

## V. THE COMMISSION'S INVESTIGATION

### Overview

87. UNIIC was declared operational by the Secretary General on 16 June 2005. From 16 June to 6 October 2005, 244 witness statements, 293 investigator's notes and 22 suspect statements have been issued. A number of searches have been conducted and 453 crime scene exhibits have been seized. A total of 16,711 pages of documents have been produced. Thirty investigators from 17 different nations have been involved in the UNIIC investigative measures, as well as external experts.

88. At the outset, the time factor affecting the Commission has to be emphasized. UNIIC was declared operational four months after the actual crime, which means that the perpetrators and their accomplices have had plenty of time to destroy evidence and/or to collude with each other, the ability to recall of potential witnesses has been diminished, and previous omissions and inadvertent or deliberate loss and destruction of evidence could not be undone.

89. The first month after the Secretary-General declared UNIIC operational was focused on updating the investigators on the current status of the investigation, including an assessment of measures undertaken by the Lebanese authorities. Much time was spent on analysis of material handed over to the Commission by the Prosecutor General, followed by interviews for clarification with key witnesses, based on written materials on the following topics:

- Reconstruction of actions and whereabouts of Mr. Hariri prior to the blast.
- Findings and results from activities by the Lebanese authorities undertaken at the crime scene and adjacent areas.

- Tampering with evidence.
- Road works at the scene prior to the blast.
- The Abu Adass track
- The Mitsubishi Canter van
- Collection and analysis of telephone lists
- Collection and analysis of CCTV-material, videos and photos collected from a diversity set of possessors depicting the scene prior to and after the blast.
- Financial transactions.

90. These measures in turn led to new witnesses. A public information “hot line” was installed on which anybody could approach the Commission about the case: this measure resulted in several new interviews and new clues that needed to be followed up.

91. The compilation and organization of files and evidence was time-consuming, involving maintaining and improving the system for storing and recording evidence, which includes thousands of pages of documents and written testimonies, as well as numerous videos and photographs. Legal issues highlighted the need for research into Lebanese criminal law and procedure in order to ensure the proper protocols for searches, arrests, suspect interviews, and charging documents. The Lebanese authorities’ assistance in these matters was very praiseworthy.

92. The second month was characterized by a change in investigative directions and priorities, in the sense that investigators followed up new clues and tracked down new witnesses based on their conclusions from previous measures and professional analysis. Many different sources approached the Commission and provided the investigation with useful information. The vast majority of senior officials in the involved Lebanese authorities were interviewed to clarify the allotment of competencies, chains-of-command, and their extent of involvement, as well as decisions taken (or which were neglected). During this period of time the support base of the Commission was reinforced and new software programmes were installed, which made the data-base more operational.

93. During the third month, a full scale crime scene examination was conducted by a joint Dutch / British / Japanese expert team at the site itself and in adjacent areas, including the sea floor adjacent to the scene of the blast. The aim of this operation was to find physical evidence at the crime scene, to reconstruct the improvised explosive device (IED) used and to identify the Mitsubishi Canter van. The operation was accomplished *in situ* during September.

### **Planning of the Assassination**

94. During all measures and efforts undertaken by the UNIIC, no new hard leads or traces regarding the motive and reason for assassinating Mr. Hariri have emerged to supplement those which can be attributed to events during the second half of 2004 which culminated in Mr. Hariri’s decision to step down as the Prime Minister and the prognosis

of the outcome of the general elections in Lebanon. Strong indicators on the latter matter are the massive Future Party election campaign; the Lebanese authorities' reaction on the olive oil affair, in February 2005, where the distributors were arrested (by the Lebanese authorities while distributing free olive at the behest of Mr. Hariri)<sup>(investigator notes)</sup>; and last but not least the factual outcome of the elections. New witnesses have approached the Commission who were reluctant to have any contacts with the Lebanese authorities due to lack of confidence, stating that the assassination of the former Prime Minister could not have occurred without the knowledge of the Lebanese authorities and the approval from Syria.

95. The structure and organization of the Syrian and Lebanese intelligence services in Lebanon at the time of the blast, including protocols for reporting, shows a pervasive impact on everyday life in Lebanon. Good examples of this are documents collected from the former Syrian Intelligence post, Villa Jabr, at Bologna Forest, Lebanon and an intercepted telephone conversation between General Ghazali and a prominent Lebanese official on 19 July 2004, at 0945 hrs (excerpt):

“Ghazali: I know it is early but I thought we should keep up you posted. The President of the Republic told me this morning that they are two to rule the country the Prime Minister and him. He said that things cannot continue this way. The Prime Minister is always irritating him and we are always shutting him up and yelling at him. He made it clear he cannot continue this way.

(...)

X: Take it easy on me. Can you appoint a new Government at this time?

Ghazali: Yes we can appoint one. What could be the problem? We can name Botros Harb.

(...)

Ghazali: Let me tell you one thing. Let the worker's movement take the street on the 20<sup>th</sup> in Solidere and Koraytem.

X: Let's speak it over. Take it easily. I have to take into consideration the best interests of Syrian and Lebanon.

Ghazali: We are keen on Syria's best interest but I am now talking about Rafik Hariri.

X: So, the decision is taken.

Ghazali: I wish to tell you one thing. Whenever we need to speak to Hariri we have to suck up to him and he does not always answer.

X: To hell with him. What do I care about him?

Ghazali: What do I care about him? The President can't stand him so why should I?

X: Fine, may he rot in hell ...

(...)

Ghazali: No. Let him be the laughing stock and be pointed at as the person who ruined and indebted the country. Let the people take the street in Koraytem and Solidere; let the manifestations continue until he is forced to resign like a dog.

X: What about another option. I send him a message saying: Resign God damn it.

Ghazali: No, don't send him a message or else he will say they forced me to resign. Let the street ... you know what I mean. Or else he will use this as a bargaining card with his American and French masters.

X: So shall we leave things to the street?

Ghazali: This is better.

X: Let's go for it."

96. One witness of Syrian origin but resident in Lebanon, who claims to have worked for the Syrian intelligence services in Lebanon, has stated that approximately two weeks after the adoption of Security Council resolution 1559, senior Lebanese and Syrian officials decided to assassinate Rafik Hariri. He claimed that a senior Lebanese security official went several times to Syria to plan the crime, meeting once at the Meridian Hotel in Damascus and several times at the Presidential Place and the office of a senior Syrian security official. The last meeting was held in the house of the same senior Syrian security official approximately seven to 10 days before the assassination and included another senior Lebanese security official. The witness had close contact with high ranked Syrian officers posted in Lebanon.

97. At the beginning of January 2005, one of the high ranked officers told the witness that Rafik Hariri was a big problem to Syria. Approximately a month later the officer told the witness that there soon would be an "earthquake" that would re-write the history of Lebanon.

98. The witness visited several Syrian military bases in Lebanon. At one such base, in Hammana, he observed a white Mitsubishi van, with a white tarpaulin over the flatbed. The observations were made on 11, 12 and 13 February 2005. The Mitsubishi left the Military base in Hammana on the morning of 14 February 2005. The Mitsubishi Canter van, which was used as the bomb carrier, entered Lebanon from Syria through the Bekaa border and a military hot lane on 21 January 2005, at 1320 hrs. It was driven by a Syrian Colonel from the Army Tenth Division.

99. On 13 February 2005, the witness drove one of the Syrian officers to the St. George area in Beirut on a reconnaissance exercise, as he subsequently understood it to have been after the assassination took place.

100. Regarding Mr. Abu Adass, the witness has stated that he played no role in the crime except as a decoy. He was detained in Syria and forced at gunpoint to record the video tape. Subsequently, he was killed in Syria. The videotape was sent to Beirut on the morning of 14 February 2005, and handed over to Jamil Al Sayyed. A civilian with a criminal record and an officer from the Sûreté Générale were tasked with putting the tape somewhere in Hamra and then calling Ghassan Ben Jeddo, an Al-Jazeera TV reporter.

