

New revelations concerning the assassination of Rafiq Hariri, thus the process still meaningful

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News:

The Lebanese MP Atef Majdalani recently informed the Special Tribunal for Lebanon (STL) that on the evening before the assassination of former Prime Minister Rafiq Hariri, he and others were warned by another MP, Bassel Fuleihan, about secret, but very serious security threats.

It is not the first time testimonies in the Special Tribunal for Lebanon (STL) have revealed that there were rumours about threats of terror attacks before they took place. The interesting news is that among the “informed” there was a relatively widespread fear after the assassination about giving all known details to the judiciary. The fear concerned what Majdalani in his recent testimony defined as a “security apparatus” – a group of Lebanese and Syrian political and military agencies dominating everything in Lebanon prior to 2005.

Summary

The article describes the background for the establishment of the Special Tribunal for Lebanon (STL) and the role it has played since February 2005, where the assassination of Rafiq Hariri took place. The article follows the work of the tribunal, and concludes that the fact that the terror attack took place more than ten years ago, in itself adds to the difficulties in finding the ones, who planned and carried out the crime. However, in the ongoing hearings new information has been brought forward, which very critically explores the ties between Hezbollah and the Syrian regime both prior to and after the assassination of Hariri. The article claims that in this regard the trial is still meaningful in the sense that it both adds to our knowledge of what really happened on the 14th of February 2005 and in a public context reveals if not the names of the criminals as such, then at least some of the political and institutional structures, which still play a significant role in Lebanon.

Keywords:

Special Tribunal for Lebanon, Hariri, Hezbollah, Syria.

Introduction: New and Old Revelations

The Lebanese Daily Star recently brought forward news, that the Lebanese MP Atef Majdalani has informed the Special Tribunal for Lebanon (STL) that he and others, on the evening before the assassination of former Prime Minister Rafiq Hariri, were warned by another MP, Bassel Fuleihan, about secret, but very serious security threats. Fuleihan advised a number of Hariri's political allies to "try as much as possible to change your (car) routes, your convoys, your cars, because these threats are serious." Fuleihan was himself a passenger in the cars which together made up the Hariri cortege, which on the 14th of February 2005 was exposed to a car-bomb killing 22 persons. Fuleihan died – from the wounds he sustained – two months after the explosion. The interesting news is that among the "informed" there was widespread fear after the assassination about giving all known details to the Lebanese judiciary. The fear concerned what Majdalani in his recent testimony described as a group of Lebanese and Syrian political and military agencies dominating everything in Lebanon prior to 2005.

The background for the assassination in 2005

The political realities in Lebanon before the attack were, at best, unstable. In August 2004 the Lebanese Parliament endorsed an amendment to the constitution making it possible for President Emile Lahoud to extend his term for a further three years. In reality he was reelected (or rather: reappointed) by the Syrian President Bashar al-Assad. Prime Minister Hariri was summoned to Damascus and informed that due to the tense situation in the Middle East, especially because of US pressure on Syria, the turmoil in Iraq and the recent status of the Arab-Israeli conflict it was a political necessity.

It was claimed that after all the extension was only three years (instead of a normal period, which would have been six years), but still the decision was far from popular, and interestingly enough three ministers voted against the decision in Parliament. The Hezbollah, as always loyal to Syria, made the statement that Lahoud had played an important role in supporting the resistance in its fight against Israel.

A few days before the vote in the Lebanese Parliament, the United Nations Security Council (UNSC) approved a resolution, suggested by an unusual alliance in the UNSC, namely France and the US. In a press release from the UNSC

it was claimed that “the Syrian actions in the past week had made a ‘crude mockery’ of the principle of a free and fair presidential electoral process, the United States’ representative said the Syrian Government had imposed its political will on Lebanon and had compelled the Cabinet and Lebanese National Assembly to amend its constitution and abort the electoral process by extending the term of the current President by three years.”

Prime Minister Hariri resigned from his position. He furthermore dissolved the cabinet and announced that he would not seek another term in office following coming elections. Lahoud appointed pro-Syrian Omar Karami as Prime Minister, but soon the situation turned into a political crisis. Several opposition groups in Lebanon demanded that Syria should not interfere in Lebanon’s political processes and that the Syrian troops, having stayed in Lebanon since the end of the civil war, should be redeployed to the border areas. In short the political realities had developed in a very sensitive direction. And, as it later came to the fore in the STL hearings, former Prime Minister Fouad Siniora testified that Hariri had considered the interference in the cabinet formation process completely unacceptable. He had also demanded the withdrawal of the Syrian troops from Lebanon.

