

STL and Hezbollah: A Pre-Packaged Guilty Verdict



Sanctions were imposed on Hezbollah general secretary Hassan Nasrallah and party leader Talal Hamieh. (Photo: Haitham Moussawi)

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Published Saturday, September 22, 2012

When the United Nations Security Council (UNSC) described the assassination of former Lebanese prime minister Rafik Hariri as a terrorist act, it automatically named the perpetrator a terrorist.

Classifying Hezbollah as a terrorist organization automatically means that its members are committing terrorist crimes. Thus, the Special Tribunal for Lebanon (STL) has sealed the fate of Mustafa Badreddine before announcing its verdict.

Two days ago, Washington hurriedly issued a license to co-counsel John Jones, allowing him to continue defending Mustafa Badreddine at the international tribunal investigating Hariri's assassination.

The US had imposed sanctions against Badreddine last week which penalize anyone who provides him with assistance, including finding him not guilty in the Hariri crime.

Classifying Hezbollah as a terrorist organization automatically means that its members are committing terrorist crimes. How is it possible to sanction someone and allow him to be defended at the time when the presumption of innocence must be respected by the defense? How can someone be sanctioned if he is later proven to be innocent in a court of law?

Washington issued a decree sanctioning Badreddine then gave him the chance to absolve himself in an international court. US officials are intent on not allowing a successful defence of Badreddine, even if it means a different type of international intervention, which seems imminent.

The naming of Badreddine as a terrorist has been decided by the US. They acted on the knowledge that the STL in The Hague will find him guilty of assassinating Hariri.

They are not reticent about allowing a US citizen to defend him, despite the decree contradicting the nature of the sanctions against him.

Sanctions were also imposed on Hezbollah general secretary Hassan Nasrallah and party leader Talal Hamieh.

The US issued the licence for his defense in record time. It made an exception to the rule, a few hours after STL President David Baragwanath pleaded with Washington not to prosecute Jones for defending Badreddine.

"It does not matter that the US has branded him 'a senior terrorist leader.' The only thing the judges make their decisions on is the evidence related to the attack on 14 February 2005," STL spokesman Marten Youssef told *The Daily Star* yesterday.

In addition to ignoring the influence of “the war on terror” on all international organizations, Youssef neglected to mention that the classification of Hezbollah and Badreddine as terrorists is also in the text of the indictment issued by the prosecutor of the court he represents.

Article 59 of the STL indictment says the following:

“In the past, the military wing of Hezbollah has been implicated in terrorist acts. Persons trained by the military wing have the capability to carry out terrorist attacks, whether or not on its behalf.

“Badreddine and Ayyash are related to each other through marriage and are both related to a certain Imad Mughniyah: they are brothers-in-law. Imad Mughniyah was a founding member of Hezbollah and in charge of its military wing from 1983 until he was killed in Damascus on 12 February 2008. He was wanted internationally for terrorist offences.

“Based on their experience, training and affiliation with Hezbollah, therefore, it is reasonable to conclude that Badreddine and Ayyash had the capability to undertake the 14 February 2005 attack.”

It should be noted that Pre-trial Judge Daniel Fransen already ratified the indictment in June 2011. Contrary to Youssef’s opinion, it “does matter” and impacts the court’s decision.

Youssef and other promoters of international “justice” mechanisms set up by the UNSC in the framework of the “game of nations,” also ignore the impact of the international media on the court. The judges follow the international media, who are promoting the classification of Hezbollah as a terrorist organization, especially following the events in Syria.

The US had imposed sanctions against Badreddine last week which penalize anyone who provides him with assistance. Additionally, on September 5, the foreign minister of the Netherlands, the country hosting the tribunal, Uri Rosenthal, urged the EU to add Hezbollah to the list of terrorist organizations on September 5.

The Netherlands is the only country in Europe that classifies Hezbollah as a terrorist organization. Rosen pleaded his case at a meeting organized by the Information and Documentation Center on Israel (CIDI) in Amsterdam.

“The Netherlands has made another appeal to European Union members to place Hezbollah on the EU list of terrorist organizations,” he said.

Commenting on the situation in Syria, he added, “You see what happens when this organization is allowed to operate freely.”

Television Verdicts

A July 2010 [study](#) ^[2] entitled “Measuring Media Influence on US State Courts” by Claire Lim (Stanford University), James Snyder

(MIT), and David Strömberg (Stockholm University) contains several indicators which can be used to explain court decisions.

The study concluded that media coverage of crimes similar to those of the STL has an impact on judges' decisions. The researchers also found that this influence is magnified in violent crimes and that elected (for a limited period) judges are influenced by the media more than appointed (permanent) judges.

The scope of the STL includes violent crimes that have led to a general atmosphere of prior judgements against Hezbollah.

Its judges are appointed by the UN Secretary General, legally considered an executive power for a limited period, since the STL is an exceptional, not permanent, court.

Global powers, which have a strong influence on the UN Secretary General and control the UNSC that created the STL, have already announced their verdict against the "terrorist" Hezbollah.

This article is an edited translation from the Arabic Edition.