

Amid Beirut Clashes, Lebanese Investigators Need Protection

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Brief Analysis

By safeguarding Judge Bitar ahead of next year's election, the international community could help strengthen the small but important space he represents within Lebanon's foundering, Hezbollah-dominated institutions.

When armed members of Hezbollah and its ally Amal squared off against unidentified gunmen in Beirut's Tayouneh neighborhood last week, the fighting was neither accidental nor unprecedented. Yet it did mark a dangerous crossroads for Lebanon, especially now that Judge Tarek Bitar is spearheading a serious new phase in the investigation of the country's 2020 port blast. The clashes also amplified sectarian tensions at a time when factions are trying to woo voters ahead of the March 2022 parliamentary election.

Political and Security Context

Tensions have been brewing for a while—mainly since Bitar began to summon political and security officials for questioning and issue arrest warrants against others (e.g., Amal parliamentarian Ali Hassan Khalil). Hezbollah has led a political campaign against the judge and even sent its top security official, Wafiq Safa, to threaten him last month. Bitar did not budge, however, so Hezbollah tried a different approach: linking the public's call for justice to the threat of more street violence or another civil war, similar to when the group opened fire on Lebanese citizens in May 2008.

Yet Hezbollah's plan backfired when viral videos showed the group's supporters entering Christian neighborhoods and provoking residents. This aroused strong criticism from the Christian street, including supporters of Gebran Bassil's Free Patriotic Movement, a longstanding Hezbollah ally. Another video showed a Lebanese Armed Forces

(LAF) officer shooting at Hezbollah members—something that the group neither expected nor welcomed. Perhaps most important, the violence did not scare Judge Bitar into resigning.

This is not the first time that public reactions against Hezbollah have resulted in violence this year. In August, armed tribesmen in the Sunni town of Khalde clashed with supporters of the militia, while Druze villagers in Chouya seized a Hezbollah rocket-launching vehicle to stop the group from firing on Israel from their town. Yet the Christian street and the parties that represent them are more significant because they hold the key to preserving Hezbollah's control over the government. Accordingly, group leader Hassan Nasrallah devoted the majority of his speech after the Tayouneh clashes to reassuring the wider Christian community and disparaging individual Christian factions that do not support Hezbollah—mainly the “Lebanese Forces” party led by Samir Geagea.

Given Hezbollah's imposing arsenal and its control over most of Lebanon's institutions, one might wonder why it has not simply removed Bitar from the port investigation. The group has certainly tried to do just that, and its failure highlights the judiciary's potential as a small space that Hezbollah cannot easily subject to its agenda. Bitar worries the group's leaders not just because of his personal determination, but also because he represents an institution that could challenge them if the election does not turn out in their favor. Indeed, the anti-Iran and anti-militia sentiment that shook up this month's **parliamentary election in Iraq (<https://www.washingtoninstitute.org/policy-analysis/elections-without-democracy-iraq>)** has likely raised eyebrows in Beirut. If part of the system is willing to challenge the Hezbollah alliance today via the port investigation, then the courts or other parts of the system may challenge them again during or after the election. This is a scenario Hezbollah cannot risk, even if it means postponing or canceling next year's vote.

For now, the group's failure to oust Bitar through street pressure will likely send it back to the legal drawing board. Hezbollah has already pledged to continue boycotting cabinet sessions until its demands are met. This tactic could buy it time to find legal mechanisms for interfering with Bitar, such as hindering his efforts to interrogate politicians or preempting his investigation by forming a parliamentary committee to scrutinize the port explosion in a more limited and politically safe fashion.

Risks and Opportunities

Cabinet sessions are currently on hold—technically, the body can convene without Hezbollah and Amal, but other members dare not do so. This impasse has essentially halted all of the vital steps the government is expected to take regarding IMF negotiations and other possible reforms (as unpromising as they are), so the economy will likely sink even further.

