
The investigation into the 2005 assassination of the Lebanese Prime Minister Rafiq al-Hariri is nearing its end—and a trial in international court looms. Insiders say the trail of evidence leads, ultimately, to the regime of Syrian President Bashar al-Assad. But having spent three years fearing for their lives, the investigators are now grappling with a different fear: that Western concerns about regional stability will prevent the naming of the biggest names. Inside the investigation that could blow up the Middle East

by Joshua Hammer

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Getting Away With Murder?

At a 2005 rally called by Hezbollah in Beirut, a crowd protests the withdrawal of Syrian troops from Lebanon and holds aloft a photo of the Syrian president, Bashar al-Assad. Rafiq al-Hariri had been killed less than a month earlier.

ONE SWELTERING AFTERNOON in early July, I drove east out of Beirut to visit the headquarters of the United Nations International Independent Investigation Commission, the group probing the murder of Rafiq al-Hariri, the Lebanese billionaire and former prime minister. I followed a road that wound through pine forests, climbing to the top of a ridge in the Mount Lebanon range, until I reached a roadblock manned by the Lebanese army. ZONE DE HAUTE SÉCURITÉ, proclaimed the signs before the sandbagged checkpoint. Down below, tucked away in a steep gorge and half-obscured behind unfinished apartment blocks, stood the Monteverde Hotel, a faded resort that once served as a summer getaway for middle-class Beirutis. The UN took over the complex in the summer of 2005, shortly after Hariri's assassination, and has turned it into one of the best-guarded facilities in the world; a contingent of 450 Lebanese soldiers, policemen, and UN security guards forms a nearly impregnable barrier around the hotel. Real-estate prices in the neighborhood have soared, a source close to the UN investigation later told me, as the ambient effect of so much security has radiated outward, creating a small calm space within the chaos and crime of greater Beirut.

Since the summer of 2005, the Monteverde has been at the center of one of the world's most sensitive criminal investigations. Inside, a team of about 200 people from nearly two dozen nations—forensics experts, DNA specialists, telecommunications analysts—has been sifting through evidence relating to the assassination of Hariri, one of the Middle East's best-known and most influential politicians. Hariri had supported a campaign to end Syria's 29-year occupation of Lebanon, a campaign that had culminated, in September 2004,

with the passage of UN Security Council Resolution 1559, calling for the withdrawal of Syrian troops and the disarmament of Hezbollah, the Syrian-backed Shia guerrilla group in Lebanon. A suicide truck bomber destroyed Hariri's heavily guarded six-car armored convoy as it passed the St. George Hotel along the Beirut seafront just before 1p.m. on February 14, 2005. The United Nations commission was created several weeks later, prompted by concerns that the Lebanese security and criminal-justice systems, riddled with Syrian agents, would be unable to effectively investigate the killing.

In the nearly four years since, the UN team has carried on its work in fear. Unsolved car bombings and other attacks have killed or maimed two dozen prominent Lebanese opponents of Syria. The first team leader, German prosecutor Detlev Mehlis, stepped down from his post and fled Beirut in January 2006; after implicating senior Syrian officials in Hariri's murder, he had been informed by Western intelligence officers of two assassination plots against him. This past January, Wissam Eid, a high-ranking intelligence official in the Lebanese Internal Security Forces, was killed by a car bomb east of Beirut. He'd been working closely with the UN commission. "Things got very tense after that," a UN insider who had left the investigation earlier this year told me, when we met at a café in downtown Beirut. "Morale dropped away. People got scared."

Today the UN investigators live and work in 50 drably furnished rooms spread out over the five floors of the Monteverde. They work in total secrecy—no communication with the press, little association with outsiders. "They are as careful with us privately as they are with journalists," I was told by Jeffrey Feltman, the former U.S. ambassador to Lebanon and now the principal deputy assistant secretary of state for Near Eastern affairs. "We don't know what they've uncovered." Drawn blinds cut off the spectacular views of the Beirut skyline; a weight room and a large swimming pool provide the only diversions. When team members venture outside to interview witnesses, they use decoy armored convoys and switch vehicles frequently.

