

Saving the Special Tribunal for Lebanon from failure: a response to Jamil al-Sayyed and Antonio Cassese

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When I wrote about the Special Tribunal on Lebanon (STL) three weeks ago, my main criticism was not chiefly directed at General Jamil al-Sayyed, but at the performance of the two last investigators/prosecutors, Serge Brammertz, and now Daniel Bellemare. Mr Bellemare is under pressure to perform, and I am glad that while he continues to waffle, at least he promises some action. In an unusual step, Antonio Cassese, the head of the

Tribunal, delivered a robust report, published last week by the The Daily Star.

An important development followed: the apparently rogue witness who seems to have railroaded the investigation, Zuhair al-Siddiq, has been reportedly arrested in the UAE for entering with incomplete or false papers. Here is an important step to be taken by the STL, which should request that Siddiq be surrendered to their custody. The Lebanese victims, and those who are working for international justice, need to get to the bottom of this murky affair.

Meanwhile, General Sayyed sent a letter, also published last week in The Daily Star, where he accused me of having my facts wrong. He did not shadow the late Samir Kassir, he wrote, although he did call after him on account that his parents were not Lebanese. I am pleased has at least acknowledged the notorious “invitation to coffee,” and I am willing to make amends on the shadowing episode if he helps unveil the truth.

My recollection from talking with Kassir is that he held Sayyed responsible for his shadowing (perhaps because of the “invitation to coffee” where he heard a brutal verbal admonition from the general), and the letter of Sayyed is important as a basis to account for the appropriate responsibilities: he writes that the army intelligence services carried out the shadowing, which is, incidentally, typical of police states, from the former East European dictatorships to the daily harassment exacted on Tunisian human-rights advocates.

Kassir was shadowed for several weeks. According to the general’s letter, it is not the General Security – which Sayyed headed at the time – that is responsible for it, but some intelligence department in the army. Which one and why? Was it done on the behest of General Lahoud, then the country’s president? Of the head of the army at the time; Lebanon’s current president? Or General George Khouri, who was for some

time in charge of army intelligence, and is now our ambassador to the Vatican? Did the Syrian leadership request it?

Maybe people closer to Kassir can elucidate some of this, as well as Messieurs Siniora, Hariri and Jumblatt. The Lebanese have a right to know, and Sayyed can help both clear his name and point to those he thinks are responsible for curtailing a leading journalist's freedom, and his subsequent assassination. They indeed might not be one and the same.

I appreciate Sayyed's upset at being falsely imprisoned. I was the first person in the country to call into question his arrest without basic habeas corpus rights. Indeed some of his people called me to ask for my participation in a support meeting they were holding for him when they heard my public position, but I knew that my independent voice would help the course of justice better than a partisan appearance.

This does not however exonerate Sayyed from being very much part of the police state that was being formed around then President Emile Lahoud.

My professional opposition to Lahoud is well known, and I hold him chiefly responsible for the collapse of the country due to his insistence to extend his presidency against an express constitutional provision. I have not tired from warning the Lebanese presidents, and fellow Arab leaders, how much an orderly constitutional change at the helm is necessary for our societies' stability and well-being.

Lahoud is not the one who started this unfortunate pattern, but his stubborn call to the Syrian leadership to make it happen brought mayhem to the country. Indeed, since Beshara al-Khuri and Camille Chamoun, Lebanese democrats have resisted what Kamal Jumblat used to call our "presidential disease." The late president Hrawi, also responsible for tampering with the Lebanese Constitution to stay in power, called me once to express his regrets about it. Too little, too late.

It is unfortunate that we Lebanese democrats failed to remove Lahoud. Saad Hariri and Walid Jumblat know how much I also blame them for undermining that unprecedented revolutionary tide known as the Cedar Revolution. This does not change my conviction that Lahoud's now-documented reliance on the Syrian president to force the late Hariri to extend his mandate was the root of all the unnecessary brutal deaths since the coerced extension in September 2004. Where did General Sayyed stand on this? Can he really divorce his leadership role in the Syrian-dominated system from those fatidic years during which he headed the most important security agency in the country?

Maybe General Sayyed should ponder the most powerful statement in the process which lead to the STL, made by the first international investigator, Peter Fitzgerald: "It is the [UN investigation] Mission's view 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.

"The Lebanese security services have demonstrated serious and systematic negligence in carrying out the duties usually performed by a professional national security apparatus. In doing so, they have severely failed to provide the citizens of Lebanon

with an acceptable level of security and, therefore, have contributed to the propagation of a culture of intimidation and impunity. The Syrian Military Intelligence shares this responsibility to the extent of its involvement in running the security services in Lebanon.”

I wrote a book on our frustrated Cedar Revolution, with a special chapter on the STL and the need to see justice done despite the lack of professionalism of Serge Brammertz.

If Sayyed wants to see his reputation fully restored, he ought to help find the assassins of Mr Hariri and of the two hundred other people killed or maimed by a pattern of murderous attacks. He says he had already been forced to resign when many of the assassinations took place. But he was at the head of the General Security when Mr Hariri was killed, as he was when the first assassination took place on October 1, 2004, when former Minister Marwan Hamadeh was gravely wounded, and his aide killed.

Had the assassins been apprehended then, and a proper judicial process followed, we would not have needed the STL in the first place, and most if not all our Lebanese friends would still be with us.

We need to keep the pressure on the STL, Bellemare and now President Cassese, to deliver justice. A dispute with Sayyed is useful only to the extent that it forces justice to be done, and seen to be done, by justice acting globally. So let us team up on the need to get justice for our fellow Lebanese victims, and see their assassins in jail – without a single exception – from those who killed Kamal Jumblatt and kidnapped Musa al-Sadr to the murderers of Hariri and Samir Kassir. I am sure Sayyed can be a key contributor if he so chooses.

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