

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

Ref.: AL LBN 5/2023
(Please use this reference in your reply)

28 September 2023

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 52/9.

I am writing you in connection with the unresolved killing case of Mr. **Lokman Slim**, which is the subject of communications I sent to you jointly with other mandates, namely LBN 1/2023 of 26 January 2023 and LBN 3/2021 of 16 March 2021, as well as several public statements¹, in which we urged your Excellency's Government to take all steps to ensure full accountability and end impunity. I thank your Excellency's Government for the responses received to date.

From 10 to 12 May 2023, I was in Beirut at the occasion of a consultation with civil society on freedom of expression in the region. It was not an official country visit, but with support from your Ministry, I was able to meet with the Minister of Justice and discussed, among other things, the case of Mr. Slim. It was unfortunate that it was not possible to meet with the Prosecutor General, to discuss the progress in the investigations into the killing of Mr. Lokman Slim. However, I was able to meet some other stakeholders regarding this case.

I would like to update you on the following:

During my meetings in Beirut, I learnt that investigations into the case of Mr. Lokman Slim is stalled. I have also learnt that there are indications of an offer for international technical assistance to support the investigations into the killing but that it has not materialized for lack of a request for such from the competent authorities in Lebanon.

I was informed that such international technical assistance could be instrumental to advance the investigations, to help identify the perpetrators, to shed light on the case of Mr. Lokman Slim and to ensure full accountability.

While I do not wish to prejudge the accuracy of the information received, I wish to reiterate my concerns about the lack of progress in the investigations into the killing of Mr. Lokman Slim, which sends a chilling message to all other human rights activists. I urge your Excellency's Government to take action to ensure full accountability in this case, including by requesting international technical assistance.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I urge your Excellency's Government to take action to ensure full accountability in this case, including by requesting international technical assistance. I look forward to receiving

¹ [Lebanon: UN experts concerned at slow progress in investigation and continued impunity for killing of prominent intellectual Lokman Slim | OHCHR](#) and [Lebanon: Intellectual's murder needs in-depth inquiry to dispel doubts over justice system, say UN experts | OHCHR](#)

any additional information you might have on the information above.

I would appreciate receiving a response within 60 days. Past 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.

Irene Khan

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I 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 ICCPR².

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

² Human Rights Committee, General Comment no. 31 (CCPR/C/21/Rev.1/Add. 13): <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjYoiCfMKoIRv2FVaVzRkMjTnjRO%2bfud3cPVrcM9YR0iW6TxaXgp3f9kUFpWog%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.”

I 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, I 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. I 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.) I 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, I 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.