As I stepped out of the car and walked to the edge of the gorge, scribbling in my notebook and taking in the views of downtown Beirut and the azure Mediterranean beyond, a pair of Lebanese soldiers from the nearby checkpoint approached. One asked for my passport, leafed through it, handed it back to me, and told me to turn back. "This is a high-security zone," he said. "Nobody is permitted to stop."

THE BOMB THAT killed Rafiq al-Hariri weighed 2,200 pounds and left a crater 30 feet wide in the Corniche, Beirut's seaside promenade. In addition to Hariri, it killed 21 people, and injured 220 more. It set dozens of cars on fire and knocked down several buildings; all the windows of the nearby, 446-room

InterContinental Phoenicia Hotel were blown out, and the hotel—a symbol of Beirut’s postwar rebirth—was forced to close for months.

Eight months later, a report to the UN about Hariri’s assassination outlined a conspiracy of remarkable breadth and complexity. It revealed that three months before Hariri’s death, his security detail had been mysteriously reduced from 40 to eight; that six anonymously purchased mobile phones were used on the day of the attack to keep the bomber informed of Hariri’s movements and to provide intelligence on the three possible routes that Hariri could take from the parliament building to his home; that the suicide truck moved into position one minute and 49 seconds before Hariri’s convoy passed by; and that the truck itself had been stolen on October 12, 2004, in Sagamiara City, Japan. The killers appeared to be sophisticated, politically connected, and well-funded: clearly this was not the work of a lone extremist or a fringe group. It bore the hallmarks of a government-sponsored assassination.

For Lebanon, the reverberations of the attack were deep and long-lasting. The violent death of a charismatic consensus builder, who was nurturing stability and attracting foreign investment, seemed to blow the country back to the 1980s, when Mafia-style assassinations and car bombings were as brazen as they were commonplace. It inflamed long-standing local tensions—Sunni versus Shia, pro-Syrian versus anti-Syrian—and roiled the politics of the Middle East. “Rafiq Hariri was the most important political figure in Lebanon, but he was also much bigger than Lebanon,” Feltman told me. “He had powerful connections, an incredible political mind, and limitless financial resources. Whoever murdered him wanted to create a hole in Lebanese politics that still hasn’t been filled.”

A second bomb, perhaps bigger than the first, has yet to detonate. It involves the naming and prosecution of the people behind the plot—steps that, by most accounts, now appear imminent. The United Nations Special Tribunal for Lebanon, created in May 2007 by the Security Council, is expected to convene as early as January 2009, in a residential suburb of The Hague. Late last year, a UN panel appointed 11 judges, including four Lebanese who, reportedly, were spirited out of the country and placed, with their families, in protective custody. In November 2007, the secretary-general appointed a new investigative commissioner—the third so far—who will also continue on as the tribunal’s lead prosecutor. Several commission insiders told me that he is close to wrapping up the investigation and will call for the tribunal to be seated within weeks.

The ramifications of the Hariri case will extend well beyond justice and jail sentences. Many observers believe that the commission has been building a case against the Syrian president, Bashar al-Assad, and his inner circle. Depending on how high up the charges go, the tribunal could have a major impact on the geostrategic map of the Middle East. An indictment of members of the Assad family and their closest allies, all members of Syria’s minority Alawite sect, could scuttle negotiations for a comprehensive peace deal between

Syria and Israel. It could drive Assad further into the arms of Iran. It could even lead to a palace coup, or stir the country's disenfranchised Sunni majority to revolt. "Imagine if the Syrian regime is proved to have planned and executed this assassination," one Western diplomat with long experience in the region told me. "What will the Sunni majority in Syria think about a leadership that took out one of the major Sunni leaders of the Middle East?"

