

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 41/12, 35/15, 34/18, 34/5, 35/19, 34/19 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning several incidents of alleged excessive force and ill-treatment by security forces and Lebanese army personnel against protesters, and failures to adequately protect protesters from violent attacks by alleged sympathizers of political groups, during overwhelmingly peaceful mass protests across towns and cities in Lebanon, including downtown Beirut, since 17 October 2019.**

According to information received:

On 17 October 2019, thousands of peaceful protesters took part in demonstrations in towns and cities across Lebanon, including downtown Beirut, protesting against the government's failure to address the economic crisis, corruption and inequality, including gender inequality, which was triggered by the circulation of information about new taxes, including on WhatsApp calls, as part of an austerity budget. Security forces and the Lebanese army were deployed across the country.

The demonstrations took place against a backdrop of the government's failure to fulfil important economic and social rights in the three decades since the civil war, manifesting in an affordable housing crisis, daily electricity outages across the country up to 12 hours per day, a struggling public education system, widespread corruption, a failure to provide waste management or secure the right to a healthy environment, an insecure water supply, and widespread unemployment, including a third of those under 35 unemployed. Almost thirty percent of the population is estimated to live under the poverty line and social protection systems are skeletal

or non-existent. Fiscal reforms have disproportionately been borne by low-income people while failing to noticeably improve their situation.

On 18 October 2019, the demonstrations grew with hundreds of thousands of protesters from different age groups, socioeconomic backgrounds, political affiliations, and religious sects – with broad and prominent participation of women – taking to the streets to continue calls for economic, social and political reform. Several roadblocks were erected on roads and highways by groups of protesters, including on roads between Beirut and the Rafic Hariri airport. While some individuals have allegedly committed acts of vandalism, burned tires, and aimed fireworks at security forces, the protests have remained overwhelmingly peaceful.

Between 17 and 19 October 2019, there were reports of several incidents of excessive use of force by security forces in downtown Beirut, Tripoli, Zouk Mikhael, Tyre (Sour), and other areas, against peaceful protesters. Allegations include the use of rubber bullets and large amounts of tear gas to disperse protesters, and the hitting, kicking, beating with batons, and arrests and detentions of protesters. A number of detainees were alleged to have been ill-treated while being taken to police stations and protesters have been released bearing marks of abuse. Reportedly, between 17 and 19 October, 132 persons were detained and at least 64 patients were hospitalised for gas inhalation.

On 21 October 2019, after asking for 72 hours to identify solutions, Prime Minister Saad Hariri outlined a 17-point reform programme agreed upon by the Cabinet, including several accountability initiatives, as well as broader economic and fiscal measures. The plan was rejected by protesters who continued to take to the streets. That same day, alleged sympathizers of a political group attacked peaceful protesters in Bint Jbeil in Southern Lebanon with rocks, glass, pipes, and sticks, while dozens of nearby Lebanese Armed Forces (LAF) soldiers reportedly did not intervene to protect peaceful protesters or arrest perpetrators.

On 23 October 2019, around one hundred persons, allegedly sympathizers of political groups, attempted to violently disperse protesters gathered in the city of Nabatieh. Reportedly, members of the municipality of the city also confronted protesters. Eight serious injuries were reported. During this incident, the LAF reportedly failed to intervene to protect protesters. On the same day, hundreds of people, allegedly including municipal police, attacked protesters, including children, with sticks and metal objects in front of the Serail government building in downtown Beirut. Security forces present allegedly did not intervene to prevent the attack for an hour, and did not arrest perpetrators.

On 26 October 2019, the LAF reportedly fired live ammunition in the air, and also used tear gas bombs and rubber bullets, to disperse protesters and clear roadblocks in the Beddawi area of Tripoli. The LAF stated this was in response to “stones and explosives” being hurled at them by protesters, leading to the injury of five troops,

and said it had opened an investigation into the incident. The Lebanese Red Cross reported nine injuries, of whom three were admitted to hospital.

On 28 October 2019, the LAF allegedly forcibly dispersed around 100 protesters in the city of Saida, including with batons, leading to the hospitalisation of at least three people.

On 29 October 2019, a group of counter-protesters, allegedly sympathizers of political groups, attacked protesters on the Ring Bridge in Beirut, with the aim of breaking through a roadblock on the bridge, and later in Riad El Solh and Martyrs' Square, destroying protest encampments and attacking protesters and journalists with rocks, metal rods, batons, and sticks. Security forces reportedly failed to adequately protect peaceful protesters and did not arrest any of the attackers despite widespread presence in the area.