The Syrian exit, the role of Hezbollah and the STL

On the 14 February 2005 he was killed in what obviously was the single most violent incident since the civil war stopped in 1990. The national as well as international repercussions were significant. Following demonstrations and political turmoil, Karami resigned with his cabinet. The US withdrew its ambassador from Syria and reiterated its demand for Syrian withdrawal from Lebanon. Huge demonstrations took place in March as well, later on giving names to the two main oppositional coalitions in Lebanese politics after the Hariri assassination, 8th and 14th of March, respectively.

In March 2005 President Bashar al-Assad promised to withdraw the Syrian troops and despite large numbers of security people probably stayed in Lebanon, all soldiers were out and back in Syria by late April 2005. Also in March a UN report on the killing of Hariri concluded that Syria had contributed to creating a climate of tension in Lebanon and pointed out that it had received information that Hariri had been threatened by the Syrians in 2004.

It all came down to a decision, which the Lebanese Government ended up accepting, according to which a commission should analyze the tragic incident in February 2005. The UNSC approved in April 2005 the establishment of the

UN International Independent Investigation Commission (UNIIC) to take on the task, under the leadership of a German judge, Detlev Mehlis. A preliminary report was ready by October 2005, pointing at a Syrian involvement. From the start the process was surrounded by problems of different kinds. The Syrian Minister of the Interior was found dead in his office in Damascus, the Syrians were accused of not being cooperative and the Syrian authorities denounced the report claiming that it was biased and a plot against Syria. Internally in Lebanon Hezbollah (in cooperation with Amal) issued a statement criticizing the report for being biased and misleading.

In the beginning of 2006 a Belgian judge, Serge Brammertz, took over from Mehlis – and made his first visit to Syria. In April 2006 he succeeded in having interviews with Bashar al- Assad, who expectedly denied any Syrian involvement. The process was continued, but still no final conclusion was reached and no persons received any sentence. Three years later, on the 1st of May 2009, the STL opened in Leidschendam, the Netherlands, with the official task of prosecuting the responsible for the attack 14 February 2005. The main suspects for the murder at that time were four generals who were said to form the locus of the security apparatuses of the former pro-Syrian regime in Lebanon. The four suspects were detained from August 2005 until April 2009, where they were freed, because the court declared that the evidence against them wasn't sufficient enough.

Recent developments and concluding remarks

In 2011 new names showed up in the STL process. The Special Tribunal for Lebanon presented new indictments in January 2011 and a leaked copy of the document revealed that four members of Hezbollah were accused of being involved in the assassination of Hariri. The four individuals are Salim Jamil Ayash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra. A few days later a fifth name was added, Hassan Merhi, also a member of Hezbollah. Since they all were members of Hezbollah, the leader of Hezbollah, Hassan Nasrallah, once again denounced the legitimacy of the Tribunal. He furthermore stated that the accused individuals would under no circumstances be arrested. So far the statement by Nasrallah hasn't really been questioned in the Lebanese context.

The trial seems since then to have been somewhat stalled. Rumours of linking Syria to the attack in February have been brought forward, but the main impression is, that the trial is not moving ahead. The newly appointed Presi-

dent of the STL, Ivana Hrdlickova, recently visited Lebanon for the first time and had meetings with the Prime Minister Tamman Salam, several other Ministers and other high ranking Lebanese Officials. In the spring of 2015 hearings in the STL are scheduled for 28-30 April, 4-7, 19-22 and 27-28 May 2015. Since the start of the present round of trials so far lasting from 16 January 2014 and up until 22 April 2015, 52 witnesses have appeared before the Trial Chamber in person and 56 witness statements have been admitted in writing.

It seems unlikely that the STL hearings will end with convicting any of the suspects or other individuals, which might be called responsible by the row of cross-examined. The assassination took place more than ten years ago, which in itself adds to the difficulties in finding the ones, who planned and carried out the crime. It is interesting however, that in the ongoing hearings new information have been heard, which very critically explores the ties between Hezbollah and the Syrian regime both prior to and after the assassination of Hariri. In this regard the trial is still meaningful in the sense that it both adds to the knowledge of what really happened on the 14th of February 1914 and in a public context reveals if not the names of the criminals as such, then at least some of the political and institutional structures, which still play a significant role in Lebanon.

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