Indeed, so much is at stake that rumors are now circulating about what the investigation will be allowed to conclude. In recent months, members of the UN commission in Beirut have speculated among themselves about a deal being secretly brokered between Western leaders and Assad that would allow the Syrian leader to hand over a few token officials in exchange for immunity from prosecution. The United States, which joined France in the drive to establish the tribunal, seems to be cooling toward the investigation. "The Americans have Iraq syndrome, so when you talk to American diplomats about Syria being involved up to the top, the reaction is hedging: 'Syria could become another Iraq,'" one UN commission staff member told me. Paul Salem, the director of the Carnegie Middle East Center, a Beirut-based think tank, went further: "Israel and the United States are not eager to see this regime collapse," he told me from Qatar in mid-September. "They are afraid of the consequences."

ONE AFTERNOON LAST July, I walked uphill through the Hamra neighborhood of West Beirut, passing through several checkpoints manned by private security guards. I stopped before a 10-story Italianate sandstone mansion set high above the Mediterranean—Rafiq al-Hariri's former residence, now the headquarters of his son and political heir, Saad. Ushered inside, I walked down marble-floored hallways, past black-marble columns, gilded wall sconces, and life-size hagiographic photos of the murdered billionaire. Hariri's media director, Hani Hammoud, took me on a tour of the building. We stepped into Hariri's small private library, frozen exactly as it had been on the day he was killed, except for the framed memorial photos on every chair and a single red rose in a vase on Hariri's desk ("His widow brings a new one every day," Hammoud said). We walked into a cavernous reception hall, decorated in typically extravagant Arab style, with crystal chandeliers and dozens of gilt-trimmed wing-back chairs and sofas. "Mr. Hariri was a big man, and he liked to live large," Hammoud told me.

Hariri was born in 1944, in the port city of Sidon, the son of a poor orange farmer, and he moved to the Saudi Arabian city of Jiddah in the 1960s, working initially as an accountant and math teacher. He got to know members of the House of Saud and eventually amassed a fortune building hotels and apartment complexes for the royal family. When the Lebanese civil war ended, in 1990, Hariri returned home a billionaire and financed the reconstruction of much of downtown Beirut—then largely rubble—and began a massive development program.

Elected prime minister in 1992, Hariri pursued accommodation with Syria's then-President Hafez al-Assad—Bashar's father—who, under the so-called Pax Syriana, maintained tens of thousands of troops in postwar Lebanon. The occupation enriched Syrian generals and other insiders who controlled real-estate and import-export businesses, and enabled Syrian intelligence agents to watch for Sunni extremism brewing inside Palestinian refugee camps. It also allowed Syria to pursue a proxy war against Israel along Lebanon's southern border, through Hezbollah—a source of leverage against the Jewish state as Syria presses for the eventual return of the Golan Heights. Hariri conceded control of Lebanon's security to Assad, allowing a heavy troop presence and the penetration of Syrian intelligence agents into every sector of Lebanese life; in turn, Assad gave Hariri wide rein over the country's economic development and postwar reconstruction.

With the death of Assad, at age 69, in June 2000, and the ascension to the presidency of his son, Bashar, a British-educated ophthalmology student, accommodation became more difficult. When Bashar al-Assad came to power, he was initially hailed as a young reformer, eager to reach out to the West, but America's invasion of Iraq—and the accompanying rumblings about the democratic transformation of the Middle East—heightened his regime's sense of vulnerability. Assad railed against the invasion, cracked down on domestic opposition to his rule, and strengthened economic and military ties to Iran.

As tensions between Syria and the U.S. increased, Hariri—along with Walid Jumblatt, the Lebanese Druze chieftain and one of Lebanon's most powerful figures—allied himself with France and the United States, gambling successfully that the West would turn sharply against the Syrian regime and enable Lebanon to make a break. The Security Council resolution demanding Syrian withdrawal from Lebanon was an enormous blow to Assad. In Damascus, members of Assad's inner circle began to worry not only about Hariri's new course for Lebanon but about his reach inside Syria itself. "These guys saw Hariri as an immensely rich and powerful Sunni, and it exacerbated the paranoia of the minority regime," says Nicholas Blanford, a Beirut-based British journalist and the author of *Killing Mr. Lebanon*, a book about Hariri's murder.

