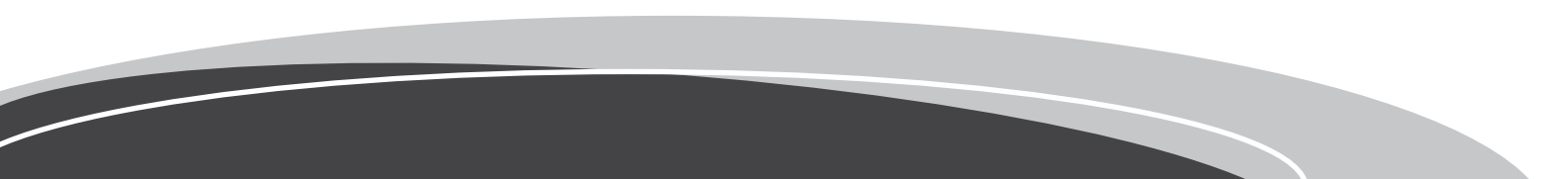




# LEBANON



# PRESENTATION

This review is part of a larger two-part study on **freedom of assembly in the Euro-Mediterranean region**.

Following an overview of the international standards relating to the freedom of assembly, [Part I](#) examines the legal frameworks in 11 countries of the Mediterranean and in the European Union and their compliance with international human rights standards. Part II examines the implementation of laws and the exercise of the freedom of assembly and demonstration in practice.

In order to assess the compliance of national legislations with international standards relating to the exercise of freedom of assembly, objective indicators were used as a reference throughout this study. A gender-sensitive approach was incorporated to determine whether women enjoy freedom of assembly to the same extent as men or face more restrictions.

This study was conducted in consultation with members of the Euro-Mediterranean Human Rights Network (EMHRN), which includes 80 human rights organizations in 30 countries. It thus reflects the active involvement of EMHRN's working group members on freedom of association and assembly, as well as other civil society organizations and experts.

The study is meant to provide human rights defenders, civil society organizations, international organizations, and state institutions with an analysis that allows them to compare national laws and policies with those of other countries and assess their conformity with international conventions, with a view to advocating for reforms and guaranteeing freedom of assembly across Euro-Mediterranean area.

The chapters are also available separately: [Algeria](#), [Egypt](#), [Israel](#), [Jordan](#), [Lebanon](#), [Libya](#), [Morocco](#) and Western Sahara, [Palestine](#), [Syria](#), [Tunisia](#), [Turkey](#), and [the EU](#).

## Introduction

Since the widespread demonstrations of 2005, also known as the “Cedar revolution”, respect for the right of peaceful assembly has significantly improved in Lebanon. Police forces now resort much less to force and carry out their protective role at demonstrations, an indispensable aspect of exercising the right to freedom of peaceful assembly. However, the recent history of Lebanon, its geopolitical situation, and its unique form of representation based on respect for its multi-confessional character make this country a singular case in which respect for human rights is regularly put to the test.

Apart from a few demonstrations calling, in particular, for the establishment of a secular State at the start of 2011, Lebanon has not experienced in the past few years the waves of demonstrations on the scale of other countries of the Euro-Mediterranean region. However, the Syrian conflict has brought new challenges to the fore, particularly relating to the influx of refugees and sometimes interfaith violence, which have caused a resurgence of popular movements. Although most of these demonstrations have been adequately facilitated and protected by the authorities, violations of human rights have also been committed. These mainly involve cases of excessive use of force by the security forces, but also and especially the security forces’ breach of duty to protect demonstrations, particularly in the event of violence between demonstrators and counter-demonstrators.

