/11 Commission, Staff Report Nr. 17, 17. June 2004 (Cached). [🔗] [🔗]
 76. 'Conversation with Major General Larry Arnold', *One Magazine*, January 2002 (Cached). [🔗]
 77. Interview with Maj. Gen. Arnold and Leslie Filson, 9/11 Commission, 11 September 2002. Team 8, Box 22, p. NCT0068077 (20. page in the file) (Cached). [🔗]
 78. Robert A. Baker, 'Commander of 9/11 Air Defenses Retires', *Newhouse News Service*, 31 March 2005 (Cached). [🔗]
 79. 9/11 Commission Team 7, Box 7, 'Other Flights 911 Fdr- Suspect Aircraft of 9-11' (Cached). [🔗]
 80. Ben Fenton, "More planes may have been targeted", *Daily Telegraph* (UK), 20 September 2001 (Cached). [🔗]
 81. MFR 03009986. October 8, 2003. Interview with Mark Randol, TSA Federal Security Director, Missoula MT, p. 5. (Cached). [🔗]
 82. Transcript of East NTMO tape, prepared by Miles Kara (9/11 Commission staff), 4 November 2003 (Cached). [🔗]
 83. FBI 302-22919. September 11, 2001. Interview with Donald A. Robinson, Jr. (p. 14 in file) (Cached). [🔗]
 84. *Wikipedia*: Korean_Air_Flight_85; see also Zaz Hollander, "High Alert", *Anchorage Daily News*, 8 September 2002. (Cached). [🔗]
 85. "Live-fly" exercises mean exercises using real aircraft, not table-top simulations. [🔗]
 86. 9/11 Commission Final Report, p. 20. [🔗] [🔗]
 87. Michael Bronner, '9/11 Live: The NORAD Tapes', *Vanity Fair*, August 2006 (Cached). [🔗]
 88. 'Major General Larry Arnold's Testimony', Public Hearing, *9/11 Commission*, 23 May 2003 (Cached). [🔗]
 89. Lynn Spencer, *Touching History: The Untold Story of the Drama That Unfolded in the Skies Over America on 9/11* (Simon & Schuster, New York, 2008), p. 26. [🔗]

90. See the common use of the expression “real-world exercises” on military webpages (1) ([Cached](#)); (2) ([Cached](#)); and more. [[↗](#)]
91. Anemona Hartocollis, ‘[Connecting with lost loved ones, if only by the tips of fingers](#)’, *The New York Times*, 11 September 2011 ([Cached](#)). [[↗](#)]
92. Rick Hampson and Martha T. Moore, ‘[Closure from 9/11 elusive for many](#)’, *USA Today*, 3 September 2003, ([Cached](#)). [[↗](#)]
93. ‘[Some WTC victims were “vaporized”](#)’, *USA Today*, 4 December 2001 ([Cached](#)). [[↗](#)] [[↗](#)]
94. Dan Barry, ‘[At morgue, ceaselessly sifting 911 traces](#)’, *The New York Times*, 14 July 2002 ([Cached](#)). [[↗](#)]
95. There is no evidence that the computers and other items were “crashed and incinerated”. Visual evidence suggests rather that they were transformed into dust as the building was disintegrating downwards. [[↗](#)]
96. This is obviously wrong. The number of bodies apparently “pulverised” is approximately 1,100, namely those persons for whom no trace was found. [[↗](#)]
97. David Biello, ‘[What Was in the World Trade Center Plume?](#)’, *Scientific American*, 7 September 2011, ([Cached](#)). [[↗](#)]
98. H. Meyers in D. Smith, *Report from Ground Zero: The Heroic Story of the Rescuers at the World Trade Center* (Penguin Putnam, New York, 2002), p. 163. [[↗](#)]
99. WTC Primary and Emergency Electrical Power, [1993 NFPA Fire Investigation Report](#), New York, 26 February 1993, pp. 14-18, ([Cached](#)). [[↗](#)]
100. Tom Seessel, ‘[Reponding to the 9/11 Terrorist Attacks: Lessons from Relief and Recovery in New York City](#)’, Thomas Edison State College, A Report Prepared for the Ford Foundation, May 2003, pp. 36-37 ([Cached](#)). [[↗](#)]
101. Such pulverisation did not occur at building WTC no. 7. [[↗](#)]
102. Random office fire and aircraft fuel cannot produce a constant high temperature sufficient for body cremation. [[↗](#)]
