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Balancing Justice, Stability and Legitimacy: Lebanon and the UN Special Tribunal – Understanding the Domestic Impact of International Criminal Justice

Benedetta Berti
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Abstract

The article analyses the record of the United Nations Special Tribunal for Lebanon, focusing on its domestic impact as well as on the main obstacles the tribunal has faced since its establishment. The study looks at how the legitimacy problems of the STL have deeply affected the tribunal's capacity to deliver justice for the political assassination of Lebanese Prime Minister Rafic Hariri, as well as its potential to foster peace and stability within Lebanon. Analysing the shortcomings of the STL can highlight the inherent challenges international criminal tribunals face in ensuring that the 'Justice' delivered by the tribunal meets local perceptions of 'justice' as well as the community's need to preserve internal stability and foster reconciliation.

Following the brutal assassination of former Lebanese Prime Minister Rafic Hariri in February 2005, the international community, led by countries like the United States and France, was adamant in signalling that those responsible for conceiving, orchestrating and executing such a heinous act should be quickly found and brought to justice. Within Lebanon, the assassination also had a profound impact, spurring the rise of a broad and cross-sectarian opposition movement that demanded justice for the Hariri assassination as well as political change and freedom from foreign interference. This coalition, led by both civil society and political opposition parties, became the driving force behind the 'Independence Intifada', the popular movement that brought about the end of the post-civil war period of Syrian 'tutelage' of Lebanon.

Following the Syrian withdrawal, the newly elected government made bringing the perpetrators of the Hariri assassination to justice one of its priorities, first by requesting assistance from the United Nations, and then rallying behind the creation of the Special Tribunal for Lebanon (STL). To an external observer, the establishment of the STL could be perceived as both an entirely domestically driven process and an important step towards securing justice while fostering a process of national healing. But within Lebanon there was never a full national consensus behind the creation of the tribunal. Years later, the STL still struggles as its legitimacy and effectiveness have been shaken by a combination of institutional, legal and political issues. With the legitimacy of the STL faltering, Lebanon is left wondering whether it will be able

to strike a balance between its need for justice and its need for peace, or whether it will be forced to choose between the two, with the risk of achieving neither.

More generally, the tale of the Lebanese STL is one of caution with respect to setting up international criminal tribunals within deeply politically divided societies with a national history of 'collective amnesia' when it comes to dealing with their violent past. Understanding the shortcomings and legitimacy deficit of the STL can help the international community in crafting a new approach to international tribunals; one that focuses as much on the legal process as on the political and social one, making sure that the 'Justice' delivered by the tribunal meets both the local perceptions of 'justice' as well as the community's need to preserve internal stability.

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For full article, see:

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