101. General Jamil Al-Sayyed, according to the witness, cooperated closely with General Mustapha Hamdan and General Raymond Azar in the preparation of the assassination of Mr. Hariri. He also coordinated with General Ghazali (and, among

others, people from Mr. Ahmad Jibreel in Lebanon). General Hamdan and General Azar provided logistical support, providing money, telephones, cars, walkie-talkies, pagers, weapons, ID-cards etc. Those who knew of the crime in advance were among others, Nasser Kandil and General Ali Al-Hajj.

102. Fifteen minutes before the assassination, the witness was in the vicinity of the St. George area. He received a telephone call from one of the senior Syrian officers, who asked the witness where he was. When he answered, he got the advice to leave the area immediately.

103. Another witness approached the Commission and stated that he had met with General Hamdan in the middle of October 2004. General Hamdan talked very negatively about Mr. Hariri accusing him of being pro-Israeli. General Hamdan ended the conversation by stating: "We are going to send him on a trip, bye, bye Hariri". After the assassination, the witness was strongly reminded not to discuss this conversation with anyone.

104. Another "witness" who later became a suspect, Zuhir Ibn Mohamed Said Saddik, has given detailed information to the Commission about the crime, in particular insofar as the planning phase is concerned. Paragraphs 105 to 110 set out the main points of Mr. Saddik's statement.

105. One of the main issues raised in Mr. Saddik's statement was a report that he said was drafted by Nasser Kandil. This report stated that Mr. Hariri and Marwan Hamadeh had a meeting in Sardinia. At the end of the report Kandil stated that a decision should be taken to eliminate Mr. Hariri. Nasser Kandil was tasked to plan and implement a campaign aiming at ruining Mr. Hariri's reputation on religious and media level. The Baath Party in Lebanon decided that they should get rid of Mr. Hariri by any possible means and isolate him since President Lahoud's attempt to remove him from the political scene failed.

106. Mr. Saddik stated that the decision to assassinate Mr. Hariri had been taken in Syria, followed by clandestine meetings in Lebanon between senior Lebanese and Syrian officers, who had been designated to plan and pave the way for the execution of the assault. These meetings started in July 2004 and lasted until December 2004. The seven senior Syrian officials and four senior Lebanese officials were alleged to have been involved in the plot.

107. Planning meetings started in Mr. Saddik's apartment in Khaldeh and were subsequently moved to an apartment in Al-Dahiyye, a district of Beirut. Some of these individuals visited the area around the St. George Hotel under different guises and at different times for planning and preparation purposes of the assassination.

108. Mr. Saddik also gave information about the Mitsubishi itself and that the driver eventually assigned had been an Iraqi individual who had been led to believe that the

target was Iraqi Prime Minister Iyad Allawi (who happened to be in Beirut prior to the assassination).

109. Mr. Saddik had been informed that TNT and some special explosives had been used in order to direct suspicions towards extremist Islamic groups, as these kinds of explosive had only been used in operations in Iraq.

110. A trip by Mr. Saddik with Abdel-Kareem Abbas led to a camp in Zabadane. Al-Saddik claimed to have seen the Mitsubishi Canter van in this camp: mechanics were working on it and emptying the sides. The sides of the car's flatbed, as well as the doors of the Mitsubishi had been widened and filled with explosives, which had also been put underneath the driver's seat. In the camp he had seen a young man whom he had been able to identify as Mr. Abu Adass after seeing the video on TV on 14 February 2005.

111. On 30 August 2005, the Commission sent an official letter to Syria with questions regarding the Zabadane camp. The answer was handed over personally to the Commissioner in New York, confirming the existence of the camp but denying it to be used for any other purposes than juvenile educational activities. However, from other information given to the Commission, there are strong indications of activities within the camp during the period, 5-9 September 2005, geared towards changing the features and operations within the premises. Satellite pictures also show high walls and watch towers in the area.

112. On 26 September 2005, investigators of UNIIC had a meeting with Mr. Saddik. On 27 September, Mr. Saddik confessed in a handwritten document that he had participated in the immediate planning phase before the assassination (January and February 2005) and that he was acting as a driver for several of the above-mentioned suspects during the entire day of 14 February.

113. Consequently, on 13 October 2005, on the suggestion of the Commission, the Lebanese Prosecutor-General issued an arrest warrant concerning Mr. Saddik, which led to his arrest on 16 October.

114. At the present stage of investigation, a certain amount of information given by Mr. Saddik cannot be confirmed through other evidence.

115. The wife of Mr. Saddik has confirmed that, during the period July to December 2004, her husband met a huge group of people on several occasions in their home in Khaldeh as at other locations. He did not want her to be present, since these people wished not to be identified. She has also confirmed visits at their home by and Dhafer Al-Yussef, in the company of three other men unknown to her.

116. The fact that Mr. Saddik implicates himself in the assassination, which ultimately led to his arrest, adds to his credibility.

117. Other witnesses have informed the Commission that the day before the assassination of Mr. Hariri, the late chief of Mr. Hariri's close protection (Mr. Yehya Al-Arab alias Abu Tareq) had a meeting with General Ghazali. It seemed that Mr. Al-Arab was badly shaken up by that meeting. Instead of reporting immediately to Mr. Hariri as usual, he went to his house, turned off his phone and stayed there for a few hours. The version given by General Ghazali of this meeting is not compatible with the information given by other witnesses to the Commission.

#### Other elements to be considered

118. Some other circumstances to be kept in mind regarding the planning phase of the crime are the surveillance measures targeting Mr. Hariri undertaken by the ISF and the wiretapping of Mr. Hariri's telephones by the Military Intelligence (see section Surveillance and telephone wiretapping of Mr. Hariri).

119. One of the first measures General Al-Hajj undertook after being appointed to the post as the Head of the Internal Security Forces was to reduce the number of state security personnel around Mr. Hariri from a level of 40 down to eight in November 2004. The reason was asserted to be a letter from the Lebanese President and the Prime Minister that Lebanese law should be applied on all levels and in all matters. According to a decree (3509 of 1993), the number of security staff for a person in the Hariri category should be eight. Whether anyone else was affected by the same decree, the Commission has not been able to ascertain.

120. There are still some activities on the Minae Al-Hosn Street in Beirut prior to the blast that have to be further investigated, which could elucidate details from the planning phase and as such lead to the perpetrators.

121. The investigation shows that eight telephone numbers and 10 mobile telephones were used to organize surveillance on Mr. Hariri and to carry out the assassination. The lines were put into circulation on 4 January 2005 in the northern part of Lebanon, between Terbol and Menyeh. The lines were used on individual days to observe Mr. Hariri's habits, mostly in the area of Beirut city.

122. On 14 February 2005, six of the telephone were used in the area stretching from Parliament Square to the St. George Hotel and the axes of Zqaq el Blat and Al Bachoura. The calls occurred at 1100 hrs. They covered all routes linking the Parliament to Kuraytem Palace. The telephone located at the Parliament made four calls to the other telephones at 1253 hrs, the time when the Hariri motorcade left Nejme Square. The telephones have been inactive since the blast at 1256 hrs. The lines were only used to make calls with each other for the entire period from early January to 14 February 2005.

123. With all these circumstances in mind, including the previously described conversation of 26 August 2004, there is little probability that a third party would undertake surveillance and monitoring measures against Mr. Hariri for more than a month prior to the blast and maintain the resources, logistics and capacity needed to

initiate, plan and commit a crime of this magnitude, without the knowledge of the competent Lebanese authorities. This includes the procurement, handling and maintenance of a large quantity of highly aggressive explosive, a stolen Mitsubishi Canter van, the recruitment of the related human resources, as well as a base station for necessary preparations.

**Conclusion:**

**There is probable cause to believe that the decision to assassinate former Prime Minister, Rafik Hariri, could not have been taken without the approval of top-ranked Syrian security official and could not have been further organized without the collusion of their counterparts in the Lebanese security services.**

Hariri telephone wire-tapping

124. According to a witness, ISF personnel were ordered to keep Mr. Hariri under surveillance at the end of January and beginning of February 2005. No documentation on this topic has been found during UNIIIC investigative measures.

