

Resolution 1595 Adopted by Vote April 7, 2005

The Security Council this afternoon established an international independent investigation Commission based in Lebanon to assist Lebanese authorities in their investigation of all aspects the terrorist bombing that killed former Prime Minister Rafiq Hariri in Beirut 14 February. That decision, by unanimous adoption of resolution 1595 (2005), included assistance to the authorities in identifying the perpetrators, sponsors, organizers and accomplices. The Council requested the Secretary-General to make the necessary arguments for the speedy establishment of the Commission, including recruiting impartial and experienced staff. It directed the Commission to determine procedures for carrying out its investigation, taking into account the Lebanese law and judicial procedures, and requested it to complete its work within three months of the date on which it commenced full operations, with the possibility of a three-month extension if deemed necessary by the Secretary-General.

The Council decided that, in order to ensure the Commission's effectiveness, it shall:

-- Enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession that the Commission deemed relevant to the inquiry;

-- Have the authority to collect any additional information and evidence, both documentary and physical, pertaining to that terrorist act, as well as to interview all officials and other persons in Lebanon, that the Commission deemed relevant to the

inquiry;

-- Enjoy freedom of movement throughout the Lebanese territory, including access to all sites and facilities that the Commission deemed relevant to the inquiry;

-- Be provided with the facilities necessary to perform its functions, and be granted, as well as its premises, staff and equipment, the privileges and immunities to which they were entitled under the Convention on the Privileges and Immunities of the United Nations. The Council called on all States and all parties to cooperate fully with the Commission, and in particular to provide it with any relevant information.

Today's meeting began at 12:25 p.m. and ended at 12:35 p.m.

Resolution

The full text of resolution 1595 (2005) reads as follows:

"The Security Council, "Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

"Endorsing the Secretary-General's opinion, as expressed in his letter of 24 March 2005 to the President of the Security Council, that Lebanon is passing through a difficult and sensitive period, that all concerned should imperatively behave with the utmost restraint and that the future of Lebanon should be decided strictly through peaceful means,

"Reaffirming its unequivocal condemnation of the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and others, and caused injury to dozens of people, and condemning the subsequent attacks in Lebanon,

"Having examined the report of the fact-finding mission to Lebanon inquiring into the circumstances, causes and consequences of this terrorist act (S/2005/203), transmitted to the Security Council by the Secretary-General following the declaration of the President of the Security Council of 15 February 2005 (S/PRST/2005/4),

"Noting with concern the fact-finding mission's conclusion that the Lebanese investigation process suffers from serious flaws and has neither the capacity nor the commitment to reach a satisfactory and credible conclusion,

"Noting also in this context its opinion that an international independent investigation with executive authority and self-sufficient resources in all relevant fields of expertise would be necessary to elucidate all aspects of this heinous crime,

"Mindful of the unanimous demand of the Lebanese people that those responsible be identified and held accountable, and willing to assist Lebanon in the search for the truth,

"Welcoming the Lebanese Government's approval of the decision to be taken by the Security Council concerning the establishment of an international independent investigation Commission, and welcoming also its readiness to cooperate fully with such a Commission within the framework of Lebanese sovereignty and of its legal system, as expressed in the letter of 29 March 2005 from the Chargé d'affaires a.i. of Lebanon to the United Nations to the Secretary-General (S/2005/208),

"1. Decides, consistent with the above-mentioned letter from the Chargé d'affaires a.i. of Lebanon, to establish an international independent investigation Commission ("the Commission") based in Lebanon to assist the Lebanese authorities in their investigation

of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices;

"2. Reiterates its call on the Lebanese Government to bring to justice the perpetrators, organizers and sponsors of the 14 February 2005 terrorist bombing, and calls upon the Lebanese Government to ensure that the findings and conclusions of the Commission's investigation are taken into account fully;

"3. Decides that, to ensure the Commission's effectiveness in the discharge of its duties, the Commission shall:

-- Enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession that the Commission deems relevant to the inquiry;

-- Have the authority to collect any additional information and evidence, both documentary and physical, pertaining to this terrorist act, as well as to interview all officials and other persons in Lebanon, that the Commission deems relevant to the inquiry;

-- Enjoy freedom of movement throughout the Lebanese territory, including access to all sites and facilities that the Commission deems relevant to the inquiry;

-- Be provided with the facilities necessary to perform its functions, and be granted, as well as its premises, staff and equipment, the privileges and immunities to which they are entitled under the Convention on the Privileges and Immunities of the United Nations;

"4. Request the Secretary-General to consult urgently with the Lebanese Government with a view to facilitate the establishment and operation of the Commission pursuant to its mandate and terms of reference as mentioned in paragraphs 2 and 3 above, and requests also that he report to the Council accordingly and notify it of the date the Commission begins its full operations;

"5. Requests further the Secretary-General, notwithstanding paragraph 4 above, to undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Commission, including recruiting impartial and experienced staff with relevant skills and expertise;

"6. Directs the Commission to determine procedures for carrying out its investigation, taking into account the Lebanese law and judicial procedures;

"7. Calls on all States and all parties to cooperate fully with the Commission, and in particular to provide it with any relevant information they may possess pertaining to the above-mentioned terrorist act;

"8. Requests the Commission to complete its work within three months of the date on which it commenced its full operations, as notified by the Secretary-General, and authorizes the Secretary-General to extend the Commission's operation for a further period not exceeding three months, if he deems it necessary to enable the Commission to complete its investigation, and requests that he inform the Security Council accordingly;

"9. Requests the Commission to report to the Council on the conclusions of its investigation and requests the Secretary-General to update orally the Security Council on the progress of the Commission every two months during the operations of the Commission or more frequently as needed."

