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THE REPORT OF THE COMMISSION OF INVESTIGATION INTO THE MURDER OF HARIRI: IMPLICATIONS FOR SYRIA

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The latest report of the United Nations International Independent Investigation Commission into the assassination of former Lebanese Prime Minister Rafik Hariri refrained from pointing the finger of suspicion directly at Syria. Nevertheless, its ongoing work, and especially the intention of Lebanon, supported by elements at the UN, to establish a special international tribunal to try those accused of involvement in the assassination, have already raised concerns in Syria about an additional wave of pressure that could culminate, this time, in sanctions that would reflect the determination of the international community to deal with "rogue states" (including Iran). Such measures, however, could well push Syria to resort to an even more extreme approach.

On September 25, the head of the Commission, Serge Bremmertz, submitted his periodical report to the UN Secretary-General. This report focused on those who actually carried out the assassination (but not on those who initiated and planned it) and though it claimed that progress had been made, it left the question of the motives for the murder (and, by extension, the identity of those behind it) to the next report. Also under investigation are 14 other assassinations or attempted assassinations in Lebanon since October 2004 that, according to Bremmertz, are all interconnected.

Syria, the leading suspect in the Hariri assassination, expressed satisfaction with the report -- official spokesmen described it as "professional" -- because it avoided any reference to Syrian complicity, unlike the reports submitted by the previous Commission head, Detlev Mehlis. Moreover, this report praised Syria's cooperative attitude (even though a closer reading of the analysis suggests that Syria's cooperation was far from satisfactory and that further contributions are in order). Nevertheless, there is little reason for Syria to feel any real sense of relief, because the report hints at more things than it says. Bremmertz, who is managing a type of investigation different from that of his predecessor, plays his cards close to the chest and avoids revealing everything he knows in order to deny Syria any excuse for withholding further cooperation. And what Bremmertz does not explicitly say is said by Lebanese politicians and analysts who believe that an operation as complex as that described in the report could not be mounted without the involvement of the Syrian security apparatus in Lebanon.

Besides, Syria is anxious not only about whatever "truth" the commission might reveal but also about the determination of the Lebanese government, supported by various UN elements, to accelerate the procedural and legal steps needed to set up a special international tribunal

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to judge those responsible for the assassination. For example, Sa'ad al-Hariri, the son of the late Prime Minister and chairman of the "Mustaqbal" party that leads the majority coalition in the Lebanese parliament, has declared that "the court will be established and those who committed the crime [a clear reference to Syria] will not be able to prevent it despite their pressures and threats."

True, it is not yet clear whether Bremmertz already has enough evidence to bring indictments against Syrian operatives, much less the political leadership, and he apparently wants to complete preparation of at least some of the files before he submits the next report in three months. But from Syria's perspective, the commission's work simply adds to the growing pressure mounted by the international community in recent years, generally led by the United States. This includes designation of Syria as part of the "axis of evil" and accusations that it has supported Hizbullah and various insurgent groups in Iraq, interfered in internal Lebanese affairs, and assisted Palestinian terrorist organizations.

Thus far, Syria has managed to pay a small price for these alleged actions without actually changing its "rogue" behavior. It has done so by relying on help from its friends in the Security Council (Russia and China) – whose own agenda undercuts that of the United States – and on the indecisiveness of the rest of the international community in dealing with "rogue states." Nevertheless, President Bashar al-Asad apparently understands that in the current circumstances, Syria may eventually be implicated by the commission and that some Syrians will be brought up before an international tribunal. The commission may not find hard evidence of direct complicity against the Syrian leadership, especially Asad himself, but even if Damascus, in response to rising pressure, has only to sacrifice lower-level intelligence operatives interrogated by the commission, its reputation and that of its President will be stained for having waged a policy of political terror in Lebanon. That would refocus international attention on Syria's overall behavior, and not just in Lebanon.

What all this means is the prospect of much greater international pressure on Syria and perhaps even an American effort to impose more drastic sanctions than those applied in the framework of the Syrian Accountability Act of December 2003, which provided only for limitations on US trade with Syria, not all of which have been implemented. If an international tribunal were to convict Syrian elements of responsibility for the assassination, even Syria's "friends" on the Security Council would find it hard to ignore the judgment and its implications.

Syria is aware of these dangers and appears to be trying to forestall them by means of various delaying tactics led by its friends on the Security Council or, alternatively, by diverting the international agenda with Asad's recent declarations of desire to renew the peace process. But if these fail to produce results, Syria will have no compunctions about resorting to less diplomatic measures against the Lebanese government in order to persuade it to drop the idea of an international tribunal. These would include the types of measures it has used in the past – terror and activation of its local instruments, especially Hizbullah, to undermine the stability of the Lebanese government. That would be the quickest route to a further intensification of the existing tension between Asad's regime and the government led by Fouad Siniora.

In sum, greater pressure on Syria as a result of the establishment of international tribunal could well lead to a more extreme Syrian approach and a tightening of ties with other "rogue" elements in the region. At the same time, the launching of criminal procedures would serve as a litmus test of the international community's seriousness in dealing not only with the "crimes of Damascus" but also with its partners in the "axis of evil," especially Iran.

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