

**Mandate of the Working Group on Enforced or Involuntary Disappearances**

REFERENCE:  
AL LBN 5/2019

8 November 2019

Excellency,

I have the honour to address you in my capacity as Working Group on Enforced or Involuntary Disappearances, pursuant to Human Rights Council resolution 36/6.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the alleged disappearance of Lebanese citizen **Andre Morcos**. The information received also concerns the alleged failure to properly and thoroughly investigate the allegation of enforced disappearance brought forward by the victim's relatives.

According to the information received:

Mr. Andre Morcos, a Lebanese citizen born on 2 January 1968, holder of national ID number 000028926998 and residing in Dora, Sector 5, street 36, Building 13, was last seen on 9 August 2017 at about 22h00 as he was leaving the chalet of a person associated with him, located in Kesrouan, Bouar near Jazirat Al Ahlam Restaurant.

On the day of his disappearance, Andre Morcos left his residence in a hurry after he received a phone call. Later the same day he had a contact with a relative whom he told he was having lunch in Bouar.

On 10 August 2017, a relative went to Andre Morcos' residence and was surprised by his absence; he noticed that he seemingly had not spent the night at home as his coffee from the previous morning was still on the table and his bed was unmade. The police was alerted and opened an investigation. According to a police interrogation of a witness, Andre Morcos left the witness residence and, as he was in the parking lot to get his car, was kidnapped by two men with long beards who forced him into a Range Rover Super Charge and took him to an unknown location. Three other witnesses provided testimonies at the Ghazir police brigade, and to the captain in charge of the investigation.

The day following the abduction, the police brigade searched the house of Mr. Morcos, interviewed persons associated with him and collected personal belongings including a mobile phone and an electronic tablet, as well as items from the safe that was forced opened and contained a USB drive, SIM cards and CDs. These items were not returned to the family.

Relatives have expressed doubts as to the genuineness of the investigation. Following the review of the cellular phone data, as well as recordings from the

40 private and public surveillance cameras across the 30km highway between Bouar and Beirut, police investigators stated that they could not find any relevant information to determine the fate and whereabouts of Mr. Morcos. However, the private recordings were returned to owners without any data as all recordings had been deleted. The Lebanese army intelligence, which was also involved in the investigation, did not provide information to the family.

Person associated with Andre Morcos contacted members of Parliament, ministers and the Office of the President without success. Mount Lebanon first D.A. judge encouraged relatives to initiate a missing person inheritance procedure.

One month before his abduction, Mr. Morcos publically shared pictures of himself in company of a foreign diplomat in Lebanon. There are allegations that this diplomat was involved in the abduction. However, he denied knowing Mr. Morcos although he apparently met him at the home of a former Minister in Beirut on two separate occasions in anticipation of a formal invitation to visit the diplomat's country. The foreign diplomat also denied knowing the former minister and Andre Morcos and having met them. He was not formally questioned by the police in charge of the investigation.

At the time of this communication the fate and whereabouts of Andre Morcos remain unknown.

Without prejudging the accuracy of the information made available to us, we express concern about the alleged disappearance of Mr. Morcos. Should these allegations be confirmed, they would contravene, among other international human rights law provisions, article 6(1) of the International Convention on Civil and Political Rights (ICCPR), which provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life; and article 9 of the same treaty, which protects the right to liberty and security of person. The ICCPR was ratified by Lebanon on 3 November 1972.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, as mandated by the United Nations Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following :

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide urgent information on the fate and whereabouts of Mr. Morcos.

3. Please provide information about the efforts undertaken to investigate his disappearance; about the preliminary findings or conclusions of these efforts; and, about any judicial proceeding undertaken in order to clarify what happened to him and to determine criminal responsibilities, direct and supervisory.
4. Please provide information on whether the investigation of the disappearance of Mr. Andre Morcos is still open.
5. Have any measures and remedies been afforded to the relatives of Mr. Morcos? Please provide information about the channels of communications that are made available to relatives of victims of disappearances and about the measures in place to allow them to participate in the investigative process and have regular and unrestricted access to up to date information.
6. Please provide detailed information about the measures taken by your Excellency's Government to effectively implement the provisions of the Declaration on the Protection of all Persons from Enforced Disappearance, and most particularly articles 9, 10, 13, 17 and 19 that are particularly relevant to the present allegations.

I would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of my highest consideration.

Luciano Hazan  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Article 6(1) of the International Convention on Civil and Political Rights (ICCPR), ratified by Lebanon on 3 November 1972, provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. Furthermore, we would like to recall that every individual has the right to liberty and security of person, in accordance with article 9 of the ICCPR.

We would also like to remind your Excellency's Government of the duty to conduct thorough, prompt and impartial investigations of all suspected cases of enforced disappearances and the obligation to bring to justice all persons identified by the investigation as having participated in those disappearances as specified in articles 9 and 13 of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. We further stress that article 13 requires that findings of investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation; steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished and that the investigation should be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

We would like to recall the prohibition to practice, permit or tolerate enforced disappearance (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention, and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).