

Lebanon: A Third Suspension Could Put an End to Probe into Explosion at Beirut Port

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Beirut's determined and daring Judge Tarek Bitar has once again scheduled key figures to testify in the investigation of the August 2020 explosion at Beirut port, which killed 219, wounded 6,500 and rendered 300,000 homeless when it devastated nearby neighbourhoods. Former prime minister Hassan Diab has been summoned for today's session, ex-ministers Nouhad Mashnouk and Ghazi Zeiter for tomorrow's interviews. When first called, Diab fled to the US but has recently returned. The latter are sitting members of parliament and have previously claimed immunity and can be expected to do so again as parliament is in session. However, since the judge issued his summons before parliament returned, their immunity might not protect them.

Bitar has also summoned ex-ministers Ali Hassan Khalil and Youssef Fenianos and has issued warrants for their arrest. They and the other two former ministers have lodged legal complaints against Bitar with the aim of removing him from the probe which was suspended twice while Lebanon's high court and court of cassation considered and rejected their suits.

When Bitar's predecessor Fadi Sawan was following the same line and procedure he was accused of bias because his home was damaged in the blast and was compelled to stand down in February. However, the real reason for his removal was that he crossed a “red line” by investigating and charging leading politicians with neglecting 2,700 tonnes of volatile ammonium nitrate stored unsafely in a crumbling warehouse in Beirut port, although there had been repeated warnings since the material was off-loaded from an unseaworthy vessel in 2014. Sawan's ouster was seen as a major set-back for the inquiry.

Since Bitar was appointed to replace Sawan, the probe has been suspended twice by challenges brought by the four ex-ministers, who argue he is incompetent and biased. Incumbent Prime Minister Najib Mikati has warned that a third suspension could put an end to the probe, which is precisely what they and their political allies want to accomplish.

A Christian from north Lebanon who heads Beirut's criminal court, Bitar, 47, is known to be

honest and apolitical. Having initially refused the appointment because it meant he would be wearing two hats, he accepted the job after Sawan was removed. While Bitar faces opposition from the Amal and Hizbollah movements and the Marada Party, he has the firm support of civil society activists representing the “Lebanese Opposition Front” formed after protests erupted on the streets of Lebanon’s cities, towns and villages in October 2019. Front spokesman, Dr Ziad Abdel Samad told Arab News,

“They want to dismiss Judge Bitar using all arbitrary means and threats because he has come so close to the truth after they managed to dismiss the former judge. [They are] hiding behind their immunities, although they know they are involved in the crime.”

While Judge Bitar has not revealed the evidence he has accumulated about the involvement of the men he has summoned for questioning, Human Rights Watch (HRW) has compiled a detailed report which was released on August 3 this year, ahead of the first anniversary of the port blast. This report is damning.

HRW crisis and conflict director Lama Fakih stated at the launch of the 127-page document,

“The evidence overwhelmingly shows that the..explosion in Beirut’s port was caused by the actions and omissions of senior Lebanese officials, who failed to accurately communicate the dangers posed by the ammonium nitrate, knowingly stored the material in unsafe conditions and failed to protect the public.”

To place the blame squarely where it belongs, HRW systematically laid out evidence it has gathered from unpublished documents and interviews with individuals.

Despite repeated warnings, the ministry of public works and transport under Fenianos and Zeiter failed to investigate the dangers, communicate to the judiciary the dangers posed by the material and to closely supervise repairs which might have triggered the August 4 blast at the warehouse where the deteriorating ammonium nitrate was stored along with fireworks and paint.

Customs officials answerable to the ministry of finance, headed by Khalil, sent six letters to the judiciary requesting the sale or removal of the material. Court records revealed that this approach was incorrect since customs “did not need judicial authorisation to sell, re-export or destroy the material”.

Military intelligence which is responsible for munitions, drugs and violence at the port took no action to secure the material or develop an emergency plan in case of an explosion. The interior ministry, under Mashnouk, claimed it knew about the material but did nothing because “it was not in their jurisdiction”.

State security claimed it was aware of the material but delayed until July 20th, 2020, two weeks before the blast, to report the precarious situation to President Michel Aoun, who said dealing with it was not his job, and Prime Minister Hassan Diab, who took no action.

The ex-ministers under investigation belong to the Amal movement headed by parliamentary speaker Nabih Berri, the Future Party under former prime minister Saad Hariri and Marada chaired by Suleiman Frangie. Amal’s close ally Hizbollah has led the campaign against Bitar although none of the movement’s leading politicians are embroiled in the probe. Diab is an ex-academic without powerful political backing. The two other prime ministers who were in office while the ammonium nitrate was stored in the port, Hariri and

Tamman Salam, have not been called.

HRW has called on the UN Human Rights Council to initiate an independent investigation and urge countries which mandate sanctions for human rights violations and corruption to ensure that officials implicated in the blast are held accountable. However, as Lebanon's politicians have traditionally enjoyed immunity from prosecution, they can be expected to resist with all their means and might.

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