125. Colonel Ghassan Tufayli was responsible in the Lebanese Military Intelligence Service for the technical department. It included the telecommunication - and the wire tapping -service. The department tapped political, military and suspect people. His superior was the head of the Military Intelligence Service, General Raymond Azar. Colonel Tufayli received his orders from his superior in oral rather than written form. Several important people such as former presidents, prime ministers and deputies were permanently wiretapped. Although Mr. Hariri was no longer Prime Minister in early 2005, he was a very important political and economic figure in Lebanon and the Middle East. Therefore he was under permanent wiretapping. The technical department monitored and recorded conversations. Staff from the Lebanese Sûreté Générale supported Tufayli's army unit. The protocols were forwarded on a daily basis to General Raymond Azar and to the head of the army, General Michel Suleyman. The head of the Lebanese Sûreté Générale, Jamil Al-Sayyed, was also provided with the results. According to Colonel Tufayli's statement, General Raymond Azar sent the protocols to the Lebanese President and to General Ghazali, the head of the Syrian Military Intelligence Service in Lebanon.

126. Colonel Tufayli mentioned that the Republican Guard Brigade also had an internal wiretapping service.

**Conclusion:**

**Through the constant wire-tapping of Mr. Hariri's telephone lines, the Syrian and Lebanese security and intelligence services were kept informed of his movements and contacts.**

## Roadworks

127. The Commission also investigated whether there was excavation work in the road in front of the St. George Hotel in the period before the assassination. There have been suggestions that unusual road works – including the installation of wires and open manholes – occurred in the road in front of the St. George Hotel shortly before the assassination, implying that individuals involved in the assassination may possibly have had an opportunity to install a bomb or a remote bomb device underneath the road, thus causing the explosion.

128. Municipal records show that the last work permits for work in the area near the crime scene, granted prior to the blast were provided in January 2005. For example, from 3 to 8 January 2005, the Beirut Water authorities were provided permits to dig for a water pipe and to excavate the main roads around the St. George Hotel. Ogero, the telecommunications company, was granted a permit to install a telecommunications cable between 13 and 20 January 2005. However, some witnesses have stated that there may in fact have been road works conducted in the area in front of St. George closer to the day of the explosion, including the night before. For example, a taxi driver reported that he dropped two passengers at the Phoenicia Hotel on 12 February 2005 at approximately 0615 hrs in the morning. As he turned left onto Minet El Hosn, he realized that the street was closed just in front of the St. George Hotel facing the HSBC bank and that some road works were being conducted, including two open manholes in front of the St. George, and that workers and military personnel were present at the location. Another witness, a marina worker, noted that while the installation of the telephone wires had started at the marina, they were not in use as they had not been connected to an external wire and no cables were connected for the television or computers. Another individual reported that on Sunday afternoon, the day before the assassination, as he and his wife approached the site of the explosion, they saw three people working in the middle of the street and lowering into a hole in the ground near the St. George Hotel what appeared to be a pallet and also observed two black cables with about half inch in diameter running from the hole to the St. George Hotel. By contrast, other witnesses were certain that there were no road works in the vicinity in the days prior to the explosion.

### **Conclusion:**

**The issue of whether there was excavation in front of the St. George Hotel remains an open question that the Commission has not been able to resolve beyond certain witnesses' recollections which have not been independently substantiated. Municipal records do appear to make clear, however, that excavation close to the time of the crime was not carried out pursuant to city permits.**

## Execution of the Bombing

129. A branch of the HSBC bank is located close to the scene of the explosion. The bank operated its own CCTV security system which recorded the movements of the Hariri motorcade immediately prior to the explosion, but did not record the scene of the

blast itself. On close scrutiny, the recorded footage showed a white Mitsubishi Canter van entering the area of the explosion shortly before Mr. Hariri's convoy.

130. The recording clearly showed that this Mitsubishi Canter was moving approximately six times slower than all other vehicles traversing the same stretch of roadway. A time series analysis showed that for the approximately 50 meters of road covered by the camera, a normal car took 3-4 seconds to cover the distance, while a large truck took 5-6 seconds to travel the distance. The Mitsubishi Canter took approximately 22 seconds to travel the distance and entered the area one minute and 49 seconds before the Hariri convoy.

131. Collected samples from the crime scene and further forensic examinations, have succeeded in identifying the Mitsubishi Canter van. Through a part of the engine block, found and collected at the crime scene, it has been concluded that the engine comes from a Mitsubishi vehicle stolen on 12 October 2004 in Sagamihara City, Japan.

132. The Commission has interviewed all the survivors who were involved in the Hariri motorcade, eyewitnesses on the spot and in adjacent areas as well as shop owners, employees, vendors, residents etc in the neighborhood of the crime scene.

133. None of the people interviewed has made any unusual observations on 14 February 2005, at Minae Al-Hosn Street or in adjacent areas of activity different from the normal situation at these locations.

134. One of the main issues for the Commission was to determine how it was known that Mr. Hariri would take the Maritime route on his way back to the Kuraytem Palace from the meeting at the Parliament.

135. It was a common knowledge that Mr. Hariri would attend the pre-election meeting at the Parliament this particular morning. It was also known that he would return to the Kuraytem Palace after the meeting, since he had invited more than twenty people for lunch at the Palace.

136. From the Nejme Square back to Kuraytem there were three options of routes. The decision to take the Maritime road was made just before departure by a senior staff member in Mr. Hariri's private security detail and communicated to the lead car, but it was already envisaged in the morning that if the motorcade was able to return to the Palace before 1400 they would have chosen the Maritime road. If not, another road would have been taken. The motorcade left the Nejme Square area and drove along Ahdab Street and Foch Street. At the junction of Foch Street and the Seaport Street the convoy was delayed for several minutes due to some traffic hindrance. At the mentioned junction the convoy turned left and took the Maritime road towards Ain Mreisa and the St. George Hotel.

137. The motorcade was composed of six cars. The first car, a Toyota Land Cruiser, was manned with four officers from the Internal Security Forces, the second was a

Mercedes 500 S manned by three persons from Mr. Hariri's private security team. The third car was an armored Mercedes driven by Mr. Hariri and with Mr. Fleyhan as passenger. The fourth and the fifth cars were Mercedes 500 S, each manned by three security officers from Mr. Hariri's private security team and positioned in the convoy on the flanks of the third car. The last car in the convoy was a Chevrolet, fully equipped as an ambulance and manned by three Hariri staff members, two of whom were paramedics. The second, fourth and fifth cars were equipped with jamming devices, which were switched on and functional.

138. When the motorcade passed the St. George Hotel at Minae Al-Hosn Street, at 1256 hours, a huge explosion occurred, which resulted in the death of Mr. Hariri and 21 others. In addition, more than 220 persons were injured and the damage to surrounding buildings and vehicles was severe. Mr. Hariri was taken to the American University Hospital, where his body was identified and the cause of death concluded to be immediate brain injury resulting in cardiac arrest.

139. An Opel which followed the motorcade from Nejme Square to the junction of Foch Street and Seaport Street has not been identified. It should be noted that because the motorcade was delayed at a T-junction, for a short while it went against the traffic on a one-way street from Nejme Square to Foch Street, followed by the Opel. The Commission has not succeeded in elucidating the reason for the delay of the motorcade at the T-junction.

140. The FitzGerald report concluded that Mr. Hariri during the last three months prior to the blast had taken the Maritime Road at six different occasions, but it should be kept in mind that, during the same period of time, he only appeared in public in the Beirut area fewer than 10 times.

141. The Commission has not found any indication that there were leaks from, or accomplices, within Mr. Hariri's close staff members. However, UNIIC determined that Mr. Hariri was under surveillance at least one month prior to the blast, by people planning the crime (see the phone analysis section above).

142. The weaknesses in the initial measures taken by the Lebanese authorities and the tampering with evidence during the first crime scene examination have worked against identifying the type of explosives used in the blast. The first collected samples of residues were tested in an "itemizer", which only gives an indication of the explosives. In this case it indicated TNT, but no forensic laboratory examinations of the samples were undertaken. This fact has hampered the investigation, since it has been impossible to track down the origin of the explosives, which subsequently could lead to the perpetrators.

143. In addition, no other CCTV security systems were seized in the area except those from the HSBC bank. This negligence could have led to the loss of important evidence.