### 1. Restrictions Imposed on Freedom of Assembly

Lebanon is a country based on the principle of equality of rights and duties for all citizens without discrimination. The institutional and legal framework enables individuals to express contrasting and sometimes opposing opinions, and to exercise their rights and fundamental freedoms without undue interference by the authorities. In practice, restrictions on exercising the right of peaceful assembly are quite rare, and the organizers of rallies generally respect the procedure. However, in the past it did happen that some demonstrations could be subject to restrictions because of the message that they were trying to disseminate.<sup>1</sup>

These restrictions, based on article 346 of the Penal Code, which criminalizes riotous gatherings defined specifically as gatherings “composed of at least seven persons whose objective is to protest against a decision or a measure taken by the public authorities in order to exert pressure”, do not comply with international standards about freedom of peaceful assembly.

In fact, according to the Special Rapporteur on the right to Freedom of association and peaceful assembly, “Any restriction imposed on the nature or content of the message the organizers and participants want to convey, especially in relation to criticism of Government policies, should be proscribed, unless the message constitutes “incitement to discrimination, hostility or violence”, in conformity with article 20 of the international Covenant on Civil and Political Rights (ICCPR)”.<sup>2</sup>

Since the widespread demonstrations of 2005, restrictions are rare, which makes a positive contribution to the exercise of the right to freedom of assembly in Lebanon.

“Since 2005 and the big demonstrations that resulted in the withdrawal of the Syrian army from Lebanon, the Lebanese State has demonstrated its capacity to observe international standards in its management of peaceful gatherings. This makes even more unacceptable the occasions when in recent years this right has not been respected. It is for this reason that we believe it essential for the Lebanese Government to systematically initiate thorough and transparent investigations, in order to clarify those cases where demonstrators were unjustly arrested, beaten or sometimes even killed during demonstrations,” Wadih Al Asmar, representative of the Lebanese Centre for Human Rights.

1 U.S. State Department, *Country Report on human rights in practice*, chapter on Lebanon, 2013.

2 A/HRC/23/39 para. 59.



## 2. Facilitation of Assemblies by the Authorities

What must – in spite of some reservations<sup>3</sup> – be welcomed, is the adoption of a Code of Conduct for the Internal Security Forces in 2012. This provides explicitly for the positive duty of the law enforcement bodies to protect civil liberties, and therefore peaceful assembly. In practice, however, more efforts must still be made in this area because although recent months have witnessed good practices, other cases evidence a lack of police protection against violence committed by non-governmental participants during peaceful demonstrations. Although the situation surrounding some demonstrations can at times be tense, it is the duty of the authorities to take the necessary measures to ensure the protection of the organizers and the participants at such gatherings, in particular when there is a risk of trouble with counter-demonstrators.

Over recent months, various demonstrations, including spontaneous ones, on subjects which could be regarded as sensitive, have been properly managed by the police. In most cases, the organizers notified the authorities of their intention to organize rallies. This has enabled the police and security forces to adequately carry out their protection role, as well as their remit to ensure public safety against the criminal acts of third parties.

For example, various demonstrations calling for the creation of a secular State were held on 27 February 2011 and on the whole the right of peaceful assembly was adequately protected. Certain events held after the beginning of the conflict in Syria in 2011 led to violence between pro-Syrian factions and opponents of Syrian influence in Lebanon, but were quickly brought under control by the police which played its protection role by coming between the demonstrators. On 3 September 2013, a demonstration organized by Palestinian refugees from the Nahr al-Bared camp in front of the offices of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was also given adequate protection by the police who allowed the demonstrators to deliver their message without undue interference.<sup>4</sup>

According to information received, the work of journalists and other observers is not subject to restrictions by the authorities.