IN JUNE, IN his airless office at the Berlin Supreme Court, I met Detlev Mehlis, the first head of the UN Security Council's International Independent Investigation Commission, who'd fled Beirut in early 2006. A veteran terror prosecutor, he had previously spent a decade investigating the 1983 bombing of the French Consulate in West Berlin—the trail ultimately had led to Carlos the Jackal. The investigation Mehlis had supervised in Beirut was one of the most ambitious criminal inquiries in history: UN investigators from 17 countries fanned out across the Middle East and Europe, took 244 witness statements,

seized 453 pieces of evidence, and gathered 16,711 pages of documents. Bashar al-Assad, who according to Mehlis “stonewalled” the commission for five months, was eventually forced to capitulate to a Security Council resolution, passed in October 2005, that subjected the Syrian regime to sanctions if it didn’t produce key witnesses.

When Mehlis launched his probe, Assad’s Syria was a full-fledged pariah state, accused by the Bush administration of backing Hezbollah and arming the Sunni-led insurgency in Iraq. (Despite the regime’s inherent hostility toward Sunni extremists, Assad perceived a shared interest with them in inflicting pain on the United States.) At that time, the United States, France, and Saudi Arabia viewed the investigation commission and tribunal as a means to press for the downfall of Assad, whose regime the leaders of all three countries regarded as a force for radicalization.

Several leaders who backed the tribunal’s formation had had personal ties to Hariri: the French president, Jacques Chirac, had been a close friend since his time as mayor of Paris, and had been one of the few Western leaders to attend Hariri’s funeral, in Beirut. Saudi Arabia’s King Abdullah also was close to Hariri, a fellow Sunni. “That assassination remains a major sticking point between Saudi Arabia and Syria,” says Salem, the head of the Carnegie center in Beirut. “It has stirred up personal animosity, and Abdullah still holds Assad responsible for it.”

The Mehlis report to the United Nations, a preliminary assessment submitted in October 2005, deeply implicated the Assad regime. It chronicled the rising antipathy between Hariri and high-ranking Syrian officials, including Assad himself, as Hariri followed an increasingly independent course for Lebanon. According to a Syrian source inside Lebanon, identified in the report as a former Syrian intelligence agent, antipathy coalesced into a murder plan two weeks after the adoption of the Security Council resolution that demanded Syrian withdrawal from Lebanon. The agent claimed that “senior Lebanese and Syrian officials” met at the Meridien Hotel in Damascus, at the presidential palace, and at the office and home of a senior Syrian intelligence official to plot the crime. In January 2005, a high-ranking officer had told the source that “an earthquake” would soon “rewrite the history of Lebanon”; the same witness said he had visited a Syrian military base repeatedly in the days before the killing, and had observed a white Mitsubishi Canter truck—the same type used as the bomb carrier—with a white tarpaulin over the flatbed. He told investigators that he had driven a Syrian officer on a reconnaissance mission to the St. George Hotel area in Beirut on the day before the bombing, and he implicated four Lebanese generals in providing the killers with “money, telephones, cars, walkie-talkies, pagers, weapons, ID cards,” in collaboration with General Rustam Ghazali, the head of Syrian intelligence in Lebanon. (The four Lebanese generals were later arrested by Lebanese security forces and remain in prison.)

The report quoted another witness, who said General Mustafa Hamdan, one of the Lebanese officials later arrested, had implied a few months before the assassination that Hariri's days were numbered: "We are going to send him on a trip; bye-bye, Hariri." And a third witness, a low-ranking Syrian intelligence agent named Zuhir Ibn Mohamed Said Saddik, described the assassination as a plot hatched in Syria between July and December of 2004, and involving seven Syrian officials and four senior Lebanese officials. The driver of the explosives-laden truck, he said, was an Iraqi named Ahmad Abu Adass, who had been misled to believe that his target was Ayad Allawi, Iraq's prime minister at the time; special explosives had been ordered, to "direct suspicions towards extremist Islamic groups." Saddik, who was interviewed in September 2005, was later arrested for his alleged role in the crime; subsequently released, he vanished in March 2008 from a Paris suburb.