**Conclusion:**

**It would not have been difficult for individuals outside of Hariri's "inner circle" to predict the route that his convoy would follow on 14 February 2005. The Mitsubishi Canter van shown on the HSBC bank CCTV security system was the carrier of the explosives. The negligence of the Lebanese authorities to undertake proper investigative measures and a full-scale professional crime scene examination immediately after the blast has made it difficult to resolve key questions regarding the execution of the bombing, such as the type of explosive used, or may have resulted in the potential loss of important evidence, such as useful CCTV videos.**

#### Use of Prepaid Telephone Cards

144. Investigations by both the ISF and Military Intelligence have led to six pre-paid calling cards, which telephone records demonstrate were instrumental in the planning of the assassination. Beginning at approximately 1100 hrs on 14 February 2005, cell site records show that cellular telephones utilizing these six calling cards were located in the area stretching from the Nejme Square to the St. George Hotel, within a few-block radius and made numerous calls with each other and only with each other. The phones were situated so that they covered every route linking the Parliament to Kuraytem Palace: that is, cellsite records demonstrate that these telephones were placed to cover any route that Hariri would have taken that day. One of the cellphones located near the Parliament made four calls with the other telephone lines at 1253 hrs --- the time that Mr. Hariri's convoy left the Nejme Square . The calls --- and all usage on the cards --- terminated at 1253 hrs on 14 February, a few minutes before the blast. The lines have all been inactive since.

145. Further investigation has revealed that these six lines --- along with two others --- were put into circulation on the 4 January 2005, after calling number 1456 activated them. They were all activated at the same location in northern Lebanon between Terbol and Menyeh. Since they were first purchased in early January 2005, until the time of the explosion, the lines only had calls with each other. In that time period, until the assassination, there appears to be a correlation between their location and Hariri's movements, suggesting that they might have been used to follow Hariri's movements in that time period.

146. The Commission, in conjunction with the Lebanese authorities, continued the investigation of the origin of these telephone lines. The six pre-paid cards originated, along with four others, from the Powergroup Company, Beirut, a store owned by a reportedly active member of Al-Ahbash with close ties to Sheikh Ahmad Abdel-Al. According to company records, the lines were delivered to the store's Tripoli branch. One of the employees of that Tripoli store reported that on the 30 December 2004, he received a telephone call from Raed Fakhreddin, the owner of another cell shop in Tripoli and the nephew of Tarek Ismat Fakhreddin, a prominent businessman and consultant to former Lebanese prime minister Omar Karame. Raed Fakhreddin reportedly urgently wanted to buy 10 prepaid cards; the Tripoli store employee noted that the inquiry itself was unusual as Raed Fakhreddin did not customarily buy lines from the Tripoli store nor

typically have commercial dealings with the Tripoli store other than mobile handset purchases. However, the ten calling cards bearing these particular lines were located, and Raed Fakhreddin sent a messenger to pick up the calling cards bearing these lines from the Tripoli store. That messenger reported to the Commission that he paid \$700 USD in cash at the Tripoli store to purchase these ten lines and deliver them to Raed Fakhreddin. The forms legally required for purchasing cellular lines were not filled out that day, however, but rather over two weeks after the lines had been sold, on 12 January 2005. The supporting identification required for the purchase, which was provided by Raed Fakhreddin, proved to be false. On 14 September 2005, the ISF arrested Raed Fakhreddin, along with others involved in the transfer and sale of these calling cards. Raed Fakhreddin was subsequently interviewed as a suspect by the Commission. In that interview, while he admitted that he purchased the lines, he denied any knowledge of the use of six of the lines in connection with the Hariri assassination.

147. Of the ten mobile phones used in connection with these ten cellular telephone cards, five have been traced to a store in Tripoli.

#### **Conclusion:**

**The investigation of the prepaid telephone cards is one of the most important leads in this investigation in terms of who was actually on the ground executing the assassination. This is a line of investigation that needs to be pursued thoroughly.**

#### Jamming Devices

148. Hariri's convoy included three vehicles equipped with jamming devices, designed to disturb the signals of remote-controlled IED.

149. Although UNIIC received information from one source that a trusted associate of Mr. Hariri's had tampered with the jamming devices prior to the blast, the Commission has not been able to corroborate this information. Indeed, all available evidence indicates that these jamming devices were operational and in proper working condition at the time of the assassination. Those responsible for managing the jamming devices reported that they conducted a detailed check of the jammers every three months, an operation performed for the last time in early January 2005 when no problems were observed. In addition, the jamming system was checked by a member of Mr. Hariri's security detail two days before the explosion and was deemed to be in good working condition. Of the three jamming devices, one was completely destroyed by the blast, another was burned but was retrieved and is maintained as evidence, and a third was still operational and, upon testing, was found to be working properly. Moreover, the report of the Dutch forensic explosives experts about the two devices which survived as evidence further concluded that the intact jammer had essentially been operational. Finally, the telecommunication firms, MTC Touch and ALFA, reported that their networks were disrupted on 14 February from about 1200 hrs to 1300 hrs between Place de l'Etoile and the St. George Hotel. UNIIC investigators conducted a reconstruction on 19 August 2005 in cooperation with MTC and ALFA, by taking three vehicles similar to those in Mr. Hariri's convoy equipped with similar jamming devices along the same route that the

convoy took from the Place de l'Etoile to the St. George Hotel. This reconstruction produced relatively similar results regarding the temporary disruption of telecommunications as occurred on 14 February, even accounting for other factors that could have affected telecommunications in the area. Thus, it can be assumed that at least one of the three jamming devices was operational and functional at the time of the explosion.

150. Even though at least one jamming device was operational, investigation has revealed that there are ways to overcome, avoid, evade or use jamming devices. Different possibilities include a suicide bomber, a wireless explosion using different frequencies from those of the jamming devices or using the frequencies of the jamming devices, a wireless explosion using the jamming devices themselves, a wireless explosion using a satellite phone from Thuraya, the only telephone company working on Lebanese territory with satellite links, a wired explosion using a TNT cable, or a wired explosion using another kind of installed cable such as a telephone line as a connecting wire. Although it appears to the Commission based on its investigation to date, specifically, the results of the Dutch forensic examination of the crime scene, that it is possible that a suicide bomber caused this explosion, these other possibilities warrant further investigation, both as to whether they were feasible standing alone or in conjunction with a suicide bomber.

**Conclusion:**

**It appears that the jamming devices in Hariri's convoy were operational and functional on 14 February at the time of the blast. Further investigation may provide information about how the IED was activated.**

Telecommunications interferences in downtown Beirut

151. UNIIC received information that there was interference on 14 February 2005 from 0900 hrs until 1400 hrs of the telecommunications antenna covering the area of Riad Solh, which includes the crime scene area. The matter was investigated with the Ministry of Telecommunication. This information was confirmed through information provided by the telecommunications provider MTC Touch. Consequently, the mobile phone callers on the crime scene area could not use this specific antenna and were diverted to other antennas. No evidence has been found to date which would clearly point to internal manipulation at MTC Touch, although such internal manipulation cannot yet be completely discounted. It remains equally possible that an outside individual, criminal organization, company or authority would also have been able to generate such interferences, for example with a mobile appliance. Moreover, a direct connection between these interferences and the assassination cannot be excluded.

**Conclusion:**

**It appears that there was interference with a telecommunications antenna in the crime scene area during the time of the crime. This is a line of enquiry that should be thoroughly pursued.**

## Crime Scene

152. Until the establishment of UNIIC, the Lebanese authorities had not carried out a thorough crime scene examination. Since this constitutes the basis of any criminal investigation, the Commission deemed it necessary to seek the assistance of UN member states to second experts in order to determine primarily, among other things, whether the explosion took place aboveground or underground.

### The German Forensic Team

153. On 6 July 2005, the German Forensic Team, comprising four forensic experts, submitted their report to UNIIC.<sup>2</sup> Excerpts of the most important paragraphs conclude:

“The Swiss expert team’s findings and conclusions can be fully supported. Due to the distribution of the so far located parts of a Mitsubishi Canter lorry, it can be assumed that that vehicle played a significant part in the course of action and was possibly used as carrier of the bomb.