Later on the same day, Prime Minister Hariri announced his resignation, triggering the resignation of the Government according to Article 69 of the Constitution.

On 30 October 2019, President Michel Aoun asked Prime Minister Hariri to continue in a caretaker role until the formation of a new government. President Aoun further delivered a televised address on 31 October, in which he said new ministers should be chosen based on merit and expertise, and not according to political loyalties.

On 12 November 2019, the protests escalated following an interview with President Aoun, which some considered "provocative". Protesters immediately took to the streets, blocking main highways and side roads.

On the same evening, a Lebanese soldier reportedly shot and killed a protester in Khalde in southern Beirut, after attempting to disperse a crowd by firing live warning shots. According to the LAF, the soldier has been arrested and an investigation is underway.

Since the protests began on 17 October 2019, it is reported that hundreds of people have been injured and five individuals have died, though only one death – above-mentioned – has been attributed to the actions of Lebanese authorities. Between 17 and 30 October, the Lebanese Red Cross stated that it had treated 1,702 people for injuries at the protests and transported 282 injured people from the protests to hospitals. During this same period, the Lebanese Civil Defense treated 82 protesters and 6 members of the security forces, and transported 85 injured people to hospitals.

Since 17 October 2019, security forces have allegedly failed to intervene to effectively protect peaceful protesters from violent attackers on at least six occasions in Beirut, Bint Jbeil, Nabatieh, and Tyre (Sour). It is further reported

that security forces repeatedly attempted to stop protesters and journalists from filming their actions, including by force, arrest, or confiscating phones.

We express our concern over what appears to be several incidents of undue restrictions to the rights to freedoms of peaceful assembly and of expression of protesters by security forces and Lebanese army personnel, and by counter-protesters allegedly sympathizers of political groups, during overwhelmingly peaceful mass protests in towns and cities across Lebanon since 17 October 2019.

While we appreciate the challenges posed by the large scale of the demonstrations and the largely responsible and proportionate response by security forces and the army, we are concerned by allegations of excessive force to disperse and ill-treatment of protesters, including the use of live ammunition, rubber bullets, large amounts of tear gas, and the beating of protesters with batons, which have caused hundreds of injuries, including hospitalisations.

We acknowledge that several of the incidents relate to decisions to disperse protesters at roadblocks. However, even where the use of roadblocks are used as a means of protest, which may in rare cases warrant dispersal, for example where interference with traffic or the economy is serious and sustained, only the minimum use of force necessary should be used and only if less intrusive and discriminatory means of managing the situation have failed.

We are additionally concerned by the reports of attacks on protesters by alleged sympathizers of political groups and remind your Excellency's Government that the State has a responsibility to protect peaceful protesters and ensure that there is an enabling environment for protesters to assemble safely and to take action against those who instigate violence regardless of their political sympathies.

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, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legality, necessity, non-discrimination and proportionality of the use of force in the context of the recent demonstrations. Please explain measures taken to ensure that the use of force is exercised in compliance with international human rights law. Please provide an explanation as to why military forces were deployed to disperse protesters, including through the use of live ammunition.

3. Please provide information on measures by your Excellency's Government to carry out a prompt, impartial, independent and effective investigation into the alleged excessive force against and ill-treatment of protesters and any efforts to hold any perpetrators accountable. If no investigations have yet been undertaken, or if they have been inconclusive, please provide information for the reasons thereof.
4. Please provide information about the measures taken to address the root cause of protests and longstanding socio-economic grievances, including proposed reforms that protect economic and social rights without regression or placing the burden of fiscal reforms on poor and low-income people.
5. Please indicate what measures have been taken to ensure that human rights defenders in Lebanon are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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

While awaiting a reply, we 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

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Special Rapporteur on the rights to freedom of peaceful assembly and of association

Agnes Callamard
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David Kaye

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Nils Melzer

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punishment

Meskerem Techane

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 6 (1), 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Lebanon on 3 November 1972, which protect the right to life, the right to freedom of opinion and expression, and the rights to freedom of peaceful assembly and of association, respectively.