Though only preliminary, the report found "probable cause to believe that the decision to assassinate [Hariri] could not have been taken without the approval of top-ranked Syrian security officials." The highest-ranking officials implicated were Asef Shawkhat (Assad's brother-in-law and the head of Syria's military intelligence department) and Maher al-Assad (Assad's younger brother and the head of the presidential guard). Assad has continued to deny any Syrian role in Hariri's killing.

When Mehlis was forced to leave Lebanon, he believed the commission's work was at least "50 percent" finished, and that it could be wrapped up—under another commissioner—within a year. "The United Nations told me that for security reasons I could not stay in Beirut any longer," he told me. "There were specific threats, submitted to me by the UN, the French, the Americans, so they wouldn't accept responsibility if I would stay there. They offered to set up offices for me wherever I wanted to, but I felt you cannot handle an investigation by remote control." Mehlis had established a motive; he had named suspects; he had compiled a vast amount of forensic evidence, from phone records to bomb residue. What was left, he told me, was analyzing the voluminous telephone traffic that had been intercepted by Lebanese security forces and identifying the half-dozen spotters who had tracked Hariri's motorcade.

MEHLIS'S SUCCESSOR WAS Serge Brammertz, then 43, an ambitious

Belgian lawyer who had served as deputy prosecutor at the International Criminal Court in The Hague. Brammertz won the job thanks in part to Mehlis's recommendation, but there was little love lost between the two UN commissioners. "The UN has a culture of destroying your predecessor and starting from scratch, and Brammertz succumbed to that," I was told by the UN insider who'd left the investigation earlier this year. He said Brammertz believed that Mehlis had been carried away by anti-Syrian sentiment: "Mehlis

conveyed a sense that he had raced ahead under international pressure to implicate Syria, without checking the admissibility of the sources.” One of Mehlis’s principal sources, the low-ranking Syrian intelligence official Saddik, was “a bit of a nut case,” he said. “He couldn’t be trusted.”

As Brammertz took control of the investigation, in 2006, Western attitudes toward Syria were shifting. Iraq’s collapse into a bloody sectarian war made the prospect of regime change in Syria look less desirable. Western experts warned that if Assad fell, plausible scenarios would include the collapse of the state, armed conflict between Sunnis and Alawites, and the emergence of a Sunni radical fundamentalist movement along the lines of Hamas, or Egypt’s Muslim Brotherhood—or al-Qaeda. Syria began to change its behavior as well. It signed a defense pact with Iran in June 2006; but that same summer, Israel’s highly destructive war with Hezbollah created an opening in the Middle East peace process. Assad had been pushing for negotiations over the Golan Heights for years, only to be shunned by Prime Minister Ariel Sharon and his successor, Ehud Olmert. But in 2007, when Assad made overtures to Olmert about initiating peace talks, Olmert was receptive. Indirect discussions about swapping the Golan in return for recognition of Israel and curbs on Hezbollah have continued intermittently since then.

Brammertz established a style different from his outspoken predecessor’s. Where Mehlis had been open with the media, Brammertz cut off all contact. He released opaque, highly technical reports that described some of those implicated by Mehlis only as “persons of interest.” This sober approach backfired politically: as the investigation dragged on, with little apparent progress and almost no revelations, Hariri’s supporters in Lebanon accused the UN of trying to whitewash the final report. “Brammertz was so absent from the public eye that he projected the sense that nothing was happening,” the Western diplomat told me.

Mehlis himself has fanned those suspicions. When I suggested that, at least based on the published UN reports, Brammertz’s two years of investigation (he stepped down in January 2008) did not add much to Mehlis’s own report, he responded, “From the reports—and that’s all I know—I would say you are right. I have no idea what they have been doing.”

