



# Possible Polarization: The repercussions of the Beirut port blast investigation on the Lebanese political scene

Future Briefs

Issue 560, 15 Jul 2021

The investigations into the Beirut port blast, which took place in August 2020, witnessed significant developments recently. The judicial investigator, Judge Tariq Bitar, issued a series of rulings starting on July 2, stipulating the investigation of former ministers, current representatives as well as security and military leaders, with a demand to lift the immunity of some for the purpose of conducting investigations with them.

On top of these names came the current officials in the caretaker government Hassan Diab, MP Ali Hassan Khalil (Former Minister of Finance), MP Ghazi Zuaiter (Former Minister of Public Works and Transport), MP Nohad Machnouk (Former Minister of Interior and Municipalities), Major General Abbas Ibrahim, Director General of Public Security and Major General Tony Saliba, Director General of State Security. As for former officials, the most prominent of them are former Minister of Public Works and Transport, Youssef Fenianos, and former Army Commander, General Jean Kahwaji.

## Preliminary steps

The previous summons was preceded by several preliminary steps, which can be detailed as follows:

**1- Activating the Supreme Council for trying Presidents and Ministers:** the Lebanese Parliament elected seven deputies representing most of the parliamentary blocs to join the Council in March

2019, after years of that Council being inoperable. The Council was established -in implementation of what was stated in the Taif Agreement 1989- to hold officials, protected with immunity, accountable, which may provide the Council with the authority to try those responsible in the Beirut Port blast case.

**2- Referral of the case to the Judicial Council in August 2020:** the Council is the highest criminal court composed of senior judges, which attends to crimes of significant impact on the Lebanese community.

Judge Tariq Bitar was appointed as a judicial investigator in the Beirut port blast case, to succeed Judge Fadi Sawan, who was dismissed from his position after his claim on December 10 against Diab and the aforementioned ministers. At that time, Ghazi Zuaiter and Ali Hassan Khalil, affiliated with Parliament Speaker Nabih Berri, submitted a memorandum to the Public Prosecution Office at the Cassation Court, requesting that the case be transferred to another judge, due to Sawan's

Possible polarizations: The repercussions of the Beirut port blast investigation on the Lebanese political scene , Future Briefs, Issue 560, 15 Jul 2021, Abu Dhabi, Future for Advanced Research & Studies.



violation of the constitution by his claim against them, without going through Parliament which grants them constitutional immunity.

It was believed that the removal of Judge, Fadi Sawan, would push his replacement, Bitar, not to raise the matter of 'immunities', and to just focus on some security aspects or the claim of negligence, which did not actually occur.

## Developments on the political scene

Summoning the aforementioned personalities represents a significant precedent in Lebanon, especially since their names were published publicly, and a request was made to the authorities they are affiliated with to lift their immunity, considering that they are affiliated with the most important political forces influencing the Lebanese scene. This is in addition to the presence of some of them in their current official positions, which may have the following repercussions within Lebanon:

**1- Exclusion of some hypotheses:** the investigation proceeded on three hypotheses regarding the causes of the fire in the port of Beirut, namely air targeting by a missile, negligence by linking the welding of Warehouse Gate No. 12 to the fire that led to the explosion, or to the possibility of a deliberate terrorist or security act. The report, which was handed over by French investigators, ruled out the possibility of air targeting, meaning that the assumptions are limited to negligence or a deliberate outbreak of the fire.

In either cases, this will represent a condemnation of many officials, as the investigations with the defendants, if carried out, are supposed to reveal: a. who brought the deadly shipment to Beirut, b. who were the accomplices, c. how thousands of tons of Ammonium nitrate were smuggled from ward No. 12. and d. the validity of what Walid Jumblatt announced regarding these hazardous materials having been transported to Syria and used in barrel bombs.

**2- Possible weakening of influence:** the judicial involvement in cases that affect the supreme interest of the state in the current period may negatively impact the influence of many political forces, especially that the court is supported by the public in the face of any pressure. This is in addition to the external support by the international community, which believes in the necessity of fighting corruption

that is rampant by political forces in Lebanon. These investigations may also be used to pressure these forces to move forward in ending the current political deadlock.

**3- Symbolic 'Shiite' differences:** reactions between the Shiite duo varied regarding the summons against Lebanese officials. Hezbollah rejected it through the speech of the party's Secretary-General Hassan Nasrallah on July 5, by claiming that there is some political targeting, in reference to the attempts to use trials to convict the party.

Nabih Berri, Speaker of the House of Representatives and the leader of the Amal Movement, called for a joint session for the Parliament's Bureau and the Administration and Justice Committee on July 9 to study the request of Ministry of Justice to lift immunity on the Beirut Port Blast case. He also asserted the necessity of fully applying the law. However, the decision to lift immunity requires a parliamentary approval, in accordance with Article 40 of the Lebanese Constitution. The Parliament's request, dated July 7 requesting evidence of suspicions about those summoned for questioning, indicates a parliamentary tendency to deny lifting of their immunity.

**4- Pressure on Hezbollah:** the existing suspicions over the party's involvement in storing Ammonium nitrate for use in maximizing its military capabilities may be a controversial issue over the coming period, and may lead to pressure on the party, which basically rejects the idea of officials' being brought to justice. This case will cause confusion in the party's internal role, which may be similar to the confusion around the assassination of Rafic Hariri. This will also create further internal controversy impacting the party's domestic influence.

**5- Mobilizing the Lebanese street:** the summons of Lebanese officials for investigations in the Beirut Port Blast case is pushing the Lebanese citizens back to the street under the slogan of fighting corruption and countering the influence of the political elite.

Lebanon has already witnessed vigils in support of Bitar's move following the issuance of his rulings. Thus, the Lebanese public opinion is believed to have a key role in driving this case, after its standstill for over 10 months due to the intransigence of Lebanese officials to appear before the judicial investigator. Here, the judiciary is accused of lack of independence



and subordination to the political forces, which in turn may create a new wave of protests against the regressing conditions in Lebanon.

**6- External pressures:** the external forces may play a role in the Beirut port blast case. For instance, several countries offer to present some evidence proving some charges against the Lebanese officials. In this regard, France has already participated in the investigations to provide technical support for the judicial investigation. This may pave the way for a growing foreign interference in Lebanon.

Paris and Washington insist on announcing the results of the investigations. On the other hand, the US may pressure to ensure the integrity of the judiciary, by threatening to use the Global Magnitsky Human Rights Accountability Act combating human rights violations and corruption, unless serious


steps are taken to complete the investigations transparently.

In conclusion, the case of the Beirut port blast encompasses many dimensions that will have major repercussions on the internal scene in Lebanon, particularly as they affect key leaders of the dominant political forces within the domestic scene.

This may be a key issue of public opinion in Lebanon over the coming period, since it intertwines with several political matters, such as the formation of the government, the fight against corruption of the ruling elite, and security issues, such as the file of disarming Hezbollah. Perhaps the international community and the congested Lebanese street will be the drivers of this case, which may in turn have negative repercussions on some internal concerns, such as the case of filling the governmental void.

## ABOUT FARAS

Future for Advanced Research and Studies (FARAS) is an independent think tank founded on April 4, 2014 in Abu Dhabi, U.A.E. FARAS seeks to enrich public dialogue, support decision-making and enhance academic research pertaining to future trends that currently constitute a real problem in the Middle East region. In light of instability and unpredictability, the overarching goal of FARAS is to help ward off future shocks regarding these developments.

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