

## Shining light on Lebanon's darkest day

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Daniel Bellemare arrives for the interview with two plainclothes RCMP officers in tow. Given that this is Canada's peaceable capital, the security might seem surprising — unless you know the 60-year-old Ottawa resident has spent the past four-and-a-half years heading up one of the world's most perilous and incendiary murder investigations.

Bellemare has grown accustomed to what he calls "James Bond kind of stuff." He had to. His life depended on it. In November 2007, following a brief flirtation with Freedom 55, Bellemare accepted a daunting assignment: find out who killed former Lebanese prime minister Rafik Hariri on Feb. 14, 2005, and prosecute the assassins.

Until health concerns prompted him to step down as chief prosecutor of the Special Tribunal for Lebanon 10 days ago, that imperative dominated his life.

It hasn't been easy. The investigation is complex — the most complex in the world, some say. Powerful and dangerous forces are arrayed against it. Bellemare himself became a target, requiring massive, even oppressive, security for his own protection. Instead of enjoying retirement together as planned, he and his wife, Cathy, have spent most of the past few years apart.

"To tell you the truth," Bellemare confesses in his first media interview since returning to Ottawa at the end of February, "I didn't really know what I was getting into. I knew it was quite a challenge, but I had no idea of how intense, how challenging it would be, both professionally and personally. Frankly, maybe it was better that I didn't know."

Like everyone, Bellemare says, he was there by choice. It certainly wasn't the money. "Whatever rumours there are, there's not that much money to be made." Nor was he there to advance his career. "As I kept telling people, my career is behind me, it's not ahead of me.

"The reason that I chose to go there is because I believed in what was being done. Once you meet the Lebanese people, you fall in love with them. They deserve an end to impunity. So I thought I could bring a little bit of Canadian justice to the process."

At first glance, Bellemare, burly and round of face, is an unlikely personification of Canadian justice. Though he rarely grants interviews, he is genial and down-to-earth in conversation, nibbling on toast smeared with peanut butter as he recounts his experiences.

But there are signs of inner steel. "The first thing I told my staff when I got there," he says of the Hariri assignment, "was I did not come out of retirement to be associated with a failure."

His credentials were sterling. Among many other roles, he served 14 years as head of the Federal Prosecution Service of Canada, the longest tenure in Canadian history. He was responsible for all criminal prosecutions launched by the attorney general and worked with 800 prosecutors across Canada.

Within days of his retirement in 2007, the United Nations was in touch, asking if he'd be interested in leading the investigation into Hariri's death and serving as the new tribunal's chief prosecutor.

Bellemare agreed to an interview. "It was a free trip to New York City," he says with a laugh. UN officials asked what he knew about the Hariri case. "Absolutely nothing," he told them.

"I was sure that I'd just killed my chances of getting the job," he says. But the UN wanted someone untainted by preconceptions. "That was just what they wanted to hear."

The more Bellemare learned about the case, the more intrigued he became. "When I came back home, my wife told me, 'Just the way you're talking about it, you're hooked.'"

In the end, Bellemare got two jobs. The first was as head of the United Nations International Independent Investigation Commission (UNIIC), which had been investigating Hariri's assassination since April 2005. The second was as

chief prosecutor of the new tribunal, based in The Hague and due to begin its work on March 1, 2009.

His UNIIIC role meant living and working in Lebanon, a nation where Hezbollah &mdash; considered a terrorist organization by Canada &mdash; is part of the ruling government coalition and maintains a militia more powerful than Lebanon's army.

Hezbollah was belligerently hostile to the investigation. At one point, Sayyad Hassan Nasrallah, Hezbollah's leader, announced that his party would &ldquo;cut off the hand&rdquo; of anyone who tried to arrest one of its members in connection with Hariri's assassination.

In a speech last March, Nasrallah attacked Bellemare by name. &ldquo;Basically, I was a puppet of the U.S. and of Israel,&rdquo; Bellemare says. &ldquo;The way the argument went is that Israel could not defeat Lebanon militarily, so now they were trying, through the tribunal, to defeat Lebanon.&rdquo;

The accusation the tribunal was politically motivated was &ldquo;so insulting,&rdquo; Bellemare says. &ldquo;We were always driven by one thing: to find the truth.&rdquo;

Bellemare spent his time in Lebanon in what amounted to an armed camp. UNIIIC staff took over the Monteverde Hotel, a mountainside resort overlooking Beirut that became both their residence and their office. The hotel was surrounded by the Lebanese military around the clock. Residents and visitors had to pass through four military checkpoints to gain access.