The UN insider acknowledges that Brammertz “didn’t move as quickly as he should have,” but insists that some progress was made. In part, Brammertz’s more methodical approach was dictated by the creation of the UN Special Tribunal for Lebanon, which began gaining momentum shortly after he arrived in Beirut. Previously, it had been expected that the case would ultimately be prosecuted in a Lebanese court, using the results of the UN investigation as evidence. But after a string of killings of prominent anti-Syrian critics, the Lebanese cabinet asked the Security Council to create a UN tribunal. “There was this feeling that because of these killings, you could not safely carry out such a trial in Lebanon,” the Western diplomat explained to me. “Judges would

be blown up, witnesses would be blown up.” As it became clearer that the Hariri case would be tried in an international court, with its very high evidentiary standards, it made sense “to be more discreet,” he said.

Brammertz reopened the crime-scene probe, discovered one of the suicide bomber’s teeth—Mehlis’s team had been unable to recover any of the bomber’s remains—and carried out definitive DNA testing. He also made headway, the UN insider told me, in tracing the cell-phone traffic and in naming the spotters who had tracked the route of Hariri’s convoy. And he investigated and debunked alternative theories of the crime—for instance, that Hariri had been killed by al-Qaeda. Brammertz left in January 2008, to become chief prosecutor at the International Criminal Tribunal for the Former Yugoslavia. “Brammertz was tired; he realized it was time to go,” the UN insider told me. When I asked whether Brammertz’s conclusions had differed significantly from Mehlis’s, he replied, “Mehlis’s approach was sensationalist, but what Brammertz found more deeply confirmed Mehlis’s conclusions.”

Daniel Bellemare, the third and, presumably, final investigative commissioner, began work in Beirut under heavy guard in January 2008. Bellemare, a Quebecois in his mid-50s, has spent much of his career prosecuting federal drug cases in Montreal, and has also served as Canada’s assistant deputy attorney general. “He is low-key and efficient. He doesn’t make mistakes, and he doesn’t draw attention to himself,” says Robert Doyle, his former chief of staff in Ottawa. Bellemare’s official mandate is to conclude the investigation and carry through as chief prosecutor before the tribunal.

The pace of the investigation has picked up again since Bellemare arrived, I was told by one U.S. diplomat who has met with him several times at the Monteverde Hotel. “His requests to us for [investigative] manpower, for human resources, are quite detailed. He says, ‘I need more people and I want to get them faster.’” Nonetheless, after setting up shop at the Monteverde and shutting himself off from the press, Bellemare found himself subjected to the same criticisms that had dogged Brammertz. By then, the wave of car bombings that had terrorized Lebanon’s anti-Syrian politicians and journalists had died down. Syria’s peace talks with Israel were moving apace. On July 12, 2008, in the most important sign to date of Assad’s rehabilitation, French President Nicolas Sarkozy welcomed the Syrian leader to Paris at a gathering of more than 40 leaders from Mediterranean states. (Chirac, tellingly, refused to attend the summit.) “Assad is trying to present himself as a peacemaker now,” I was told by one Syrian exile who maintains close contacts in the Assad regime. “He believes that if he takes care of the politics, the tribunal will be finished.”

Is Bellemare pressing for convictions of top Syrian officials? Some believe that the matter is out of his hands: last March, King Abdullah II of Jordan was reported to be pushing for a deal with Assad—“the most astounding plea bargain of all time,” U.S. Senator Arlen Specter called it—that would grant the Syrian president immunity from prosecution in exchange for a pledge to rein in

Hezbollah and Hamas. Secretary of State Condoleezza Rice rejected talk of any deal, saying that immunity for Assad would damage the “integrity” of the investigation. Nonetheless, the UN insider told me that among the staff, the possibility that the tribunal could be sabotaged by key figures within the UN Security Council, or at the highest levels of Western governments, has become a constant topic of conversation. Assad’s diplomatic overtures, he said, have led some UN staff members to believe “that the investigation will be sold down the river, or it will lead to a minor official being indicted.” That view is also put forth by the Syrian exile with ties to the regime, who expects that the tribunal will be allowed to wither away. He went on to tell me: “It will have financial problems, it will have trouble bringing people to the court. You will hear, ‘This one vanished, this one was killed, this one is a liar.’ At the end, the tribunal will achieve nothing.”