Security might deteriorate as well. The LAF is walking a very thin line given the rise in sectarian tensions between Geagea's Christian faction and Hezbollah's core Shia constituency. Military officials issued a statement noting that the LAF officer who fired the first shot in the Tayouneh gun battle is under investigation, but discharging or punishing him could inflame tensions further and, over time, erode the fragile LAF's morale and effectiveness.

Whatever happens, all of the parties will no doubt stay focused on the parliamentary election as their primary concern, attempting to take advantage of street tensions in order to boost their chances at the polls. Geagea's party will try to present itself as the strongest representative for Christians, while Hezbollah will continue criticizing it. The main loser in this scenario would be the anti-establishment groups that have formed since the mass protests of 2019.

In the short term, then, grassroots opposition groups would be wise to sidestep the brewing sectarian showdown (which only serves the political establishment) and focus on the most pressing issue of the day: pursuing justice while safeguarding the legal system and its representatives. The international community could help by supporting and protecting Judge Bitar, since the institutional space and public support he symbolizes could be crucial to

navigating worrisome scenarios before and after the election.

For its part, Hezbollah will try everything in its capacity to stop the port investigation because Bitar's efforts threaten the group's overall hold on power. Therefore, if Washington and other actors send a strong message about the importance of accountability for the port explosion, they can not only help secure a path to justice for that particular incident, but also bolster a relatively independent part of the judiciary. Judges might then feel more empowered to offer some protection against any new waves of violence or assassinations that may emerge in the coming weeks. From Khalde to Chouya to Tayouneh, many Lebanese have come to view street clashes as the only way to express their frustrations against Hezbollah and the wider political elite. Maintaining even a small space of accountability within one state institution could help restrain this anger, reduce the risk of violence, and bolster other struggling institutions.

Political compromise is not an option under the current circumstances. A political bargain to sideline Bitar would eliminate the only sovereign space left within Lebanon's institutions. The only other choice is to protect Bitar and ensure a free and fair election in March. Hezbollah will try to fight the second scenario, probably by threatening more insecurity and violence. Yet the civil unrest scenario is risky for the group—this strategy has already backfired (<https://www.washingtoninstitute.org/policy-analysis/hezbollahs-grip-lebanon-weakening-heres-how-washington-can-help>) three times in the past three months.

Officials may therefore opt for delaying or canceling the election instead. With Iran-supported militias losing ground in Iraq's vote and Hezbollah developing a reputation at home for protecting corrupt figures and criminals, the group and its allies are at risk of losing if the election takes place on schedule. Given Bitar's investigation and other pressures (<https://www.washingtoninstitute.org/policy-analysis/strategy-contain-hezbollah-ideas-and-recommendations>), relinquishing their control over the legislative and executive branches would be too dangerous to their overall prospects for political survival in Lebanon. Hezbollah likely also realizes that it need not resort to violence to postpone the election—worsening economic conditions or the mere hint of security deterioration could be enough for parliament to justify this decision.

Ensuring that the election takes place on time and under international supervision is therefore vital. This is not enough, however—the international community must also help protect those in Lebanon who have the courage to stand up to the political establishment, taking steps that shield them from violence, arrests, random interrogations, and threats. Shia politicians who are running against Hezbollah (<https://janoubia.com/2021/10/18/%d8%a7%d9%84%d8%ab%d9%88%d8%b1%d8%a9-%d9%84%d9%85-%d8%aa%d9%81%d8%b4%d9%84-%d8%b4%d8%b9%d9%8a%d8%a8-%d9%84%d9%80%d8%ac%d9%86%d9%88%d8%a8%d9%8a%d8%a9-%d8%a7%d8%b3%d8%aa%d8%b9/>) need additional protection as well, and the LAF is the only institution capable of providing it. Washington should therefore consider using its security assistance program to the LAF (<https://www.washingtoninstitute.org/policy-analysis/preserving-lebanese-armed-forces-amid-state-decline>) as a means of leveraging such protection ahead of the election.

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