103. Among the main investigations not considered here, are the Joint Inquiry Into Intelligence Community Activities Before the Terrorist Attacks of September 11, 2001 and an investigation about suspected inside trading, the results of which have not been published. [[↗](#)]
104. 9/11 Commission Records, National Archives at www.archives.gov/research/9-11, last visited 2 October 2012. [[↗](#)]
105. 9-11 Commission Records are posted in accessible form at www.911myths.com/index.php

- /9-11_Commission_Records>. [↗]
106. Thomas Hargrove, 'Third of Americans suspect 9-11 government conspiracy', *Scripps Howard News Service* 1 August 2006 (Cached). [↗]
 107. Phil Hirschorn and David Mattingly, 'Families say Flight 93 tapes prove heroism', *CNN*, 19 April 2002 (Cached). [↗] [↗] [↗]
 108. United States of America v Zacarias Moussaoui, Government submission regarding relevance of cockpit voice recorders (Cached). [↗]
 109. Gail Sheehy, '9/11 Tapes Reveal Ground Personnel Muffled Attacks', *New York Observer*, 20 June 2004, (Cached). [↗] [↗]
 110. '9/11 commission hears flight attendant's phone call', *CNN*, 27 January 2004 (Cached). [↗]
 111. Search "CeeCee Lyles" on *youtube.com*. [↗]
 112. Suppression of Video Footage of the Pentagon Attack, 9-11 Research (undated) (Cached). [↗]
 113. See, for example, 'Video of 9/11 plane hitting Pentagon is released', *NBC Online*, 16 May 2006 (Cached); see, however, Steve Watson, 'FBI Withholding 84 More Tapes of Pentagon on 9/11', 17 May 2006 (Cached). [↗]
 114. Private correspondence of the author with the FBI. [↗] [↗]
 115. FBI 9/11 Investigation (PENTTBOM); Press Release of 27 September 2001 (Cached). [↗]
 116. Dan Eggen, 'FBI's 9/11 Team Still Hard at Work', *Washington Post*, 14 June 2004, (Cached). [↗]
 117. FBI 9/11 Investigation (PENTTBOM), *supra* note 128. [↗]
 118. George J. Tenet (Director of CIA), 'Testimony Before the Senate Select Committee on Intelligence', 6 February 2002: Support to the War on Terrorism and Homeland Security, (Cached). [↗]
 119. Helen Duffy, *The 'War on Terror' and the Framework of International Law* (Cambridge University Press, 2005), p. 119, 122. [↗]
 120. A list of court documents regarding Moussaoui's case is found on the website of FindLaw. [↗]
 121. Committee on Science, U.S. House of Representatives, Hearing Charter: Learning from 9/11: Understanding the Collapse of the World Trade Center, 6 March 2002, (Cached here and here) The formulation "progressive collapses" predetermined the conclusions of the investigation. [↗]
 122. Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities, 30 October 2000. [↗]

123. Nomination of Joe M. Allbaugh, Hearing before the Committee on Governmental Affairs, United States Senate, 13 February 2001 (Cached). [↗]
124. James Gerstenzang, 'Bush puts FEMA in charge of domestic terrorism response', *Los Angeles Times*, 9 May 2001 (Cached). [↗]
125. FEMA WTC Building Performance Study (May 2002) (Mirror of the PDF's comprising FEMA's 2002 Report). [↗] [↗]
126. James Ridgeway, 'Did the FBI Bury Oklahoma City Bombing Evidence?', *Mother Jones*, 21 July 2011 (Cached). [↗]
127. 'Learning from 9/11 – Understanding the Collapse of the World Trade Center', Hearing Before the Committee on Science, House of Representatives, 6 March 2002, p. 14. [↗]
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174. 'Minnesota Protocol', *supra* note 8. [[↗](#)]
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176. Final Report of the 9/11 Commission, p. 146 (box). [[↗](#)]