Assad’s diplomatic overtures to the West could discourage witnesses from coming forward, says a former UN commission member: “If Bashar is doing well, the feeling is ‘I better invest in my future, not go against him.’” And the sheer difficulties of subpoenaing witnesses and extraditing key figures in the Syrian regime could compel the court to work out some kind of compromise. “Obviously, if it’s some Syrian colonel who’s implicated, that makes things easy,” says a Beirut-based analyst. “Sure, a colonel would never do something without approval of the highest Syrian officials, but you need a trail of evidence. The Syrian regime feels confident that if the big players do not want to make the link, and if the physical evidence stops somewhere, they will have deniability.” One figure who was deeply involved in the investigation professes no doubts about where the truth lies—but he does doubt that the tribunal is willing to venture down that road. “Everyone you are talking to will tell you that this murder would not have been possible without the consent of Assad,” he told me. “I think that after our time in Beirut, some politicians realized what continuing the investigation meant. It could lead to regime change in Syria.” Indeed, he added, “it would have to.”

Others I spoke to in Beirut and Washington say they have confidence in Bellemare and the judicial process—and that it’s too late to talk about deals. No formal mechanisms exist for slowing down or derailing the UN commission or the tribunal. And Bellemare, who has full independent authority as investigator and prosecutor, is known for his integrity; he seems unlikely to impede the investigation or trial at the behest of powerful players in Washington or Paris. “The train has left the station,” the Western diplomat told me: “The tribunal can’t be stopped.”

“I think that at the end of the day, justice will be served,” said Saad al-Hariri, the murdered man’s son and a leader of the March 14 movement, the anti-Syrian opposition that coalesced after Hariri’s murder and helped force Assad to pull all 14,000 troops out of Lebanon. Hariri told me that the three-year investigation into his father’s murder isn’t lengthy by UN standards; several comparable UN investigations have dragged on for a decade or more. “I have

spoken many times to the French, to President Sarkozy when he came to Lebanon. He said there would be absolutely no playing with the tribunal, that this was something that had to happen. I have full confidence in the UN process.”

Given current U.S. strategic imperatives—keeping the region from becoming even more unstable, containing a powerful Iran, tamping down tensions over Israel and Palestine—the tribunal could hardly be coming together at a more awkward time. But just as the push to remake the Middle East damaged America’s standing and its interests, a policy that too rigidly maintains the status quo might be equally harmful. Pressing for the prosecution of only a token Syrian official or two, well down the chain of command, would have practical drawbacks, even leaving aside its moral implications. Lebanon’s pro-Western, anti-Hezbollah constituency would regard anything less than indictments of Assad and key members of his regime as a whitewash; that could plunge the country back into another round of sectarian violence, and send a message that the Middle East’s pattern of impunity remains unchanged.

Perhaps the least bad outcome, all things considered, would be a negotiated settlement, in which Assad would turn over two or three members of his inner circle—high-profile leaders whose indictment would damage the regime politically—but receive immunity for himself and his brother. In return, he would need to pledge to keep Hezbollah on a tight leash, to chart a more moderate course at home and abroad, and to make comprehensive peace with Israel. Even this outcome would carry a bad stench, and be dismissed by many as a cynical ploy. But all things considered, it might do the least harm.

