

Washington Should Sanction Officials Obstructing the Beirut Port Investigation

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Brief Analysis

Prosecuting those responsible for the disaster via an independent Lebanese judiciary would help safeguard public funds, contain corruption, enable reforms, and protect citizens.

The Lebanese opposition, the U.S. government, and the European Union have long demanded justice and accountability for the 2020 Beirut port explosion, which caused at least 218 deaths, 7,000 injuries, and \$15 billion in property damage, leaving an estimated 300,000 people homeless. Yet little action has been taken to back up these words. Ever since Judge Tarek Bitar took over the investigation, he has been largely on his own in fighting an aggressively corrupt political and legal system that is protected by Hezbollah.

Recent Developments

Prior to last month, Judge Bitar had been forced to suspend his probe for over a year due to unresolved dismissal requests filed against him by politicians implicated in the case. Once he was able to resume the investigation in January, he ordered the release of five detainees but then initiated proceedings against a number of senior political, security, administrative, and judicial figures.

In response, Ghassan Oueidat—the public prosecutor at the Court of Cassation who had recused himself from the case in 2020 as one of the named defendants—suddenly changed his mind, ordered the release of *all* detainees in the investigation, and initiated charges against Bitar for “rebellious against the judiciary.” He then issued a travel ban against Bitar and directed all security services to disregard any correspondence from the judge. One of the detainees released by Oueidat—former head of port security Mohammed Ziad al-Ouf, a U.S.-Lebanese dual national—immediately fled to the United States via Beirut’s international airport, despite the fact that all detainees were placed under travel bans upon their release.

Once Bitar realized that he would be unable to summon anyone for questioning or order officials to implement his decisions without Oueidat's cooperation, he once again suspended all interrogation sessions until a resolution is reached. In doing so, he also considered the fact that proceeding with interrogations would require the judiciary to drop the "usurping power" charges filed against him by Oueidat.

This campaign against Bitar and his investigation is hardly new. In September 2021, senior Hezbollah official Wafiq Safa threatened the judge in his own office—an incident that was followed by [armed clashes \(https://www.washingtoninstitute.org/policy-analysis/amid-beirut-clashes-lebanese-investigators-need-protection\)](https://www.washingtoninstitute.org/policy-analysis/amid-beirut-clashes-lebanese-investigators-need-protection) between Hezbollah personnel and other gunmen in the Tayouneh neighborhood of Beirut. Later, Finance Minister Youssef Khalil refused to sign an order appointing new judges at the Court of Cassation, while Judge Habib Mezher—affiliated with Hezbollah political partner Amal—tried to take over the port investigation. Bitar was also slapped with lawsuits by various officials he had summoned for questioning, then suspended. At that point, Justice Minister Henry Khoury asked the Higher Judicial Council to find a substitute while Bitar was suspended. Yet the council was too divided and failed to agree on a candidate, so Bitar went back to work.

Calls for Accountability

Oueidat's recent actions spurred the "Independence of the Judiciary Coalition"—an alliance of various human rights groups that formed in early 2021—to call for his dismissal on the grounds that his decision to release all detainees in the case constituted a coup against legal and judicial legitimacy. The coalition then warned against tampering with evidence in the investigation file and asked that measures be taken to protect Judge Bitar. Its statement [also noted \(https://raseef22.net/english/article/1091767-lebanons-public-prosecutor-the-absolute-ruler-and-enabler-of-the-system\)](https://raseef22.net/english/article/1091767-lebanons-public-prosecutor-the-absolute-ruler-and-enabler-of-the-system) the following: "In parallel, thirty-three Lebanese diaspora groups, local organizations, and the Association of Families of the Port Explosion Victims issued a joint statement calling on the international community to impose financial sanctions and travel bans on all those obstructing the investigation. They also called for the formation of a fact-finding mission affiliated with the United Nations Human Rights Council to bolster the investigation."

Their list of those obstructing the investigation included several current and former government officials:

- Ghassan Oueidat
- Two former works ministers: Youssef Fenianos and Ghazi Zeaiter)
- Former interior minister Nohad Machnouk
- Former prime minister Hassan Diab
- Director-General of State Security Tony Saliba
- Director-General of General Security Abbas Ibrahim,
- Judge Ghassan Khoury
- Former finance minister Ali Hassan Khalil

Justice Minister Henry Khoury could rightfully be added to this list as well.

