

**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 and the Special  
Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL LBN 3/2020

26 August 2020

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 and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 41/12, 35/15 and 34/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of excessive use of force against demonstrators in protests following the explosion in Beirut's port on 4 August 2020 and the proposed State of emergency law.**

We have previously raised concerns about the Lebanese authorities' response to peaceful protests, for example in letter LBN 6/2019 as well as in a statement made by the several UN Experts on 14 August 2020, in which we called on the State "to allow peaceful protests and to protect demonstrators and journalists." We thank the government of your Excellency for the reply to our previous letter referenced LBN 6/2019.

According to the information received:

From 8 to 11 August 2020, mass demonstrations broke out in downtown Beirut to demand accountability for the port's deadly explosion and express discontent with the management of this incident, amid continued dissatisfaction over economic inequalities in the country.

On 8 August, reports a group of violent protesters tried to break into the Parliament building from at least two entry points. A few are alleged to have succeeded to enter the Parliament. In response, police allegedly responded by heavy tear gas and rubber bullets. In Sursock area of Achrafieh, protestors, who were mainly composed of retired security officers, staged a sit in at the Ministry of Foreign Affairs premises and chanted slogans against the President and other officials.

During the same period, Security forces have reportedly used excessive force against demonstrators. Reportedly ununiformed security forces, believed to be Parliament Police, and riot police have used large amounts of tear gas to disperse protesters and have indiscriminately fired tear gas canisters, rubber bullets and birdshot pellets into the crowds, leaving dozens wounded. Human rights groups have reported many of those injured suffered head and eye trauma. At least six

cases of injuries by live ammunition have also been alleged. Out of those injured with live ammunitions, one has received the shot to the chest with the lead pellets penetrating his heart. Pellet tears left a wound cavity that was imminently addressed by surgery. Medical reports noted that the victim had still tears in his chest and heart that could not be removed. Another victim received the shot in his neck from one of the security forces while he was trying to provide support to another person who was critically injured.

According to non governmental sources, between 8 and 11 August, there has been 281 injuries, including 70 transported to hospitals, including injuries by rubber bullets and led pellets allegedly in the eyes and neck. Internal Security Forces and Lebanese Armed Forces have confirmed 136 injuries and 1 death, and 108 injuries among their officers respectively.

We are aware of a statement issued by internal security forces, stating that they did not use any rubber bullets. However, reports indicate that these bullets have indeed been employed on demonstrators.

Also, on 13 August 2020, Lebanon's Parliament reportedly approved a state of emergency law, formalizing a two-week emergency period declared by the cabinet the day after the explosion. The state of emergency reportedly allows the Army to impose curfews, ban assemblies and impose censorship on media organizations and publications deemed as threats to national security. Reports indicate the law gives broad power to security forces to enter homes and impose house arrest on those engaged in activities considered a security threat. The law allegedly extends the jurisdiction of military courts over civilians "for crimes related to breach of security".

In addition to the above, in the wake of the explosion, a group of nations around the world have pledged nearly US\$300 million in immediate humanitarian assistance to Lebanon. Civil society organizations have expressed concern over corruption in the country and have called on the international community to ensure robust transparency in how foreign aid is spent and meaningful participation by civil society in the coordination, oversight and delivery of this aid.

Without prejudging the accuracy of these allegations, we express our deep concern over the use of excessive and indiscriminate force against peaceful protesters. While we acknowledge the challenges posed by the large scale of the demonstrations, 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, which have caused hundreds of injuries, including hospitalizations. We are also concerned about the use of violence by some protestors and insist that only peaceful assembly is protected by international law and the presence of some violent elements in protests does not dissolve the protection reserved to assemblies under international law.

We are alarmed that the legal measures recently adopted by the government could constitute an attempt to repress peaceful protests and silence the airing of grievances and demands by the people in Lebanon. This would appear to be part of a wider pattern of violent crackdown of peaceful protests in Lebanon under the guise of national security.

It is of significant concern that the emergency law, if implemented and adopted, would extend jurisdiction to military courts to civilians participating in peaceful protests. This not only raises serious problems to equitable, impartial and independent administration of justice and undermines the rule of law but threatens to further stifle the exercise of the right to freedom of assembly. We believe the use of military courts cannot ever be justified in the context of the exercise of the right to peaceful assembly. Civilian courts are the natural jurisdiction for offenses committed by civilians during peaceful protests, even those offenses that relate to national security. It should also be noted that the peacefulness of an assembly is presumed and assembly organizers and participants should not be considered responsible (or held liable) for the unlawful conduct of others.

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 mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would 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 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 rather than the law enforcement personnel as provided by the Lebanon constitution.
3. Please provide information on measures taken by your Excellency's Government to ensure non-repetition and 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 state of emergency law, the reasons for its adoption, and its provisions, including the powers it grants to the Army. Please explain how the law is in compliance with international human rights norms and principles, including principles of necessity and proportionality.

