

The STL Witness List: Why We Published



Former chief investigator Detlev Mehlis openly published witnesses' testimony in his reports. (Photo: Marwan Tahtah)

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Marten Youssef, spokesperson for the Special Tribunal for Lebanon (STL), has voiced his intense personal irritation at *Al-Akhbar* for publishing a list of some of the STL prosecution team's witnesses. While he was careful to say he was giving his personal opinion, this obviously does not mean that his bosses in The Hague welcome what *Al-Akhbar* did. Nor are they unaware of efforts by powerful figures in the STL to take legal action against the paper on charges of contempt of court, publishing documents that compromise the fairness and integrity of proceedings, and also putting peoples' lives at risk.

On the political front, the political prosecution team – represented by the Future Movement and the March 14 coalition – have decided in advance to find *Al-Akhbar* guilty of trying to obstruct international justice. This is unsurprising. Some of its members think opposing the STL was the reason *Al-Akhbar* was established.

These people aside, *Al-Akhbar* has also received questions from politicians, jurists, journalists, and security personnel, as well as some of those whose personal details were published. These questions all focused on the aim behind the decision to publish, and on whether it served a specific interested party, while stressing that *Al-Akhbar* was breaking the law.

It may help to point to a number of considerations in the course of explaining what happened.

First, *Al-Akhbar*, like any other media outlet, publishes what it considers appropriate in accordance with its editorial line, and does not evade its responsibilities toward all concerned. Over the past six years, it has published tens, if not hundreds, of documents that fall into the “breach of confidence” category. Yet like any other newspaper in the world, *Al-Akhbar* does not need to remind readers that it will treat all matters of “public right” as being part of what the public is entitled to know.

It will therefore publish such material without delay once it has confirmed its authenticity. Should mistakes be made, *Al-Akhbar* has the courage to take responsibility for them. (This is not, of course, a reference to the case of MP [Okab Sakr](#) ^[2]: we are still waiting to be notified of the substance of the lawsuit that he and former premier Saad Hariri have filed against us.)

Secondly, the investigation into the assassination of former premier Rafik Hariri and other Lebanese leaders is a public affair par excellence. Many years have passed since the investigations began, first by the local and international commissions and then the STL. Leaks have been a major characteristic of the work of all these bodies. This has enabled observers to be informed of the contents of all the STL's documents without having to wait for what is set to be a distinctly strange trial in terms of secrecy of its witnesses, evidence, investigators, and much more.

Third, *Al-Akhbar* did not initiate the practice of publishing important documents and facts connected to the Tribunal's work. A large collection of Lebanese, Arab, and Western politicians, journalists, and security operatives previously volunteered to publish

such material in various media outlets, including details of what is now the main component of the prosecution's case.

Former chief investigator Detlev Mehlis openly published witnesses' testimony in his reports. The entourage of the political prosecution in Lebanon leaked prior information to media outlets in France and Germany about the indictments that were later issued against leaders of the resistance and Hezbollah. The legal and political prosecution teams also collaborated to conceal information from people harmed by the investigators' mistakes in order to prevent any action being taken against those involved, both in the False Witnesses case and others.

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Yet we never heard of the STL or its predecessors taking any meaningful legal or administrative steps in such cases, including in relation to the Canadian CBC outlet which published ^[3] transcripts in which an implicit accusation was made against Gen. Wissam al-Hassan – the former head of the Information Branch of the Internal Security Forces (ISF), who was assassinated in October 2012 – because he absented himself from Hariri's motorcade the day it was bombed. (Incidentally, Saad Hariri decided of his own accord to clear Hassan of any suspicion, even though it was officially raised by the STL, yet he entrusts the Tribunal with the task of punishing his father's killers on his and the public's behalf.)

Fourth, if anyone in Lebanon or the region, or even in The Hague, thinks there are any secrets or information that are unknown to those who want to know them – they are deluded and mistaken, if not deranged and excessively self-regarding.

More than 2,000 people were summoned to meet investigators during the days of the International Investigation Commission or after the establishment of the STL, including hundreds whom the prosecution has decided to deem witnesses. Virtually all of them have spoken about what happened to them to representatives of governments, political groups, security agencies, or the media. Those who thought they had struck secret deals with the prosecution did a lot of chattering too, before someone within the STL leaked their details. That was the leak that *Al-Akhbar* managed to take advantage of to publish what it deemed necessary to counter the international campaign of fabrication targeting the Resistance.

Fifth, the work as a whole of the Lebanese and international investigation commissions followed by the STL prosecution team has not earned the respect of the majority of jurists in Lebanon and around the world, nor the admiration of security professionals. Nor has it gained the respect of a large majority of the Lebanese people and other peoples. This is due to its high degree of politicization, which resulted in the launching of a campaign of political accusations which was highly damaging to individuals, companies, entities and states – not least in the false imprisonment of the four officers and of others in March 14 jails.

Thus the requisites of justice have not been genuinely upheld, and *Al-Akhbar* cannot be neutral towards something that continues to be used as a pretext to sow divisions between the Lebanese, cause domestic clashes, or discredit the Resistance. The Resistance is being made to pay for its victory over the forces of international terror in Israel, Europe, and America, and it is they who have been supervising all aspects of the investigations into the Hariri assassination since day one.

Sixth, available documents about the STL's work – those relating to administration and finance as much as the judicial and criminal side of things – are so damning that the Lebanese should be demanding a detailed breakdown of how their money (taken from them surreptitiously and smuggled to the STL overnight) is being spent.

These documents contain evidence of a process by which the organization is being exploited to achieve political and personal goals out of its work. Senior officials who previously resigned from the Tribunal were and remain obliged not to offer any opinion or evaluation of the working practices they witnessed.

So, where does that leave us in Lebanon? We sorely lack the capability to build a sound judiciary that can help build a sound society. Then we find out, along with those in charge of the STL, that the main material on which the prosecution case is based was produced by the ISF Information Branch. Accordingly, the tens of millions of dollars spent so far have achieved nothing other than provide filing work and offices for the Tribunal's staff of varying rank.

Finally, it is necessary to clarify that the [article](#) ^[4] published on 15 January 2013 accompanied by a preliminary [list](#) ^[5] of STL witnesses was written by myself and colleague Hassan Illeik. This clarification has been made necessary by attempts by powerful figures within the STL to discredit colleague Omar Nashabe.