ONE JULY AFTERNOON, I drove into the Chouf Mountains, southeast of Beirut, to meet Walid Jumblatt—the Druze chieftain, a leader of the March 14 movement, and one of Rafiq al-Hariri’s closest confidantes—at his 300-year-old family palace, outside the village of Mukhtara. Now that Hariri is gone, Jumblatt is Lebanon’s most prominent and powerful anti-Syrian leader. Jumblatt had been interviewed by Mehlis in June 2005, and recounted for the commissioner a chilling conversation he’d had with Hariri after a meeting between Hariri and Bashar al-Assad in the fall of 2004. According to Jumblatt, Hariri said he’d been warned by Assad not to block an extension of the term of Lebanon’s pro-Syrian President Émile Lahoud, a bitter opponent of Hariri’s who had consistently blocked Hariri’s attempts to redevelop downtown Beirut. “Lahoud is me. I want to renew his mandate,” Assad had told him. “If Chirac wants me out of Lebanon, I will break Lebanon.” Jumblatt recalled that Hariri had been “tense and disappointed. He was in a very bad position.”

After parking the car, I walked through two security checkpoints manned by Druze fighters with AK-47s, and climbed up a path to Jumblatt’s Tuscan-style

villa, past landscaped gardens, courtyards, and stone-walled canals filled with clear, rushing water. Jumblatt was pacing about his spacious, memento-filled office, with French windows offering views of the Eastern Lebanon mountain range—and Syria beyond. He was still shaken in the aftermath of a military assault on Druze villages this past May by hundreds of Syrian-backed Hezbollah fighters; the Shia guerrillas had poured in from the Bekaa Valley and battled Jumblatt's Druze militia for four days. "We lost 24 fighters," Jumblatt told me.

The military offensive by disciplined Hezbollah forces in the mountains and against Saad al-Hariri's ragtag street-fighters in Beirut had ended a nearly yearlong political stalemate between pro-Syrian and anti-Syrian forces in the Lebanese government—a stalemate provoked largely by the creation of the UN tribunal. (Pro-Syrian politicians had boycotted the parliament and prevented the Lebanese government from authorizing the tribunal; the UN was forced to invoke its Chapter VII mandate, which obligated all signatory countries to accept the tribunal or face sanctions.) In the aftermath of Hezbollah's military success, a new compromise president was named, a Christian general named Michel Suleiman—and Hezbollah won veto power in the parliament. In a stunning display of realpolitik, both the U.S. and France welcomed the break in the deadlock. Jumblatt saw it as another ominous sign that Syria and Assad were being welcomed back into the world community.

"I do believe the U.S. is using the tribunal as a bargaining chip with the Syrian regime," Jumblatt told me as he gazed out the window toward Syria. Jumblatt had been one of the last people to see Hariri alive; "he believed he was going to be killed," the chieftain said. Leaning back in a leather chair, hands folded in his lap, Jumblatt looked at once pensive and resigned. The democratic, pro-Western Lebanon he had campaigned for had proved to be a chimera; and the campaign to avenge his closest colleague seemed to be collapsing as well. He said he expected the tribunal to end with some sort of a deal along the lines of that in the Lockerbie case: the regime of the Libyan dictator, Muammar Qaddafi, was accused of blowing up Pan Am Flight 103 over Lockerbie, Scotland, in December 1988, killing 270 people. After intense negotiations with Western powers, Qaddafi finally handed over two low-level intelligence agents to face charges in a Scottish court set up in the Netherlands at Camp Zeist, just a few miles from the court in which Hariri's murder case will be tried. The same kind of arrangement "would be a face-saving solution for Assad," Jumblatt told me.

Jumblatt led the way into the courtyard, where a Harley Davidson motorcycle was parked in the shade of a eucalyptus tree; he often takes spins through the Chouf Mountains, setting aside for a time the responsibility of leading a small religious minority in still-factionalized Lebanon, as well as directing the main anti-Hezbollah, anti-Syrian political movement in the country. "You cannot talk to dictators," Jumblatt told me as he put on his leather motorcycle jacket and mounted the bike. "You cannot appease dictators, like Sarkozy is doing. You

can only kill them—like they have been killing us ... But nobody at this moment is willing to make the Syrian regime fall down.”