After the assessment of all facts and estimations an aboveground explosion is the most feasible possibility. If we assume such an explosion, the amount of explosive must have been around 1,000 kg. Highly aggressive explosive was used. The result of an A-sample from the crater wall shows that TNT was used. But this result is not one that has been achieved in the presence of an expert from the UN Fact Finding Mission to Lebanon and thus must be regarded as preliminary and not finally confirmed result. During our work at the location of the incident we could not detect any hints with regard to the kind of trigger that has been used”.

### The Dutch Forensic Team

154. During the period 12 August – 25 September 2005, a Dutch forensic team conducted an the examination of the prime crime scene and periphery areas of interest. The team was composed of seven experts specialized in post-blast investigations. The objective for the forensic investigation of the explosion site was to find physical evidence to reconstruct the IED which caused the explosion. To examine a crime scene nearly half a year after the incident occurred is not a common practice. Moreover, it was known that the crime scene was disturbed on several occasions. This seriously diminishes the strength of conclusions that can be drawn from the location where the exhibits were found. It can never be excluded that the materials at the crime scene were manipulated by someone or intentionally put there. Notwithstanding, it was felt to be useful to carry out a full crime scene search, mainly because it was likely that certain areas of the crime scene had not been contaminated, such as the upper floors of the Byblos and St George’s Hotel. The crime scene area was cordoned off on 15 February 2005, according to ISF, and was guarded 24/7 from this day on.

155. The Dutch forensic team was assisted by many people in carrying out the crime scene investigation, e.g. forensic police officers from ISF, a team of British divers, a French expert on explosives, a forensic scientist from Northern Ireland, a German electrical engineer specialized on jamming devices, a team of Japanese crime scene

investigators, a German car expert, a Dutch car expert and a number of Lebanese specialists.

156. A coherent and comprehensive report on the findings and results from the crime scene investigation has been submitted to the Commission. The report comprised 87 pages and contained four main conclusions:

*1. Detonation of high explosives*

The damage inflicted on the buildings, vehicles, surrounding lamp posts and other objects in the vicinity of the explosion site demonstrates that a large amount of high explosives was activated and detonated to the left side in front of the main entrance of the St George's Hotel on Minae Al-Hosn Street. This detonation set fire to many vehicles within the distance of 20 to 30 meters of the explosion centre. From the damage pattern it is clear that it was one explosion of a charge of high explosives.

*2. Mitsubishi Canter vehicle*

Regarding the physical evidence recovered, the human remains identified by the Lebanese forensic specialist, the HSBC security video and the damage on the vehicles parked on the road, the most likely scenario is that a Mitsubishi Canter van containing the IED was activated when the Hariri convoy of six vehicles drove by. The engine number of this Mitsubishi Canter van was found amongst the debris on the crime scene. This engine number has led to the vehicle registration number and the production date.

No remains of the constituents of the IED have been found amongst the debris, apart from the vehicle parts of the Mitsubishi Canter in which the IED was placed. Because of the size of the explosion and the exploded charge this is not unexpected. A few damaged parts of circuit board have been recovered which may be related to the activation mechanism. However, these circuit boards should first be examined by electronics experts, who might give an indication of the application of these boards.

*3. Location of convoy vehicles and bomb vehicle*

When the explosive was activated, the Mitsubishi Canter was parked almost in line with the other parked vehicles along the pavement in front of the St George's Hotel with the front of the vehicle facing the west. It was not parked fully in line judging from the direction of the explosion force acted on the red Ford vehicle which was most likely parked directly in front of the Mitsubishi. This red Ford vehicle was most severely damaged from the left rear side which means that the Mitsubishi could not have been parked fully in line with the Red Ford vehicle.

Among the six convoy vehicles the black Mercedes numbered 404 was closest to the explosion center when the IED detonated. The direction of the explosive force on this vehicle was from the right side, meaning it was most likely located alongside of the Mitsubishi. From the damage patterns it can be stated that vehicles 401, 402 and 403, the latter with Messrs. Hariri and Fleyhan as occupants, had just passed by the Mitsubishi when the explosion occurred. Vehicles 405 and 406 were damaged most severely at the

right front side, meaning that these vehicles had not yet driven by the Mitsubishi at the moment of the detonation.

#### *4. Activation mechanism of the IED*

Regarding the physical evidence presented in this report and the fact small human remains of an unidentified person have been found and no large body parts such as legs, feet or lower arms, the most likely scenario for the activation of the IED is a suicide bomber. Another only slightly less likely possibility is that of a remotely-controlled device. However, no residues of such a device have been recovered from the crime scene.

#### The British Forensic Team

157. On 5 September 2005, the British Forensic Team submitted their report to the Commission. The British team was composed of seven experts. The objective for the team was to conduct a underwater search of the sea floor and the Marina adjacent to the scene of the blast. While performing their duties, the British team was assisted by Lebanese divers from the Civil Defense Fire and Rescue Team. Forty items were collected and seized during the underwater search, of which the vast majority were vehicle parts.

#### The Japanese Forensic Team

158. On 27 September 2005, the Japanese team submitted their report to the Commission. The team comprised of three forensic experts accompanied by an interpreter. The objective of the team was to identify the Mitsubishi Canter van.

159. The Japanese experts examined all the evidence recovered from the crime scene and sorted out 69 pieces as suspected Mitsubishi Canter parts. Of the 69 pieces, 44 items were identified as Canter parts by the Mitsubishi Fuso Corporation in Japan.

160. The Mitsubishi Canter Van was finally identified. The vehicle was stolen in Sagamihara City, Japan on 12 October 2004.

#### The Northern Irish and French Experts on IEDs

161. The experts were in agreement with the comments and conclusions in the Dutch Forensic Team's report.

#### **Conclusion:**

**The explosion that killed Mr. Hariri and 22 others took place above ground. For this purpose, an amount of no less than 1000 kilograms of military explosives was used.**

## **AFTER THE CRIME : ANALYSIS AND EVALUATION**

162. The Commission has undertaken extensive measures to map Mr. Hariri, his whereabouts and doings prior to the blast as well as other occurrences, in order to find the motive and the reasons behind the crime.

163. Interviews have been conducted with his relatives, staff members, friends, associates and colleagues. None of these efforts have led anywhere else than to the prelude of Mr. Hariri stepping down from the post as Prime Minister.

164. This information has reinforced a picture of a tense relationship between Mr. Hariri on the one hand and President Lahoud and the Syrian authorities on the other. Evidence is also adduced from the phone conversation between General Ghazali and a senior Lebanese official on 19 July 2004; the conversation between President Assad and Mr. Hariri on 26 August 2004; in Syria, the approach to Mr. Hariri by Yehya Al-Arab, Wissam El-Hassan and Salim Diab in October-November 2004 to increase the security around him due to the political tension and Mr. Hariri's response that "they don't dare to touch me"; the meeting between General Ghazali and Yehya Al-Arab on 13 February 2005; and the Lebanese authorities response to the distribution of olive oil during February 2005.

165. All the key players amongst the competent Lebanese authorities have been interviewed as well as their experts involved in the initial measures of the investigation. The early investigation showed a pattern that no one claimed they had the slightest clue that something was going on around Mr. Hariri that could threaten his life. The efforts undertaken by the Commission during a limited period of time have come to a diametrically opposite conclusion. There were a number of warning signs regarding Mr. Hariri's security in his immediate surroundings in the aftermath of the occurrences during the second half of 2004, in particular when it comes to the context of previous Lebanese experiences of assaults targeting individuals through bombings.

166. On 30 August 2005, the Lebanese authorities arrested and detained four high-level officials of the Lebanese security and intelligence apparatus, pursuant to arrest warrants issued by the Lebanese Prosecutor General based on recommendations from UNIIC that there was probable cause to arrest and detain them for conspiracy to commit murder in connection with the assassination of Rafik Hariri. The individuals arrested were General Jameel Al-Sayyed, former director general the Sûreté Générale ; General Ali Al-Hajj, former head of the ISF; General Raymond Azar, former head of military intelligence; and General Mustapha Hamdan, Commander of the Republican Guard Brigade.