177. Letter by 9/11 Commissioners Thomas H. Kean and Lee H. Hamilton to Secretary of Defense Donald H. Rumsfeld and DCI George J. Tenet, 14 January 2004; Memorandum from 9/11 Commission Executive Director Philip Zelikow to Alberto Gonzalez, Scott Muller and Steve Cambone, 15 January 2004; letter by Attorney General John Ashcroft, Secretary of Defense Donald H. Rumsfeld and DCI George J. Tenet to 9/11 Commissioners Thomas H. Kean and Lee H. Hamilton of 16 January 2004 (posted by ACLU) ([Cached](#)). [[↗](#)]
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186. Cited by Timothy W. Maier, 'FBI Denies Mix-Up Of 9/11 Terrorists,' *Insight on the News*, 11 June 2003 ([Cached](#)). [[↗](#)]
187. FBI, Press Release, *supra* note 128. [[↗](#)]
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189. One of these alleged suicide-pilots by the name of Hani Hanjour is officially alleged to have flown a Boeing 757 (flight AA77) horizontally into the first floor of the Pentagon at over 450 mph. According to his flight instructors, he could hardly control a single-engine Cessna. Professional pilots say they themselves would have difficulty in maintaining a Boeing 757 horizontally at twenty feet above the ground while flying at 450 mph. [[↗](#)]
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191. A still from this security video is available on the website of Zacarias Moussaoui's trial. Exhibit F007021 ([Cached](#)) No video recording could be found on the internet. The still image contains two different times and is very unclear. [[↗](#)]
192. See, "Point Video-1: The Alleged Security Videos of Mohamed Atta during a Mysterious Trip to Portland, Maine, September 10-11, 2001" The 9/11 Best Evidence Panel ([Cached](#)). [[↗](#)]
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- ([Cached](#)).> [[↗](#)]
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281. *Enukidze*, *supra* note 13, para. 276. [[↗](#)]
282. See Security Council resolution 1757 (2007) authorizing the establishment of a special tribunal to try suspects in [the] assassination of Rafiq Hariri, 30 May 2007. [[↗](#)]
283. [Firefighters for 9/11 Truth](#). [[↗](#)]
284. [Lawyers for 9/11 Truth](#). [[↗](#)]
285. [Medical Professionals for 9/11 Truth](#). [[↗](#)]
286. [Commissioned and Non-commissioned Military Officers for 9/11 Truth](#). [[↗](#)]
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288. Political Leaders for 9/11 Truth Statement. [[↗](#)]
289. Religious Leaders for 9/11 Truth. [[↗](#)]
290. Scholars for 9/11 Truth and Justice. [[↗](#)]
291. Scientists for 9/11 Truth. [[↗](#)]
292. 9/11 Questions Meetups (as of July 20, 2015) declare the existence of 64 groups in 51 cities, 7 countries, with 11,450 members. [[↗](#)]
293. 9/11 Truth Europe (the list represents the status in 2007). [[↗](#)]
294. In the Introduction to his book *A Search for Enemies*, author Ted Galen Carpenter wrote in 1992, for example: “Consistent with international relations theory and history, Cold War era solidarity has begun to dissolve now that there is no longer a credible common threat to promote cohesion among the ‘free world’ allies.” (p. 2). Professor John Lewis Gaddis equally referred to the consequences of the demise of the Soviet bloc: “[T]o an extent, coherence in an alliance structure, and consensus in foreign policy, does depend on a sense of threat out there.” (Interview by Harry Kreisler with John Lewis Gaddis at the Institute of International Studies at Berkeley, ‘Origins of the Cold War’, 8 May 1989. [[↗](#)])
295. W. H. McNeill, ‘The Care and Repair of Public Myth’, *Foreign Affairs*, Fall 1982 (Cached). [[↗](#)]

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