For security reasons, Bellemare rarely left the compound. &ldquo;The few times that I had to go to town,&rdquo; he says, &ldquo;the deployment of resources required was just mind-boggling.&rdquo; At least 85 people were mobilized to secure the route and travel in a convoy of a dozen SUVs that &ldquo;swarmed like bees&rdquo; through traffic.

Bellemare would sit in the back seat, with guards wearing helmets and bulletproof vests on either side. Soldiers armed with machine guns occupied the front seat.

&ldquo;The first time that I saw machine guns, that was really a reminder of what you're into,&rdquo; Bellemare says. &ldquo;My philosophy was that when your number is up, your number is up. If you're always worried about what will happen, then you become paralysed. And if you're paralysed, you cannot do anything.

&ldquo;Of course, you don't tempt fate. But at the end of the day, you can have a whole army of people protecting you, and if they want to get to you, they will.&rdquo;

After accepting the UN jobs, Bellemare spent a few weeks in Lebanon in late 2007 scoping out the situation. What he found must have been dispiriting.

The UNIIIC had been investigating Hariri's death for more than two years, but had made very little progress. Unaccountably, his predecessor, Belgian prosecutor Serge Brammertz, wouldn't let his staff use telecommunications analysis &mdash; an important intelligence-gathering technique that ultimately was key to identifying the alleged culprits &mdash; until almost the end of his term.

Bellemare is too diplomatic criticize Brammertz directly. But when asked about the state of the investigation when he arrived, he pauses, smiles tightly and says, &ldquo;Let's say there was a lot of work to do.&rdquo;

Bellemare was dealing with a multiple murder investigation. For that, he says, he needed experienced police officers. &ldquo;So what I had to do was basically to turn around the way the investigation was being conducted.&rdquo;

He drew on his personal contacts to recruit top investigators &mdash; some retired, some on secondment &mdash; from Canada, the United Kingdom and other countries. He also had to work around the UN's notoriously sclerotic bureaucracy.

&ldquo;It normally takes about four months to staff a position at the UN,&rdquo; he observes. &ldquo;Well, I needed the people the day before yesterday. I had to bend every policy to get the people. I have to say that people in New York were very supportive. They understood that we needed to do that.&rdquo;

Within weeks of his arrival, the investigation suffered a blow when Wissam Eid, a Lebanese police investigator, died in a bomb blast.

The intrepid Eid had obtained cellphone call records and, rather miraculously, had been able to identify the interconnected cellphone networks involved in Hariri's assassination.

Each network consisted of a group of phones, usually registered under false names, that had frequent contact with one

another. One, dubbed the red network, was used by the assassination team. Two phones in another group, called the green network, were used to control and co-ordinate the attack.

Blue phones were used by the assassination team for surveillance of Hariri and to prepare for the attack. And purple phones were used to co-ordinate a false claim of responsibility by a fictional fundamentalist group. Moreover, Eid found the cellphone networks all led back, in one way or another, to land lines inside a Hezbollah-run hospital.

Eid reported his finding to his UN partners. Astonishingly, the UNIIIC officials either buried his report, misplaced it or didn't understand its significance. It didn't resurface until December 2007, and the following month, with Bellemare now in charge of the investigation, Eid met with the commission's telecom experts to discuss his findings. He was, he told them, willing to help.

Eight days after his initial meeting with the UN investigators, Eid was killed by a bomb that destroyed his vehicle.

For a time, Eid's death had a chilling effect on the investigation, Bellemare says. "My colleagues were working closely with him, and they felt really targeted." But they redid Eid's telecom work and confirmed that it was accurate. "It was a very, very key starting point for us."

On March 1, 2009, Bellemare assumed his new role as chief prosecutor for the Special Tribunal for Lebanon, based in The Hague. The shift to the Netherlands eased security concerns, but only slightly.

Bellemare moved into an apartment with a lovely view of a beach. But tribunal officials had spent two months fortifying it. "You could have shot a cannon at the door," he says. "It was steel plates all over."

If he wanted to go for a walk, "I had to call the cavalry. You can imagine the scene. You want to walk on the beach and you have six people around you. It's not an incentive to go out. You feel that you have to apply for bail every time you want to go out."

As the investigation continued without apparent results, pressure mounted for indictments. "A lot of people wanted a quick indictment," Bellemare says. "I resisted that all along. This is not the way we have been trained. This is not the way it should be done."