167. The four have been interviewed by UNIIC in the presence of counsel. They each continue to deny any involvement in the planning or execution of the assassination of Hariri, any awareness of such a conspiracy beforehand, and undertaking or ordering any actions designed to obstruct the investigation afterwards.

168. As in any investigation, the points of departure for UNIIC have been the victim of the crime, the crime scene and witnesses. In addition, the Commission has focused on the following 5 sub-investigations.

**1. Ahmad Abu Adass**

169. UNIIC's investigation into the Abu Adass lead focused on seeking to determine Mr. Abu Adass's whereabouts and evaluating the likelihood that Mr. Abu Adass was actually the suicide bomber he was purported to be.

170. UNIIC was unable to interview Mr. Abu Adass's father, who had been interviewed by the Lebanese authorities on 14 February 2005, because he died on 7 March 2005 shortly after being called to appear before the Investigative Judge.

171. Mr. Abu Adass's mother, Nehad Moussa, was interviewed by UNIIC on 7 July 2005, and had previously been interviewed at least four times by Lebanese authorities, the first time on the 14 February 2005. She and Mr. Abu Adass's father Tayser Moussa were illegally detained for approximately 10 days. She stated that she told the Lebanese authorities the following: Mr. Abu Adass disappeared on 16 January 2005 and was not heard from since. According to her, in early January 2005, Mr. Abu Adass explained to her that he had met an individual whom she knew only as "Mohammed" who wanted to convert to Islam from Christianity and Mr. Abu Adass was helping him. Mr. Abu Adass reported that Mohammed appeared to be wealthy and he would occasionally disappear for a period of a week or so. After one such disappearance, on the evening of Saturday, 15 January 2005, Mohammed called their home. Mohammed told Mr. Abu Adass that he would come to pick Mr. Abu Adass up the next morning, to show him a surprise. Mr. Abu Adass left with Mohammed that Sunday, 16 January 2005, promising his mother he would be out only for a few hours, since she had requested that he stay to help her clean a large carpet. Mr. Abu Adass never returned. On Monday morning, Mr. Abu Adass's mother received a call from an individual who told her not to worry about Ahmed as he was in Tripoli where their car had broken down and they were just waiting to have it fixed. Ms. Moussa understood that this was the same individual called "Mohammed" whom she had spoken to on the telephone two days earlier. She asked to speak to her son, but was told that her son was waiting at a house without a phone and the caller was in the car shop. The caller told Ms. Moussa that her son would be back in time to help clean the carpet. At approximately 9 p.m. that same day, she received another call from the individual called "Mohammed" who said they did not have an accident and did not break down. The caller went on to say that Mr. Abu Adass wanted to go to Iraq and would not be coming back. When Ms. Moussa expressed surprise and stated that Mr. Abu Adass had never mentioned any such interest before, the caller said he would try to get her Mr. Abu Adass's phone number so she could try to change his mind. The caller hung up and never called back. The family filed an official missing person's report with the ISF on 19 January 2005.

172. In a follow-up interview with UNIIC, Ms. Moussa added that Mr. Abu Adass's best friend was a man by the name of Ziad Ramadan whom he had met as a colleague at a

computer company approximately two years earlier. The last contact she had with Mr. Ramadan was when he called her several days after her son disappeared to ask if she had any news from her son. In her interviews with the Lebanese authorities, Ms. Moussa stated that she had confirmed that her son did not have a driver's license and that there was no internet connection in their house.

173. UNIIC was unable to locate Ziad Ramadan to interview. After being interviewed by the Lebanese authorities on 14 February 2005, it appears that Mr. Ramadan returned to Syria with his family. In his interview with the Lebanese authorities, Mr. Ramadan stated that he had known Mr. Abu Adass for approximately two years, as they worked together in the same company for two months. Mr. Ramadan saw Abass last the Thursday or Friday preceding his disappearance, when Abass discussed his new employment decorating book covers.

174. One individual whom neither UNIIC nor the Lebanese authorities was able to interview so far was Khaled Midhat Taha, another religious associate of Mr. Abu Adass's, who is of significant interest, based on the travel records available for him and some unusual coincidences. Mr. Taha met Mr. Abu Adass when they were students at the Arab University where they used to meet in the University's mosque. According to travel records, Mr. Taha departed from Beirut International Airport for the United Arab Emirates on 21 July 2003 and returned to Beirut on 17 October 2003. The next record for him is an entry into Lebanon coming from Syria by land on 15 January 2005, the day before Mr. Abu Adass's disappearance. The next day, Mr. Taha left Lebanon by land towards Syria. The records do not show a departure from Lebanon prior to 15 January 2005, which indicates that he entered Syria prior to that date illegally. Further investigation revealed that three of Mr. Taha's e-mail addresses went through Damascus and the fourth went through Lebanon itself while purporting to be in Turkey. . Moreover, the date of his final departure for Syria from Lebanon --- 16 January 2005 --- is the same as the date of Mr. Abu Adass's disappearance, suggesting a possible link between Mr. Taha's trip to Lebanon and Mr. Abu Adass's disappearance. Moreover, as the Lebanese authorities noted in their report, he was never arrested for his apparently illegal entry into Syria prior to 15 January 2005, even upon his return to Syria on 16 January 2005, an uncommon occurrence, suggesting that his departure and entry the following day were facilitated by someone. The Syrian authorities have recently been approached by UNIIC to provide the Commission with detailed information on Khaled Taha, especially his travel records into and out of Syria.

175. As noted above, in the course of their investigation, the Lebanese interviewees included Mr. Abu Adass's friends and associates, former neighbors, acquaintances from the mosque, colleagues from former jobs, and classmates. A number of these individuals were re-interviewed by UNIIC. None had ever heard of Al-Nasra wal Jihad, the group that Mr. Abu Adass was purportedly a member of according to the suicide bomb video message. Many of them reported similar stories of being taken by the ISF, handcuffed, blindfolded, and stripped, and detained for a period of time while being questioned about Mr. Abu Adass and his affiliations with Islamic groups; most reported that they shared

with their interrogators their view that Mr. Abu Adass was a loner and introvert who did not have the intelligence to be capable of committing such a crime

176. In response to a request through the Lebanese authorities, the Syrian government informed UNIIC that their computer files showed no indications that Mr. Abu Adass either entered or left Syria. Iraqi authorities informed the Lebanese authorities through the Iraqi embassy in Beirut that Mr. Abu Adass had not obtained a visa to Iraq.

177. UNIIC also submitted a request for details of any organization within Lebanon who may have had Mr. Abu Adass under observation between September 2004 and January 2005. The files obtained in response to this request confirmed that no department within Lebanon had Mr. Abu Adass under any observation during the relevant time period.

178. A number of sources, confidential and otherwise, provided information to UNIIC on the role and whereabouts of Mr. Abu Adass. Although the information provided has not been independently verified, significantly, none of this source information supported the theory that he was a lone suicide bomber acting for an Islamic fundamentalist group. Indeed, all of the source information pointed to the likelihood of Mr. Abu Adass being used by the Syrian and Lebanese authorities as a scapegoat for the crime, rather than being the instigator of crime himself. For example, one witness claimed to have seen Mr. Abu Adass in the hallway outside of General Ghazali's office in December 2004 in Anjar. Another witness claimed that Mr. Abu Adass was currently held in prison in Syria and will be killed once this investigation is over. According to him, Mr. Abu Adass had no role in the assassination except as a decoy, and the videotape was recorded at gunpoint approximately 45 days before the assassination. He later stated that General Assef Shawkat forced Mr. Abu Adass to record the tape approximately 15 days before the assassination in Damascus. He also stated that the tape was given to Al-Jazeera by a woman with the nickname "Um Alaa." Another witness stated that the day after the assassination Faysal Al-Rasheed insisted that the case had been solved and the perpetrator was Mr. Abu Adass, as a suicide bomb and that Mr. Abu Adass's body was still at the crime scene. Zuhir Saddik stated that in early February 2005, he had seen Mr. Abu Adass at the Zabadane training camp in Syria, and that his information was that Mr. Abu Adass had initially planned to commit the assassination but had changed his mind at the last minute. He said that Mr. Abu Adass was subsequently killed by the Syrians, and his body was placed in the vehicle containing the bomb, and thus was destroyed in the crime scene.