The coalition's appeal was [reiterated in a joint statement \(https://www.reuters.com/world/middle-east/lebanese-mps-denounce-top-prosecutors-moves-against-judge-probing-port-blast-2023-01-27/\)](https://www.reuters.com/world/middle-east/lebanese-mps-denounce-top-prosecutors-moves-against-judge-probing-port-blast-2023-01-27/) issued by one-third of the parliament. Legislators from the "Opposition" and "Change" blocs condemned the judiciary moves as a coup aimed at "consolidating the power of the police regime." They also demanded that Oueidat be held responsible for violations he committed while interfering in the port probe. They expressed their support for Judge Bitar as well, rejecting any attempt to strip his powers by appointing a substitute judge in the case.

These calls and appeals are not about Bitar per se, or even about the port investigation. Rather, the probe and the judge leading it represent the last space for hope and accountability in Lebanon, and the fight to preserve them is a fight to preserve the broader independence of Lebanon's civil and administrative judiciary. By doing so, supporters hope to safeguard public funds, hold corrupt officials accountable, and protect citizens' freedoms. Given Lebanon's vulnerable security situation, no accountability means less safety, less stability, and zero hope for reform.

The judiciary has always been the core of Lebanon's state institutions. When the occupying Syrian regime and, later, Hezbollah sought to take over Lebanon after its civil war, they targeted the judicial system first, making sure that the postwar political class would not be held accountable for their sundry crimes.

Today, Bitar is one of the few professional and honest judges left in this system, and he remains ready to risk his safety and freedom to uphold justice. Earlier this month, he declared that he will never abandon the investigation until an indictment is issued. To reach that goal, he needs more support, and Washington can help by doing the following:

- **Sanction those obstructing the investigation**, starting with Oueidat and Justice Minister Khoury (see above for a fuller list).
- **Urge Lebanon's parliament to strengthen the judiciary's independence and transparency.** A draft law to do just that has been "under debate" by the Administration and Justice Committee for years, and it is well past time to move forward. Without reforms to the judicial system, no other reforms will be made.
- **Increase pressure to resolve assassination cases**, as well as other investigations pertaining to criminal accountability and judicial independence. Most notably, no one has been held responsible for the 2021 killing of prominent activist and Hezbollah critic Lokman Slim, nor for the three high-profile assassinations that followed. As the largest foreign donor to Lebanon's institutions by far, the United States can and should use its aid as leverage to press officials on facilitating these investigations. It is imperative that the killers be held accountable; otherwise, more assassinations can be expected. The culture of violence in Lebanon will not dissipate as long as impunity prevails.
- **Publicly release all information pertinent to the port case.** According to a [July 2021 Reuters report \(https://www.reuters.com/world/middle-east/fbi-probe-shows-amount-chemicals-beirut-blast-was-fraction-original-shipment-2021-07-30/\)](https://www.reuters.com/world/middle-east/fbi-probe-shows-amount-chemicals-beirut-blast-was-fraction-original-shipment-2021-07-30/), FBI investigators looking into the blast estimated that 552 metric tons of ammonium nitrate exploded that day, much less than the 2,754 metric tons that arrived at the site on a Russian-leased cargo ship in 2013. What happened to the rest? If it was removed from the port, who did so, and to what purposes? To help answer these and other questions, the FBI's full report should be declassified, and the Biden administration should provide any available satellite imagery to counter Hezbollah's disinformation campaign on such matters.
- **Support the calls for an international investigation**, including by the Association of Families of the Port Explosion Victims. Even if Judge Bitar is permitted to stay on the case, his investigation will be perpetually obstructed by the political and security class. Hence, an international investigation working alongside his probe may be the only way to move forward with his findings.
- **Push the security forces to protect Judge Bitar, victims, and activists.** As Washington continues to support the Lebanese Armed Forces and other security institutions, it should make sure that they are protecting victims and their advocates, not the aggressors. Along with Judge Bitar and the families of the port victims, Lebanon's political activists will need more protection as state institutions collapse. The military did protect some protesters in 2019—but not within Hezbollah's closed-off Shia towns. Going forward, security institutions should be helping activists, not summoning and interrogating them.

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