We would like to draw your attention to Article 6 of the ICCPR, which protects the right to life through the prohibition on the arbitrary deprivation of life. The Human Rights Committee, charged with monitoring compliance with the Covenant, has indicated that the obligation under Article 6 “extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life”, CCPR/C/GC/36 para. 7. The obligation entails taking all necessary measures to prevent arbitrary deprivations of life, including by soldiers tasked with law enforcement missions, *id.* para. 13. The notion of arbitrariness in Article 6 includes elements of “inappropriateness, injustice, lack of predictability, and due process of law as well as elements of reasonableness, necessity, and proportionality”, *id.* para 12. The use of potentially lethal force for law enforcement purposes is an extreme measure, which should be resorted to only when strictly necessary in order to protect life or prevent serious injury from an imminent threat, *id.* While preferable to lethal weapons, the use of less lethal weapons too is subjects to strict tests of necessity and proportionality, *id.* para. 14. The Human Rights Committee preventive measures include the adoption of “appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, mandatory reporting, review, and investigation of lethal incidents and other life-threatening incidents, and the supplying of forces responsible for crowd control with effective “less-lethal” means and adequate protective equipment in order to obviate their need to resort to lethal force.”, *id.* para. 13

We would like to draw the attention of your Excellency's Government to Principle 4 of the UN Basic Principles on the Use of Force and Firearms by Law Officials, endorsed also by the Human Rights Committee, which provides that, “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms”, and the Code of Conduct for Law Enforcement Officials, ensuring protesters right to peaceful assembly and without resorting to excessive use of force.

We would also like to refer to the Joint compilation of practical recommendations for the proper management of assemblies of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions A/HRC/31/66, in which was stated that: “The use of force by law enforcement officials should be exceptional, and assemblies

should ordinarily be managed with no resort to force. Any use of force must comply with the principles of necessity and proportionality. The necessity requirement restricts the kind and degree of force used to the minimum necessary in the circumstances (the least harmful means available), which is a factual cause and effect assessment. Any force used should be targeted at individuals using violence or to avert an imminent threat. The proportionality requirement sets a ceiling on the use of force based on the threat posed by the person targeted. This is a value judgement that balances harm and benefit, demanding that the harm that might result from the use of force is proportionate and justifiable in relation to the expected benefit” (paras. 57 and 58). Firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries (making the use of force proportionate). In addition, there must be no other feasible option, such as capture or the use of non-lethal force to address the threat to life (making the force necessary) (para. 59). Firearms should never be used simply to disperse an assembly; indiscriminate firing into a crowd is always unlawful (para 60).

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment examined the issue of extra-custodial use of force in his interim report to the General Assembly (A/72/178) and concluded that “any extra-custodial use of force that does not pursue a lawful purpose (legality), or that is unnecessary for the achievement of a lawful purpose (necessity), or that inflicts excessive harm compared to the purpose pursued (proportionality) contradicts established international legal principles governing the use of force by law enforcement officials and amounts to cruel, inhuman or degrading treatment or punishment. Moreover, failure to take all precautions practically possible in the planning, preparation and conduct of law enforcement operations with a view to avoiding the unnecessary, excessive or otherwise unlawful use of force contravenes the State’s positive obligation to prevent acts of cruel, inhuman or degrading treatment or punishment within its jurisdiction” (para.62(c).)

Furthermore, the use of the tactic of stop-and-search by law enforcement against individuals organizing or participating in an assembly may affect the rights to liberty and bodily security, as well as privacy. Stop-and-search must not be arbitrary and must not violate the principle of non-discrimination. It must be authorized by law, necessary and proportionate. The mere fact that an individual is participating in a peaceful assembly does not constitute reasonable grounds for conducting a search (para. 43).

With regards to security of person in Article 9(1) of the Covenant, this right concerns freedom from injury to the body and the mind, or bodily and mental integrity regardless of whether the victim is detained or non-detained (CCPR/C/GC/35, para. 3 and 9). As interpreted by the Committee, “the right to personal security also obliges States parties to take appropriate measures (...) to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury”. Furthermore, we would like to recall that “States have a duty to prevent and redress unjustifiable use of force in law enforcement” (CCPR/C/GC/35, para. 9).

We would further like to refer to the report of the Special Rapporteur on Torture (A/72/178) which states that, “any extra-custodial use of force that does not pursue a lawful purpose (legality), or that is unnecessary for the achievement of a lawful purpose (necessity), or that inflicts excessive harm compared to the purpose pursued (proportionality) contradicts established international legal principles governing the use of force by law enforcement officials and amounts to cruel, inhuman or degrading treatment or punishment.”

Any restriction on the right to freedom of opinion and expression in Article 19 of the Covenant must meet the requirements of legality, it must meet one of the exhaustively enumerated legitimate aims of Article 19 (3), and it must be necessary and proportionate. Any attacks against individual for the exercise of their rights under Article 19 is incompatible with the Covenant. Such attacks must be subject to prompt, effective independent and impartial investigations, with a view of prosecuting and punishing those responsible, see CCPR/C/GC/34 para 23.

We would also like to draw the attention of your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: to meet or assemble peacefully;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.