

Mandates of 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; and the Special Rapporteur on the independence of judges and lawyers

REFERENCE:
AL LBN 3/2021

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Excellency,

We have the honour to address you in our capacities as 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; and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 44/5, 43/4, 43/16 and 44/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged assassination of **Mr. Lokman Mohsen Slim**.

Mr. Slim was an intellectual, human rights defender, writer, publisher and filmmaker. He was the co-founder and director of UMAM Documentation and Research, a non-profit cultural organisation working on raising awareness on war and related violence in Lebanon. He was also member of the Forum for Memory and Future. In 2005, he founded the Haya Bina association with the goal to defend principles of citizenship, tolerance, pluralism, democracy and human rights.

Mr. Slim was very well known in the Lebanese intellectual and cultural scene. He carried out acclaimed research on topics such as mass graves and transitional justice. He did pioneering work on prisons across the Middle East and North Africa through the MENA Prison Forum which collates testimony, research and reports from across the region¹. Mr. Slim also contributed articles on Lebanese politics to various newspapers, and produced and directed various documentary films. He was the founder of the website Shia Watch and part owner of the Dar al-Jadeed book publishing house.

According to the information received:

On 4 February 2021, Mr. Lokman Mohsen Slim was found shot dead in his car, in the district of Nabatiyeh, in South Lebanon, in an isolated road between the villages of Addoussieh and Tafatha, in the Al-Zahrani district, approximately a mile away from a compound of the United Nations Interim Force in Lebanon (UNIFIL), after having gone missing for hours in the district of Tyr. During the day, Mr. Slim had been visiting a friend in the town on Niha (Tyr district). He was reportedly kidnapped when driving back home to Dahieh/Beirut. This predominantly Shia Muslim suburb is a stronghold for Hezbollah and the Amal Movement political party. Mr. Slim was shot six times, including three times in the head.

¹ <https://www.menaprisonforum.org/>

Mr. Slim documented allegations of war crimes in Syria and Lebanon and defended and promoted the rights of Lebanese and Syrian refugees in the country. He was also an outspoken critic of Hezbollah. In January 2021, for instance, in an interview on an Arabic satellite station, he had also reportedly suggested that the hazardous chemicals that had blown up in the Beirut port² had been brought to Lebanon for the Syrian government, with the complicity of Russia and Hezbollah. Due to his engagement in Lebanon's civic space and public scene, he had been repeatedly singled out by Hezbollah supporters as an enemy and frequently accused of pursuing a foreign agenda. He was intimidated, harassed and threatened on numerous occasions, as were his family and organization.

Mr. Slim's home, known as Villa Slim, was a hub of cultural activities where debates, film screenings and exhibitions were often organised. He lived with no personal security and the gates to the house were famously always open³.

In 2019, rioters attacked Mr. Slim's home and covered the walls with insults. He publicly denounced the threats he received and called for protection against groups de facto controlling the area he lived in. In a statement posted on social media, Mr. Slim stated that: "in the event that any verbal or physical attack is carried out on me, my wife, my home or family, I, through this statement, make the de facto forces - represented by Hassan Nasrallah and Nabih Berri - responsible for what happened or what will happen⁴.

The murder of Mr. Slim took place at a time when freedoms and civic space in Lebanon have allegedly regressed with a surge of arrests, intimidation, threats and violence against human rights defenders, journalists and activists, including in the wake of the nationwide protests that began in October 2019⁵. The killing of Mr. Slim, in particular, sparked fears of a renewed wave of targeted assassinations, similar to the one witnessed by the country between 2004 and 2008, and may deter others from carrying out their legitimate political, intellectual or human rights work in the country.

An investigation into the assassination of Mr. Slim was launched by the Prosecutor General of South Lebanon, Mr. Rahif Ramadan. Initially, and for a week, the case was assigned to a local police station with reportedly no capacity and no technical expertise to carry out the investigation in an adequate manner. Subsequently, at the insistence of Mr. Slim's family, the Prosecutor General withdrew the investigation from the local police and assigned it to the central

² See UN human rights experts call for justice and accountability in response to Beirut explosion: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26163&LangID=E>

³ Ibid.

⁴ <https://www.facebook.com/lokman.slim.9/posts/1743676955762403>; and <https://english.alarabiya.net/features/2021/02/04/Who-is-Lokman-Slim-A-profile-on-Lebanese-activist-Hezbollah-critic-shot-to-death>.