There were even calls to pull the plug because the tribunal wasn't getting anywhere, Bellemare says. "The pressure we had was unbelievable. Donor countries wanted to see results. But when you can't discuss the investigation, you have to tell them, trust me, it's moving along."

Those who complained that the work was taking too long weren't familiar with criminal investigations, Bellemare says. "Criminal investigation takes time. You lay an indictment if you have the evidence to support it. And basically, there were pieces missing."

While investigators knew the cellphone numbers used by the Hariri conspirators, they had to link them to individuals. That took a long time, Bellemare says. "The work that my staff has done is fantastic, when you think that you start from a tabula rasa. Nobody thought that we would be able to build that."

The investigators' work became even more difficult after there was a reference to the communications data in a UN report, he says. "Hezbollah didn't know at the time that the cellphones were leaving traces. After that, the line went dead."

Eventually, Bellemare was satisfied that he'd gathered enough circumstantial evidence to lay charges, though investigations continue. He submitted an indictment for review by the tribunal's pre-trial judge on Jan. 17, 2011. Five days earlier, the Lebanese government, headed by Hariri's son Saad, had collapsed when Hezbollah, angered by Saad Hariri's refusal to renounce the tribunal, withdrew its support.

His successor as prime minister, Najib Mikati, was effectively chosen by Hezbollah. But Bellemare says all Lebanese governments, including Mikati's, have been very supportive of the tribunal's work. "They all want to find the truth," he insists.

After the pre-trial judge confirmed the indictments, Bellemare issued arrest warrants for four Hezbollah members last summer, charging them with intentional homicide, terrorism and conspiracy. Perhaps not surprisingly, efforts to apprehend them have failed.

About a month ago, the tribunal's Trial Chamber concluded that all reasonable steps had been taken to arrest the men and decided to try them in absentia. The Lebanon tribunal is the only international tribunal with that power.

Bellemare remains optimistic that the perpetrators will eventually be found and brought to justice. "I never

despair,&rdquo; he says. &ldquo;Look at the Balkans. Some of them took 12 or 15 years before they were found.&rdquo;

Even a conviction in absentia would do much to end the corrosive culture of impunity that has dominated Lebanon for decades, Bellemare says. Because of the tribunal&rsquo;s work, he believes that has already begun to happen.

Lebanon&rsquo;s history is rife with horrific terrorist attacks, such as the 1983 bombing of the Beirut barracks that killed 299 American and French servicemen. Until now, though, no one had ever been charged with a terrorism crime.

&ldquo;Now, what people want is to send a clear message: nobody&rsquo;s above the law. If you commit a crime, you will pay. This, to me, is a huge, huge step forward.&rdquo;

After Eid&rsquo;s killing, Bellemare went to the murder scene and spoke with Lebanon&rsquo;s military prosecutor general. The Lebanese official&rsquo;s mood was grim.

&ldquo;Mr. Commissioner,&rdquo; he told Bellemare, &ldquo;you know, professionals have done this.&rdquo; Bellemare paused. &ldquo;Mr. Prosecutor General,&rdquo; he replied, &ldquo;we too are professionals.&rdquo; Suddenly, &ldquo;it was like hope had come back. There was a big smile on his face.&rdquo;

Sadly, Bellemare won&rsquo;t be there to see the process through. After giving a speech in Ottawa last August, he spent two months in hospital with a serious bacterial infection. Though he&rsquo;s now recovering, his doctor strongly advised him not to seek renewal of his three-year term, which expired Feb. 29.

It was hard for him to write his letter of resignation, he says. &ldquo;I&rsquo;m very happy to be back and to be with my wife, but professionally, I wish I was still there. It&rsquo;s unique in a lifetime to have the privilege of serving for the UN on the international scene.&rdquo;

It&rsquo;s not yet clear what lies ahead, though Bellemare would like to share some of the experience he has gained. &ldquo;We in Canada don&rsquo;t have much knowledge of the Arabic world,&rdquo; he says. &ldquo;There&rsquo;s so much richness &hellip; the people, the culture. It would be to everybody&rsquo;s advantage to know more.&rdquo;

One thing is certain. His wife has a veto over what he does next. &ldquo;She&rsquo;s been very, very patient and very supportive.&rdquo;

The RCMP security will continue for now, but Bellemare&rsquo;s optimistic it will soon be scaled back. &ldquo;Hopefully,&rdquo; he says, &ldquo;in the summer, I&rsquo;ll be on parole.&rdquo;

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