In other cases, however, the law enforcement officers have failed in their duty to protect individuals against the delinquent and criminal acts of non-governmental players. On 9 June 2013, a number of rallies were held in the country condemning the participation of Hezbollah in the armed conflict in Syria. Although some of them, such as the demonstrations organized at Sidon Stadium and in the centre of Beirut, were carried out under the protection of the police without conflict or serious incident, a demonstration held outside the Iranian embassy in Beirut led, on the other hand, to serious violence and violation to the right to life, security, and safety. During this student demonstration, the counter-demonstrators favouring Hezbollah, who were armed with sticks, confronted the protesters, resulting in violent clashes on both sides. The organiser of the demonstration, Hashem al-Salman, was beaten up and shot dead during these clashes.<sup>5</sup>

*“Hashem was calling for peace and was armed only with his megaphone to defend his ideas. Hardly had a band of individuals armed with sticks arrived at the demonstration that they rushed at the young demonstrators and most of the violence was directed at Hashem. He was violently struck many times on many parts of his body, until he collapsed covered in blood. His assailants stopped the emergency services from helping him; they then pursued him to the hospital, which they only left after obtaining confirmation that he was dead. To date, none of*

3 National NGOs have particularly deplored the fact that the Code of Conduct does not contain a specific article enabling the monitoring of proper observance of its provisions, Interview with Act for Human Rights, 2 April 2014.

4 More information at: <http://www.maannews.net/eng/ViewDetails.aspx?ID=626567>

5 More information at: <http://www.aljazeera.com/news/middleeast/2013/06/20136910330195585.html>; <http://www.dailystar.com.lb/news/politics/2013/jun-10/219882-death-at-anti-hezbollah-rally-spurs-stability-fears.ashx#axzz2v0vok>

*the assassins has been arrested, yet Hashem was killed in broad daylight in a public place, with security forces officers nearby,” the brother of Hashem al-Salman complains.<sup>6</sup>*

This occurrence indicates a serious breach of the duty by the authorities to protect demonstrators against acts of violence, including those committed as part of a counter-demonstration. The authorities, who had been notified by the organization about this event, should have foreseen potential trouble and promoted the organization of two demonstrations, if necessary in two different locations.<sup>7</sup>

The authorities should also have intervened much earlier in order to rescue the young demonstrator who had been assaulted, and who remained seriously injured for nearly thirty minutes before an ambulance arrived on the scene. The duty of the State to facilitate and protect peaceful demonstrations in fact includes the responsibility to maintain order as well as provide medical services and other health and safety measures.

### 3. The Use of Force and Detention

When the situation so requires, and under strict conditions of necessity and proportionality, the police may use force to maintain security and guarantee the protection of demonstrators’ right of peaceful assembly. Any use of force must, however, be proportional to the seriousness of the offence and ascribe to respect for human rights, as particularly set out in the United Nations Code of Conduct for law enforcement officials.<sup>8</sup> In the last few months, law enforcement agencies may at times have used excessive force.

On 22 October 2012, following the funeral of General Wissam al-Hassan, head of police intelligence services, who was specifically investigating the death of the former Prime Minister Rafiq Hariri, law enforcement officers intervened to restore calm at a violent demonstration which accused the Prime Minister Najib Mikati of seeking to “cover up the crime” of General al-Hassan’s assassination. The law enforcement agencies used tear gas and fired into the air in order to disperse protesters who sought to enter the Grand Serail, the Palace of Government, by force. Given the degree of violence during this demonstration, the internal security forces used force within the limits defined by international law on human rights. These are in fact clear about the use of force which must be “exceptional... to the extent that it is reasonably considered necessary in the circumstances, to prevent a crime, or to arrest, or assist in the legal arrest of offenders or suspects”.

In other cases, however, the police has used excessive force against peaceful demonstrators. This was particularly the case in September 2012 when young demonstrators who were protesting against the adoption of the law on personal status were severely beaten by the police;<sup>9</sup> or in August 2013 when the internal security forces arrested 14 Sudanese refugees who were protesting in front of the offices of the United Nations High Commissioner for Refugees in Beirut. In the course of this latter incident, violent and humiliating acts, insults, and threats of expulsion and arrest were documented,<sup>10</sup> which shows that the authorities must still make efforts to, on the one hand, promote the exercise of the right of peaceful assembly for all, and on the other hand, remind law enforcement agencies of their duty to respect and protect human dignity and the fundamental rights of every human being.