179. To date, no DNA evidence has been found on the crime scene that can be linked to Mr. Abu Adass.

180. Despite months of investigation by both UNIIC and the Lebanese authorities, Mr. Abu Adass remains a mysterious figure. A few significant points can still be made, however, in connection with the Abu Adass investigation.

181. Other than the videotape itself which definitely was of Mr. Abu Adass, there is little else supporting the idea that he perpetrated this assassination through a suicide bomb. There is no evidence, other than the claim on the video itself, of the existence of a group called the Nasra and Jihad Group Of Greater Syria. There is no information about such a group in any open sources prior to 14 February 2005, for example, and neither the Lebanese authorities nor Mr. Abu Adass's friends and acquaintances appear to have even heard of the group prior to the day of the assassination. Nor have any of Lebanon's neighboring countries' security authorities, which have been asked by UNIIIC to provide information on the assassination, have any knowledge of this group. Moreover, Mr. Abu Adass's disappearance on 16 January 2005 has not been explained in a manner that is consistent with the notion that he would be a suicide bomber a month later. Notably, none of the individuals who knew him well considered it likely that he could commit such a crime, in light of his nature and intelligence. Finally, although there is always the possibility that no trace of DNA of a suicide bomber conducting a massive blast would be found, it is noted that there is no evidence of Mr. Abu Adass's DNA at the crime scene or indeed any other evidence, such as witnesses, that he was present at the crime scene at the time of the crime.

182. However, one aspect of the investigation to date is clear: much of the information surrounding Mr. Abu Adass and his disappearance points to Syria. Khaled Taha's peculiar travel records, indicating an entry into Lebanon from Syria the day before Mr. Abu Adass's disappearance, as well as the attempt to obscure his presence in Syria by seeking to show that his emails came from Turkey when they in fact came from Syria, are indicative of the type of evidence pointing to Syrian involvement in Mr. Abu Adass's fate which cannot be discounted as mere coincidence. Moreover, the vague information available about "Mohamed" indicates that he was likely Syrian, and the sudden return to Syria of Mr. Abu Adass's Syrian best friend, Ziad Ramadan, shortly after being interviewed by the Lebanese authorities, all suggest Syrian connections to Mr. Abu Adass's disappearance. Finally, much of the source information relevant to Mr. Abu Adass's fate points to Syria and Syrian officials, as well as certain Lebanese officials. While it is true that little of this source information has been independently corroborated, it is significant that no information points to any other entity as being involved in his disappearance or that he was a suicide bomber. Although this is not definitive, these repeated connections to Syria bear further investigation.

**Conclusion:**

**There is no evidence that Mr. Abu Adass belonged to the group *al nasra wal-jihad fee bilad Al-Sham* as claimed in the Al-Jazeera videotape, nor even that such a group has ever existed or does exist now. There are no indications (other than the videotape) that he drove a truck containing the bomb that killed Hariri. The evidence does show that it is likely that Mr. Abu Adass left his home on 16 January 2005 and was taken, voluntarily or not, to Syria, where he has since disappeared.**

## **2. Telephone Analysis**

183. One of the most important aspects of this investigation has been the analysis of telephones. A specialized software was used to analyze and investigate numerous telephone calls by those figures identified as the most important to the investigation, permitting UNIIC to achieve an optimal result with limited staff members and a short timeframe. The assistance of the Lebanese telephone companies and authorities was essential to making the analysis effective. For example, the Lebanese telecommunications companies MTC Touch and Alpha responded quickly to requests for cellphone subscriber information and toll records. Similar information on landlines was provided to the Commission through the Ministry of Telecommunications. This prompt assistance was invaluable as it permitted investigators to quickly analyze specific telephone calls of subscribers and to establish patterns of communication between particular groups of subscribers. In total, the Commission requested information on approximately 2,235 subscribers and obtained telephone connection data for approximately 70,195 telephone calls. The telephone analysis, which has already been critical in establishing leads and determining connections between the key figures, will continue to be a central aspect of this investigation as it evolves.

184. According to Ghassan Ben Jeddou, the director of Al-Jazeera, Al-Jazeera received four calls on the afternoon of 14 February prior to airing the Abu Adass videotape. The records revealed only three calls to Al-Jazeera that afternoon, however, at 1411 hrs, 1527 hrs and 1704 hrs.

185. It has not been possible to identify the time or origin of the reported fourth call to Al-Jazeera.

186. Leila Bassam of Reuters reported that they received one telephone call on 14 February regarding Mr. Abu Adass's claim of responsibility for the bombing, which records show occurred at 1411 hrs.

187. Telephone records reveal that the same prepaid card was used to contact Al-Jazeera and Reuters for all of the above telephone calls. It was purchased in Beirut, Najaar, on 10 February 2005. The calls to Al-Jazeera and Reuters were made from four different telephone booths, all located in Beirut and one of which is near the ESCWA Center in downtown Beirut, approximately two kilometers from the crime scene. This prepaid card was only used to dial Al-Jazeera and Reuters and there is no record that it was used to make any other telephone call.

188. The videotape of Mr. Abu Adass confessing to the crime was placed in a tree in front of the ESCWA building in downtown Beirut. UNIIC obtained and viewed the CCTV tapes from ESCWA for the 14 February 2005 in order to seek to identify any individuals or vehicles that could have been connected to the drop-off of that videotape and the subsequent calls to Al-Jazeera. After viewing these images, however, it was determined that it was not possible to clearly identify any vehicles or individuals approaching the tree in front of ESCWA from the video. UNIIC investigators also

interviewed security guards from Protectron Security, which is responsible for providing security for the parking lots situated next to the ESCWA and Al-Jazeera buildings in downtown Beirut. However, none of the security guards interviewed on duty that day witnessed any unusual activity related to placing an item in the tree in front of ESCWA.

**Conclusion:**

**It has not been possible yet to identify the individual or individuals responsible for telephoning Al-Jazeera and Reuters on 14 February or the individual or individuals responsible for the videotape of Mr. Abu Adass.**

**3. Use of pre-paid telephone cards**

189. Investigative Judge Elias Eid obtained records for and reviewed all of the phone calls on 14 February 2005 to Al-Jazeera. Judge Eid noted one mobile phone call to Al-Jazeera as particularly significant: a call made to Al-Jazeera on a prepaid card at 2207 hrs on 14 February 2005. This same prepaid card received a telephone call one minute after the blast, at 1257 hrs, from a telephone booth located in Tripoli near a building housing Syrian Intelligence Services. On 30 January a call was made to the landline at the home of Mr. Abu Adass's from that same Tripoli phone booth.

190. UNIIC obtained and reviewed the call records for prepaid card number 03925152 based on this information from Judge Eid. UNIIC's investigation has revealed so far that while there is no identified subscriber, the card bears significant connections. On 8 February 2005, for example, that prepaid card had a contact with a mobile telephone number belonging to Tarek Ismat Fakhreddin. Mr. Fakhreddin, a prominent businessman, is a close associate of then-Prime Minister Omar Karame. Tarek Fakhreddin also made calls hours after the blast to General Hamdan, General Azar, General Hajj and the Syrian intelligence officer Jamea Jamea. In addition, he had telephone contact with his nephew Raed Fakhreddin at 1337 hrs on the 14 February 2005. Raed Fakhreddin is heavily suspected to have bought the prepaid cards which were used to organize the assassination. The prepaid card also had contacts with another telephone number which was in contact with Raed Fakhreddin's mobile phone in December 2004, and January, February and March 2005.

191. This pre-paid card has also been connected to a number of prominent Lebanese and Syrian officials. For example, the card was in contact with three different numbers which in turn were in contact with Mustafa Hamdan's mobile phone in January, March, and July 2005. Two days before the explosion, on 12 February 2005, this pre-paid card was also in contact with a mobile phone number belonging to ex-Minister Abel Rahim Yussef Murad. Mr. Murad's mobile phone in turn called Ali Hajj after the blast. The mobile phones of Mr. Murad and Tarek Isamt Fakhreddin were in contact with each other on 17 January 2005, one day after Ahmad Abu Adass's disappearance. This prepaid card also had contacts with a telephone number which in turn was in regular contact with the mobile phone number belonging to the politician Nasser Kandil, and the card had contacts with two mobile phone numbers in February and March 2005 which in turn were

in contact on 14 and 17 February 2005 with the mobile phone number used by Syrian intelligence officer Jamea Jamea.