⁵ The general context of demonstrations and protests taking place in Lebanon since October 2019, as well as their underlying causes, was addressed by different Special Procedures in a letter sent to the Government of Lebanon on 20 November 2019 (AL LBN 2019):

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24948> .

The reply of the Government of Lebanon is accessible here:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35124>

intelligence service of the Internal Security Forces (FSI). In spite of the complexity of the case, however, no investigative judge has yet been appointed.

It is further submitted that the Public Prosecutor responsible for the case is allegedly linked to the Speaker of Parliament Mr. Nabih Berri whose Amal Movement political party is political ally of Hezbollah. It is therefore feared that, in these circumstances, the investigation into the killing of Mr. Slim may not be conducted with the necessary independence and may not be effective.

While we do not wish to prejudge the accuracy of the information received, we wish to express our utmost concern at the above-mentioned allegations which, if confirmed, would be in contravention of the right of everyone to life, as set forth in Article 3 of the Universal Declaration of Human Rights (“UDHR”); and Article 6 of the International Covenant on Civil and Political Rights (“ICCPR”), ratified by Lebanon in 1972. Furthermore, in light of Mr. Slim’s public exposure and engagement in civic space, we are concerned that his killing may also constitute a violation of the right to freedom of opinion and expression, protected by Article 19 of the ICCPR.

We note, in particular, that as a prominent intellectual of Lebanon, Mr. Slim had been the target of threats and attacks on different occasions which he also publicly denounced in 2019. Therefore, we underscore that the Government had an obligation to examine with particular scrutiny the security concerns arising from Mr. Slim’s specific profile and to take all steps that could be reasonably expected to protect his life.

We recall that the right to life is the supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation. The right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights⁶.

The obligation of States to respect the right to life not only entails the duty to refrain from engaging in conduct resulting in arbitrary deprivation of life; it also imposes a due diligence obligation to protect the lives of individuals against deprivations caused by persons or entities whose conduct may not be directly attributable to the State. This obligation extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life⁷. Accordingly, States may be held responsible for the wrongful conduct of non-State actors, operating within their territory, when they fail to exercise due diligence to protect individuals from such harmful acts⁸.

⁶ Human Rights Committee, General Comment no. 36 (CCPR/C/CG/36): <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGGb%2bWPAXhNI9eOrX3cJImWwe%2fGBLmVrGmT01On6KBQgqmxPNIjrLLdefuuQjjN19BgOr%2fS93rKPWbCbgoJ4dRgDoh%2fXgwn>

⁷ Ibid.

⁸ Mutatis mutandis, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the role of armed non-State actors and the protection of the right to life (A/HRC/38/44): <https://www.ohchr.org/EN/Issues/Executions/Pages/AnnualReports.aspx>

Furthermore, States must take special measures of protection towards persons in vulnerable situations whose lives might be at particular risk because of specific threats or pre-existing patterns of violence. Such persons include, among others, human rights defenders and prominent public figures⁹. In the same vein, States must put in place effective measures to protect individuals against attacks aimed at silencing those exercising their right to freedom of expression. Under no circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as threats to life and killing, be compatible with Article 19 of the ICCPR¹⁰.

Where they know of potentially unlawful deprivations of life, States are under an obligation to investigate and, where appropriate, prosecute the perpetrators of such incidents¹¹.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice, with a view to prevent repeated violations¹². Investigations must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided to victims, including adequate measures of compensation, rehabilitation and satisfaction¹³.

States should also disclose relevant details about the investigation to the victim's next of kin, allow the next of kin to present new evidence, afford the next of kin legal standing in the investigation, and make public information about the investigative steps taken and the findings, conclusions and recommendations emanating from the investigation¹⁴.

In addition, States must take the necessary steps to protect witnesses, victims and their relatives, as well as persons conducting the investigation, from threats, attacks and any act of retaliation¹⁵.

Within this context, we also stress that, in light of their role within the administration of justice and in protecting society from a culture of impunity, prosecutors must respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system. States have an obligation to provide the necessary safeguards to enable prosecutors to perform their important role and function in an objective, autonomous,

⁹ Ibid.