6 Interview of 20 June 2014; see also <https://now.mmedia.me/lb/en/reportsfeatures/550652-one-year-on-no-justice-for-murdered-anti-hezbollah-activist>

7 According to the United Nations Special Rapporteur on the right to freedom of association and peaceful assembly “in the case of counter-demonstrations (...) they should not dissuade participants of the other assemblies from exercising their right to freedom of peaceful assembly. In this respect, the role of law enforcement authorities in protecting and facilitating the events is crucial”, A/HRC/20/27 para. 30.

8 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

9 <http://www.lbcgroup.tv/news/52179/LBCINWS0>

10 <http://www.hrw.org/world-report/2013/country-chapters/lebanon>

#### 4. Accountability of Law Enforcement Forces

The death of Hashem al-Salman is the subject of an investigation, but more than a year after the event, few measures have been taken to ensure that the offender(s) is/ are brought to justice. Nine months after the event, the public prosecutor and the investigating judge seemingly have still not visited the scene of the crime. According to information received,<sup>11</sup> the hospital reportedly refused to release Hashem al-Salman's clothing to his family, or provide a death certificate stating the cause of death. After several weeks, the family apparently finally obtained a death certificate from the police but no autopsy report was included with it. Given the seriousness of the facts, it is urgent that measures be taken to initiate an independent and impartial investigation, the results of which should be communicated to the family and made public.

*"The file relating to Hashem's death has been buried and nobody helps us. I have met with the President, the Ministers of Justice and of the Interior, who promised us that work would be done on this case. But in reality, nothing has been done. Nobody is investigating my brother's death,"* Hashem al-Salman's brother laments.<sup>12</sup>

In other cases, the authorities have already demonstrated their ability to shed light on violations of the right to demonstrate. In November 2013, customs officials made a violent attack on journalists and civil society activists who had come to protest at the doors of the General Directorate of Customs in Beirut, in support of colleagues who had been physically assaulted by customs officers. On 3 December 2013, the military prosecutor charged an officer and a customs official for having made "use of force and beaten" journalists.<sup>13</sup>

#### 5. Judicial Sanctions against Organisers and Participants in Assemblies

To our knowledge, in recent years, no organizer of or participant in a peaceful gathering has been the subject of prosecution and sanctions by the judicial authorities.

11 Interview with Human Rights Watch, 19 March 2014.

12 See also <https://now.mmedia.me/lb/en/reportsfeatures/550652-one-year-on-no-justice-for-murdered-anti-hezbollah-activist>

13 More information at: <http://en.rsf.org/lebanon-military-court-sentences-reporter-06-12-2013,45548.html>

1. Guarantee that the freedoms of assembly, expression and association can be exercised by any individual or group without any discrimination based on opinions, origins, sex, religion etc.;
2. Bring legislation on public gatherings into line with international law, and the commitments made by Lebanon (see the first part of the Study);
3. Make sure that restrictions applied comply with the law, respect the principles of necessity and proportionality and are communicated in writing to the organizers within a time frame that allows for an appeal before an independent tribunal or court before the scheduled date of the event;
4. Ensure that the authorities are always open to dialogue with the organisers (before and during the gatherings), and when such dialogue occurs, that its purpose is to better facilitate the right of peaceful assembly;
5. Act upon the State's responsibility to protect peaceful demonstrators; ensure compliance with the Internal Security Force's Code of Conduct so that any use of force by law enforcement officers follows the principles of last resort, necessity, progressiveness and proportionality; ensure that lethal force is only a last resort and used as a defence against an imminent threat endangering human lives;
6. Expedite prompt, independent and impartial investigations in the event of a complaint or information about possible breaches or violations of human rights committed by law enforcement authorities during any operations to maintain order; punish those responsible and enable victims to obtain redress as well as be given guarantees of non-repetition; apply these principles to the inquest into the death of Hashem al Salman, a young demonstrator killed during a public gathering on 9 June 2013. To this end, establish an independent mechanism for monitoring and investigating the behaviour of the security forces.