192. The prepaid card had contacts with a telephone number on 5 January 2005 which was in contact on 26 January 2005 with the telephone number of Younis Abdel-Al, of Al-Ahbash, the brother of the above-mentioned Ahmed Abdel-Al. The prepaid card was also in contact with a different telephone number on 5 January which was in contact twice on 10 January 2005 to a telephone number belonging to Walid Abdel-Al, a brother of Younis and Ahmed Abdel-Al and a member of Mustafa Hamdan's Republican Guard Brigade.

**Conclusion:**

**The user or users of this pre-paid card on 14 February 2005 is significant and identification of that individual or individuals is a priority for this investigation.**

4. **Australian Investigation**

193. In an interview with UNIIC, Adnan Addoum, Minister of Justice at the time of the bombing, stated that it was his belief that UNIIC investigators should pursue this investigation and question the six Australian suspects as to their purpose of traveling. He also indicated his belief that in light of the fact that the vehicle allegedly used in the bombing was a right-hand drive vehicle (as used in Australia), further suspicion should be cast on those six suspects. He added that it was his belief that "due to media and religious pressures, the investigation judge did not give this matter enough importance."

194. UNIIC investigators thoroughly reviewed the results of the Lebanese and Australian investigation into these six suspects and, as set forth below, have concluded that there is no basis for believing that they had any involvement in the assassination of Hariri. In pursuing this review, UNIIC investigators also were aware that there were six sim cards used in connection with the assassination, and that usage on the sim cards terminated at the time of the explosion. Noting that there were six suspicious Australians, and six suspicious sim cards, an unusual coincidence, UNIIC believed that a review of the Australian and Lebanese investigations into this area would be prudent

195. Having closely examined the file, UNIIC can highlight the following points:

- The Lebanese authorities reported and requested assistance from Interpol to locate and interview the identified suspects in accordance with established protocol.
- The protocol followed by Interpol was correct.
- The Australian authorities were contacted via Interpol to follow up on this matter.
- The Australian authorities carried out a thorough investigation into the matter and presented a report on their findings to the Lebanese authorities.
- The Lebanese authorities properly suspended this present line of inquiry based on the report presented by the Australian authorities.

**Conclusion:**

**Based on the above, the investigation carried out by the Australian authorities and the findings obtained should be considered as conclusive. Mr. Addoum's suspicions are unfounded and there is no evidence to support them. The pursuit of this line of investigation distracted the Lebanese authorities from following other lines of investigation.**

**5. Ahmad Abdel-Al**

196. Sheikh Ahmad Abdel-Al, a prominent figure in the Al-Ahbash, was responsible for the public relations and military and intelligence for Al-Ahbash, the Association of Islamic Philanthropic Projects, a Lebanese group with strong historical ties to the Syrian authorities. Abdel-Al has proven to be a significant figure in the light of his links to several aspects of this investigation, especially through his mobile phone which had numerous contacts with all the important figures in this investigation; indeed, it does not appear that any other figure is as linked to all the various aspects of this investigation as Abdel-Al.

197. Abdel-Al was interviewed as a witness and later as a suspect by UNIIC. Some of his actions, and some statements during his interview, suggest attempts to hide information from the investigation. For example, he tried to hide the origin of his mobile telephone number on giving his prepaid card on 12 March 2005 to his Al-Ahbash friend Mohammed Halawani and requesting that the card be registered in Halawani's name. During UNIIC's interview with Halawani, it took him several hours to admit that the telephone number in question was in fact used by Ahmad Abdel-Al. Additionally, according to Abdel-Al's statement, on 14 February 2005, he left home and went to the Al-Ahbash office. His telephone records reveal that at 1147 hrs, he had a telephone contact with a number which phoned his home telephone number a number of times immediately before the explosion --- 1226 hrs, 1246 hrs and 1247 hrs. While Abdel-Al told UNIIC that he called home shortly after the explosion at 1256 hrs, telephone records show that the call was made at 1254 hrs, two minutes before the explosion. Abdel-Al stated, that he did not leave the Al-Ahbash office the day of the blast for security reasons. The telephone records showed four calls to Syrian intelligence officer Jamea Jamea, at 1142 hrs, 1814 hrs, 2023 hrs and 2026 hrs. According to a witness, Abdel-Al visited Jamea Jamea's office the evening of the blast at 19:30 in which the two discussed Mr. Abu Adass. Moreover, shortly after his visit to Jamea Jamea's office, Abdel-Al's mobile phone registered a call to General Ghazali, at 1956 hrs. Abdel-Al also sought to steer the investigation towards Mr. Abu Adass, not only by providing the Lebanese authorities with extensive information on Mr. Abu Adass shortly after the blast, but also stating to UNIIC that the Al-Ahbash Security Service had seen Mr. Abu Adass before the assassination in the Ain Al-Hilweh Palestinian camp together with Abu Obeida the deputy leader of the terrorist group Asbat al Ansar.

198. There are also numerous contacts between Ahmad Abdel-Al and Lebanese State Security on the day of the blast. For example, Abdel-Al had almost daily telephone contact with Brigadier General Faysal Rasheed, Chief of State Security in Beirut and on 14 February 2005, they had telephone contact at 1035 hrs, 2008 hrs, 2113 hrs, 214 hrs

and 2216 hrs. Ahmad Abdel-Al also had contact with suspect Raymond Azar, of the Lebanese Army, on 14 February 2005, as well as 16 and 17 February 2005. There was a call between the mobile phone of Albert Karam, another member of the Lebanese Army Intelligence, and Ahmad Abdel-Al on 14 February as well, at 1212 hrs, about 44 minutes before the blast.

199. Abdel-Al's phone also had extensive telephone contacts with Mustafa Hamdan's phone, as 97 calls occurred between the two between January and April 2005. Of these, four were made on 14 February 2005, after the explosion. Ahmad had two telephone contacts with his brother, Walid Abdel-Al, a member of the Republican Guard, the day of the blast at 16:15 and 17:29. In addition, Abdel-Al received a call on 11 February 2005 at 2217 hrs from the same telephone booth used to call Al-Jazeera shortly after the blast on the 14 February. He also received a call on the 4 February 2005 at 19:34 and on 26 February 2005 at 0933 hrs from the booth used to call Reuters shortly after the blast.

200. Abdel-Al has been in frequent contact with Mahmoud Abdel-Al, his brother, who is also active in Al-Ahbash. Mahmoud Abdel-Al's telephone calls on 14 February are also interesting: he made a call minutes before the blast, at 1247 hrs, to the mobile phone of Lebanese President Emile Lahoud and at 1249 hrs had contact with Raymond Azar's mobile telephone.

201. Abdel-Al also has notable connections to a significant weapons store discovered in southern Beirut in July 2005. This weapons store was raided by the ISF on 26 July 2005 and five people, with close connections to the former Mourabitoun militia, were arrested. One of the arrestees was the driver and bodyguard of Majed Hamdan, Mustafa Hamdan's brother, who runs a firm which reportedly provided security for the St. George Hotel. Abdel-Al reportedly arranged for another arrestee to be employed as an electrician in the presidential palace. Furthermore, immediately after the arrests, another individual fled and promptly telephoned Ahmad Abdel-Al.

#### **Conclusion:**

**The evidence, including his links to other important figures, especially Mustapha Hamdan and the Republican Guard, his telephone calls and his involvement in the Lebanese investigation into Mr. Abu Adass, make Ahmad Abdel-Al a key figure in any ongoing investigation.**

## **VI. CONCLUSIONS**

202. It is the Commission's view that the assassination on 14 February 2005 was carried out by a group with an extensive organization and considerable resources and capabilities. The crime had been prepared over the course of several months. For this purpose, the timing and location of Mr. Rafik Hariri's movements had been monitored and the itineraries of his convoy recorded in detail.