¹⁰ Human Rights Committee, General Comment no. 34 (CCPR/C/CG/34): <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H1I5979OVGGb%2bWPAXiks7ivEzdmLQdosDnCG8FaJ7cpkH%2fR9YlpwV%2bAPs%2bmcJcH5I4V EHaUJAAZCeS1gKdFOTIUSHQDT3EiNHS2mKIF>

¹¹ See CCPR/C/CG/36

¹² <https://www.ohchr.org/Documents/Publications/MinnesotaProtocol.pdf>

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

independent and impartial manner. It is also essential to ensure that prosecutors are accountable in the performance of their duties¹⁶.

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 be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on all the circumstances of the death of Mr. Lokman Mohsen Slim.
3. Please explain whether the Government of Lebanon has ever made an assessment of the risks faced by Mr. Slim to his personal safety, particularly due to his public activities and in light of the threats he repeatedly received until shortly before his assassination as a result of his social and political engagement. Please clarify when such an assessment was made and whether, based on it, Mr. Slim was afforded with any measure of protection to prevent or minimise potential risks to his life. If no assessment was made and/or, following one, no protection measures were deemed necessary, please explain the reasons why and how this would be compatible with Lebanon's international human rights obligations.
4. Please clarify whether an investigation into the assassination of Mr. Slim has been launched and provide detailed, updated information of its current status. Please explain how the investigation is being conducted in full compliance with international standards, including with regard to ensuring that the family of Mr. Slim is adequately involved into relevant investigatory steps. Please explain whether, at this stage, Mr. Slim's family has had access to any form of support and/or redress. If not, please explain whether any measure might be envisaged for adoption in this regard.
5. Please indicate whether the investigation has led to any outcome, particularly in terms of establishing truth and accountability. If the investigation is being inconclusive, please indicate the reasons why and explain what measures have been adopted, or may be envisaged to be adopted, to overcome any obstacle to its effectiveness.
6. Please provide information on measures taken, or envisaged to be undertaken, to ensure effective protection of all those who might be at risk for their safety in relation to Mr. Slim's assassination, including, for

¹⁶ Report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/20/19): <https://undocs.org/A/HRC/20/19>

instance, the members of his family, possible witnesses, his colleagues and close friends.

7. Please provide detailed, updated information on the current status of the investigation concerning the explosion in the port of Beirut of 4 August 2020 and clarify steps taken, or envisaged to be undertaken, to ensure that any alleged relation between the explosion and the assassination of Mr. Slim is fully and comprehensively investigated.
8. Please provide detailed information on legislation, measures and other safeguards in force to ensure objectivity, autonomy, independence and impartiality of the Prosecutor General in charge of the investigation into the killing of Mr. Slim. Please also indicate existing provisions and guarantees to maintain scrutiny on the work of the Prosecutor General and to ensure his accountability, as appropriate.
9. Please provide information on initiatives taken to publicly condemn the killing of Mr. Slim and all acts of violence against human rights defenders and those targeted for their opinions or legitimate engagement in Lebanon's civic space. Please explain efforts made to protect these persons, including by promoting their critical role in society; and by ensuring that allegations of human rights violations linked to freedom of expression are duly investigated.

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.

We respectfully call on Your Excellency's Government to ensure effective protection of all persons that may currently be at risk of targeted violence as a result of their legitimate work or opinions, including by actively engaging with them, seeking to collect information on threats they may be facing and taking measures to physically protect or relocate them, with their consent, to secured safe house, as appropriate.

We are of the view that acts of violence and intimidation against the country's most thoughtful voices, can only exacerbate radicalism and instability. We therefore encourage the Government to ensure democratic space, promote wider participation in public life and ensure that the population can exercise its fundamental rights safely and contribute freely to the development of a prosperous and open society.

We also wish to highlight that this case risks further undermining the trust of the Lebanese population in the judicial system. It is essential that the authorities take all necessary steps to demonstrate the independence of the investigation. We therefore

call on your Excellency's Government to consider requesting international technical assistance to investigate the killing of Mr. Slim.

We also urge you to consider establishing an independent and impartial Commission, made up of individuals deeply recognized for their non-allegiance to any groups or political parties, to investigate the failure of past investigations into the killings of human rights defenders, activists and politicians in Lebanon, supported possibly by international experts. This Commission should seek not only to review past investigations but also to recommend structural reforms to combat impunity and strengthen the independence of all investigatory mechanisms.