Background

The Council had before it a letter, dated 24 March, from the Secretary-General to the Council President (document S/2005/203), which transmits the report of the Mission of Inquiry into the Circumstances, Causes and Consequences of the 14 February Beirut Bombing. The report's main conclusion is to entrust the investigation to an international independent commission.

The Secretary-General states that this independently conducted fact-finding report raises some very serious and troubling allegations, and it concludes that an independent international investigation is needed. He endorses the Mission's recommendation that such an investigation be established, the aim of which would be to reach conclusions as complete as possible about who was responsible for the assassination of former Prime Minister Rafiq Hariri.

Explaining his intention to transmit the report to the Lebanese Government, he says that country is passing through a difficult and sensitive period. It is imperative that all concerned should behave with the utmost restraint. The future of Lebanon should be decided strictly through peaceful means.

The Mission's report recalls that, on 14 February, an explosion in downtown Beirut killed 20 persons, among them the former Prime Minister Hariri. The Secretary-General dispatched a Fact-Finding Mission to Beirut to inquire into the causes, circumstances and consequences of this assassination. Following its arrival in Beirut on 25 February, the Mission met with a large number of Lebanese officials and representatives of different political groups, performed a thorough review of the Lebanese investigation and legal proceedings, examined the crime scene and the evidence collected by the local police, collected and analysed samples from the crime scene, and interviewed some witnesses. It finds that the specific "causes" of the assassination of Mr. Hariri "cannot be reliably asserted" until after the perpetrators of this crime are brought to justice. However, it is clear that that assassination took place in a political and security context marked by acute polarization around the Syrian influence in Lebanon and the failure of the Lebanese State to provide adequate protection for its citizens.

Regarding the circumstances, the Mission is of the view that the explosion was caused by a trinitrotoluene (TNT) charge of about 1,000 kilograms placed most likely above the ground. The review of the investigation indicates that there was a distinct lack of commitment on the part of the Lebanese authorities to investigate the crime effectively, and that this investigation was not carried out in accordance with acceptable international standards.

The Mission is also of the view that the Lebanese investigation lacks the confidence of the population necessary for its results to be accepted. The consequences of the assassination could be far-reaching, the Mission says. It seems to have "unlocked the gates of political upheavals" that were simmering throughout the last year. After gathering the available facts, the Mission concluded that the Lebanese security services and the Syrian Military Intelligence "bear the primary responsibility" for the lack of security, protection, and law and order in Lebanon. The Lebanese security services have demonstrated serious and systematic negligence in carrying out the duties usually performed by a professional national security apparatus. In doing so, they have "severely failed" to provide the citizens of Lebanon with an acceptable level of security and have, therefore, contributed to the propagation of a culture of intimidation and impunity.

The Syrian Military Intelligence shares this responsibility to the extent of its involvement in running the security services in Lebanon. The Mission also concludes that the Syrian Government "bears primary responsibility for the political tension" that preceded the assassination. The Government clearly exerted influence that went "beyond the reasonable exercise of cooperative or neighbourly relations. It interfered with the details of governance in Lebanon in a heavy-handed and inflexible manner that was the primary reason for the ensuing political polarization. Without prejudice to the results of the investigation, it is obvious that this atmosphere provided the backdrop for the assassination of Mr. Hariri.

It became clear to the Mission that the Lebanese investigation process suffers from "serious flaws" and has neither the capacity nor the commitment to reach a satisfactory and credible conclusion, the report states further. To uncover the truth, it would be necessary to entrust the investigation to an international independent commission, comprising the different fields of expertise that are usually involved in carrying out similarly large investigations in national systems, with the necessary executive authority to carry out interrogations, searches and other relevant tasks. It is also more than doubtful that such an international commission could carry out its tasks satisfactorily -- and receive the necessary active cooperation from local authorities -- while the current leadership of the Lebanese security services remains in office.

The Mission concludes, therefore, that the restoration of the integrity and credibility of the Lebanese security apparatus is of vital importance to the country's security and stability. A sustained effort to restructure, reform and retrain the Lebanese security services will be necessary to achieve this end, and will certainly require assistance and active engagement on the part of the international community.

International and regional political support will also be necessary to safeguard Lebanon's national unity and to shield its fragile polity from unwarranted pressure. Improving the prospects of peace and security in the region would offer a more solid ground for restoring normalcy in Lebanon.