5. Please indicate what measures have been taken to ensure civil society and affected communities can meaningfully participate in the coordination, oversight and delivery of any foreign aid arriving to the country to address the current emergency situation as well as long-term recovery.

We 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, 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.

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

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

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Nils Melzer  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment



## **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), 9(1), 21 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Lebanon on 3 November 1972, which protect the right to life, right to security of person and the rights to freedom of peaceful assembly 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.

We wish to stress that law enforcement officials shall at all times respect and protect fundamental human rights and freedoms, in particular when they are considering the use of force of any kind. Any use of force by law enforcement officials shall comply with the principles of legality, precaution, necessity, proportionality, non-discrimination and accountability. 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. Even less lethal weapons, must be employed only when they are subject to strict requirements of necessity and proportionality, in situations in which other less harmful measures have proven to be or are clearly ineffective to address the threat.

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

Governments should, in line with principle 2 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, equip law enforcement officials with a broad range of weapons and ammunition that would allow for a differentiated use of force. Less-lethal weapons, for instance, would allow officials to apply varying degrees of force in situations where it would be unlawful to use firearms loaded with lethal

ammunition. At the same time, however, less-lethal weapons can easily be misused or abused. In this regard, we therefore wish to refer your Excellency's Government to the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) aimed at ensuring that only appropriate force is used, if force is to be used at all ([https://www.ohchr.org/Documents/HRBodies/CCPR/LLW\\_Guidance.pdf](https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf)). According to the Guidance training law enforcement officials, equipping them with adequate protective equipment and an appropriate range of less-lethal weapons, and making these officials available are essential precautionary measures if unnecessary or excessive harm is to be prevented. Furthermore, law enforcement policies, instructions and operations must give special consideration to those who are particularly vulnerable to the harmful consequences of the use of force in general and to the effects of specific less lethal weapons; such persons include children, pregnant women, the elderly, persons with disabilities, persons with mental health problems and persons under the influence of drugs or alcohol.

Where death or injury is caused by the use of a less-lethal weapon or related equipment by a law enforcement official, the incident shall be reported promptly to the official's superiors. This obligation also applies to any private security company undertaking law enforcement activities. All deaths and injuries resulting from the use of less-lethal weapons or related equipment — and not only where they result from an apparently or potentially unlawful use of force — should be reported without delay to a judicial or other competent authority. This independent authority shall be mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases.

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).

We wish to stress that the right to life is a foundational and universally recognized right, applicable at all times and in all circumstances, including during armed conflict or other public emergencies. Accordingly, the use of force by law enforcement officials, including firearms, must always be governed in compliance with international obligations. Even under a state of emergency, when law enforcement agencies resort to force, they must continue to abide by the principles of necessity, proportionality and precaution<sup>1</sup>.

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).)

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

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<sup>1</sup> Special Rapporteur on extrajudicial, arbitrary or summary executions, Human Rights Dispatch No. 1: Police use of force and lethal force in a state of emergency:  
<https://www.ohchr.org/EN/Issues/Executions/Pages/HumanRightsDispatches.aspx>



(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.”

We would like to bring to the attention of your Excellency’s Government General Comment 37 of the Human Rights Committee, which recognizes that the right to peaceful assembly “constitutes the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism. [W]here they are used to air grievances, peaceful assemblies may create opportunities for inclusive, participatory and peaceful resolution of differences.” (CCPR/C/GC/37, para 1). In this regard, the Human Rights Council has stressed “that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes.” (A/HRC/RES/44/20).

We remind your Excellency’s Government that the right of peaceful assembly can only be subject to certain restrictions, which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others” (Human Rights Council Resolution 15/21). While the “interests of national security” may serve as a ground for restrictions, the suppression of the right of peaceful assembly cannot be used to justify restrictions on this ground (CCPR/C/GC/37, para 42).

We would also like to recall that during a state of emergency, the rights to freedom of peaceful assembly and of association shall not be derogated since the possibility of restricting the right under article 21 of the Covenant is generally sufficient during such situations and no derogation from the provisions in question would be justified by the exigencies of the situation (A/HRC/20/27, para 19). The Human Rights Committee has emphasized that emergency measures “must be able to justify not only that such a situation constitutes a threat to the life of the nation, but also that all measures derogating from their obligations under the Covenant are strictly required by the exigencies of the situation and comply with the conditions in article 4.” (CCPR/C/GC/37, para 96).

The mandate of the Special Rapporteur on freedom of peaceful assembly and of association has affirmed that civil society plays a crucial role in responding to emergency situations, from providing immediate essentials to medium- and long-term aid. In emergency situations, partnerships with civil society are often necessary to provide longer-term aid because government resources are stretched and focused on the immediate crisis (A/HRC/35/28). Restricting civic space and the participation of civil society during emergency situation, could promote corruption and inefficient allocation of resources stemming from a decrease in monitoring and accountability demands by civil society (A/HRC/35/28, para 73). Civil society is key to accountability and transparency in development and foreign assistance efforts. Its watchdog role is necessary to hold government and other development institutions into account, including by investigating government failures and documenting corruption (A/74/349).