We also call on the Government to consider, in the long-term direct and more systemic cooperation between United Nations experts and the Lebanese judicial system (including, for instance, embedding an international unit of experts advising and supporting national actors) to strengthen investigations into politically-motivated murders and put an end to the rampant practice of impunity.

We remain at your disposal for any advice and assistance, or follow up on these recommendations.

While the information at hand is by no means exhaustive, it is sufficiently credible to indicate a series of inter-related concerns that warrant serious and undivided attention. For this reason, we may consider to publicly express our concerns. We also believe that it is a matter of public interest that these issues are clarified to the full extent possible. Any public expression of concern on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please note that a copy of the present letter will be sent to the United Nations Interim Force in Lebanon (UNIFIL).

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Diego García-Sayán
Special Rapporteur on the independence of judges and lawyers

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 Article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR) which provides that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

The Human Rights Committee has indicated that the obligation under Article 6 extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life, including threats emanating from private persons and entities (CCPR/C/GC/36). In its General Comment No. 31, the Committee also stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by private persons or entities, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR¹⁷.

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (CCPR/C/GC/36).

The Minnesota Protocol affirms that "Persons whose rights have been violated have the right to a full and effective remedy. Family members of victims of unlawful death have the right to equal and effective access to justice; to adequate, effective and prompt reparation; to recognition of their status before the law; and to have access to relevant information concerning the violations and relevant accountability mechanisms. Full reparation includes restitution, compensation, rehabilitation, guarantees of non-repetition, and satisfaction. Satisfaction includes government verification of the facts and public disclosure of the truth, an accurate accounting for of the legal violations, sanctions against those responsible for the violations, and the search for the disappeared and for the bodies of those killed."

"Investigative processes and outcomes must be transparent, including through openness to the scrutiny of the general public and of victims' families. Transparency promotes the rule of law and public accountability, and (...) enables the victims (...) to take part in the investigation. States should adopt explicit policies regarding the transparency of investigations. States should, at a minimum, be transparent about the

¹⁷ Human Rights Committee, General Comment no. 31 (CCPR/C/21/Rev.1/Add. 13): <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjYoiCfMkoIRv2FVaVzRkMjTnjRO%2bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpW0q%2fhW%2fTpKi2tPhZsbEJw%2fGeZRASjdFuuJQRnbJEaUhby31WiQPI2mLFDe6ZSwMMvmQGVHA%3d%3d>

existence of an investigation, the procedures to be followed in an investigation, and an investigation's findings, including their factual and legal basis.”

We also wish to recall the Guidelines on the role of prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. Although not a binding instrument, the United Nations Guidelines were formulated “to assist Member States in their tasks of securing and promoting the effectiveness, impartiality and fairness of prosecutors in criminal proceedings” in domestic law and practice (preamble). This instrument contains 24 guidelines applicable to the qualifications, status, role and functions of prosecutors. The United Nations Guidelines should be brought to the attention of prosecutors, as well as the judiciary, the legal profession, members of the executive and the legislature and the public in general. The Standards of professional responsibility and statement of the essential duties and rights of prosecutors (the IAP Standards of professional responsibility), adopted by the International Association of Prosecutors (IAP) on 23 April 1999, complement the United Nations Guidelines. The IAP Standards of professional responsibility were endorsed by the United Nations Commission on Crime Prevention and Criminal Justice in its resolution 17/2 of 18 April 2008. A few other international instruments contain provisions applicable to prosecutors. For instance, article 11 of the United Nations Convention against Corruption requires Member States to take measures to strengthen integrity and prevent opportunities for corruption within the judiciary and also within the prosecution services in States Parties where they do not form part of the judiciary.

Particularly concerned about the impact of this killing on the work of human rights defenders in the country, we underscore the need to take effective measures to protect and promote the right to freedom of opinion expression, as enshrined in Article 19 of the ICCPR. We recall that the Human Rights Committee has affirmed that “States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression”. (General Comment 34 para. 23) Attacks on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19. (id.) When human rights defenders, journalists and others are subjected to threats, intimidation and attacks because of their activities, such “attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.” (id.) We underscore that under no circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19 of the ICCPR.

In this context, we would also like to refer to 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 article 6 points b) and c), which provide for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; as well as 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.