

# Impact of the UN Investigation into the Hariri Assassination

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## Brief Analysis

On September 17, the United Nations (UN) report on the assassination of former Lebanese prime minister Rafiq Hariri is due to be handed to UN secretary-general Kofi Annan. It may be delayed by a few months, however, to allow the international community to insist that Syrian officials be questioned and, if suspected, held for trial.

## The Mehlis Investigation

Hariri was assassinated with an explosion in downtown Beirut on February 14. Shortly thereafter, Annan dispatched a one-month factfinding mission to Beirut to inquire into the causes, circumstances, and consequences of the assassination. Vested with broad powers, the mission met with a large number of Lebanese officials, reviewed the Lebanese investigation, and examined the crime scene. The mission concluded that "the government of Syria bears primary responsibility for the political tension that preceded the assassination," and that "the Lebanese security services and the Syrian Military Intelligence bear the primary responsibility for the lack of security, protection, law and order in Lebanon." It added, "Syrian military intelligence shares this responsibility to the extent of its involvement in running the security services in Lebanon." Given the serious flaws the mission found in the Lebanese investigation, the mission also recommended the establishment of an independent, international investigation to probe the assassination.

Meanwhile, the assassination polarized Lebanon and triggered a grassroots national movement that compelled Syria to comply with UN Security Council Resolution 1559 and withdraw from Lebanon after almost three decades of occupation. At the same time, the opposition in Lebanon called for the resignation of the seven most important pro-Syrian security chiefs and officials. Six of the seven resigned, including the head of the General Security Department, Brig. Gen. Jamil Sayyed; the chief of the Internal Security Forces, Maj. Gen. Ali Hajj; and the head of military intelligence, Brig. Gen. Raymond Azar. The only one who remained in office was the commander of the army's Presidential Brigade, Brig. Gen. Mustafa Hamdan.

On April 7, the UN Security Council acted on the factfinding mission's recommendation and passed Security Council Resolution 1595, authorizing an independent commission to investigate the assassination. Annan appointed German prosecutor Detlev Mehlis to head the commission. Following several months of extensive interviews and forensic work, Mehlis surprised the political establishments in Lebanon and Syria by naming former pro-Syrian

security chiefs and officials suspects in the assassination. On September 1, Lebanese authorities rounded up nine pro-Syrian officials for interrogation by the Mehlis Commission. Prominent among them were Sayyed, Hajj, Azar, and Hamdan. In a press conference the following day, Mehlis announced that the investigation had made significant progress on several fronts. When asked about the implication of the security chiefs in the assassination, he answered, "They participated to some extent in the planning that led to the assassination of Hariri." On September 3, the Lebanese investigating magistrate Elias Eid issued arrest warrants charging the four security chiefs with murder, attempted murder, terrorism, and illegal possession of weapons and explosives.

The Mehlis Commission received help from the new government, especially from state prosecutor Saeed Mirza. Mehlis was able to interview more than 250 people and examine the site of the explosion very carefully. Still, he and his international team were very cautious in proceeding. The commission did not share its findings with any Lebanese official. In fact, Mehlis called on Mirza to provide him with a force from internal security to accompany his investigating team and arrest the suspects. The force charged with arresting the suspects was told their targets' names only minutes before carrying out the order to arrest them. In part this reflected the problems the new government of Prime Minister Fuad Siniora has had reaching an agreement with President Emile Lahoud about replacing the resigned security chiefs.

### Impact on Lebanon

The arrests of the pro-Syrian security chiefs intensified political tensions in the Lebanese capital. The arrests created a crisis for Lebanon's president, Lahoud, who is closely associated with Hamdan and has recently spoken highly of his security chief. Lahoud responded to the arrests by instructing the Lebanese judiciary to contrast the Mehlis Commission's conclusions with those of the Lebanese investigation, a move widely interpreted as an attempt to obstruct legal proceedings. The president has also asserted his intention to serve out his term until it ends in 2007.

Siniora and his deputy, Saad Hariri, head of the largest bloc in the parliament, issued statements demanding that the judicial investigation move forward without impediment or pressure. Not surprisingly, calls for removing Lahoud resurfaced. Druze leader Walid Jumblat has been sounding out the positions of the Shiite armed groups Hizballah and Amal. Hizballah leader Hassan Nasrallah announced that it "would be better to wait for the complete commission's conclusions before addressing the presidential issue." Being a pro-Syrian party, Hizballah has no immediate interest in removing the pro-Syrian president. More intriguingly, Nasrallah's position is similar to that of the spiritual leader of the Christian Maronite community, Patriarch Sfeir, and to that of the leader of the largest Christian bloc in Parliament, Michel Aoun. It is not clear what motivates their stances, but the effect has been to reduce the role of Christian leaders in calculations about who might succeed Lahoud. Historically, the Lebanese president has been a Christian; Lebanon's Christian community has long felt it should choose the president.

Mehlis had earlier said that he is not satisfied with the level of Syrian cooperation in his investigation. In particular, he has been disappointed in his commission's access to Syrian security officials who were posted in Lebanon. In a dramatic reversal, Syrian authorities have invited Mehlis to Damascus on September 10. Mehlis has gone some way to assuage Syrian concerns by saying that he wants to interview some Syrian officials as witnesses and not as suspects. It is not clear if Syria will allow access to all of the relevant people. One of the most significant figures -- Brig. Gen. Rustum Ghazaleh, former chief of Syrian intelligence in Lebanon -- recently retired, making him a potential fall guy. Other important officials include chief of Syrian intelligence in Beirut, Muhammad Khallouf, and the officers in charge of intelligence posts in Akkar (Nabil Hishmeh), Tripoli (Khalil Zogheib), Dahieh (Jameh Jameh), and Zahle (Abu Michel).

### The West's Role

The international investigation into Hariri's assassination will have serious implications for both Syria and Lebanon. In the likely event that senior Lebanese security chiefs are found directly or indirectly responsible, Lahoud may be forced to resign by virtue of association with the guilty parties. The next step would be to investigate the role of Syrian security services, which oversaw the Lebanese security services, in the assassination.

A mechanism will be needed to try potential Syrian suspects. The Lebanese judicial system has no power to compel extradition of potential Syrian suspects. It is therefore important for the international community to establish a mechanism to ensure that Syrian suspects are brought to justice. One possibility would be an international court with plenary powers. An international court could not only help secure Lebanon's transition from a security regime to a state subject to the rule of law, but it could also send a strong message to Syrian authorities that they are not above the law. To this end, all officials found guilty of the crime should be punished without regard to rank or nationality.

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