

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# LEBANON: ONLY AN INTERNATIONAL INVESTIGATION CAN ENSURE BEIRUT EXPLOSION VICTIMS' RIGHTS TO TRUTH, JUSTICE AND REMEDY

One month on since the massive blast in Beirut's port, it is increasingly clear that the processes the Lebanese authorities have set up to look into the tragic events of 4 August are neither independent nor impartial, Amnesty International said today. The organization is therefore reiterating its call for an international fact-finding mechanism to guarantee victims' rights to truth, justice and remedy.

Such calls have been made by victims and their relatives and other human rights organizations. Lebanese authorities, including the president, have rejected them. UN human rights experts have stressed the need for independent investigations and for victims' calls for accountability to be heard. Accountability was also among the key calls made by the thousands of protesters who streamed onto the streets four days after the explosion and were met by excessive use of force by the military and security forces, leading to hundreds of injuries.

On 5 August, the Lebanese government set up a committee headed by the prime minister to conduct what was described as a five-day "administrative inquiry". On 10 August, the State Prosecutor announced the arrest of 19 persons following an investigation he had ordered on 5 August. He made a recommendation to the government – which was then implemented – that it be investigated by the Judicial Council, a court of exception whose proceedings inherently lack independence and impartiality due to the composition of its members and otherwise fail to meet international fair standards. Extraordinarily for a case in which there are such serious allegations against state bodies, it does not have the jurisdiction to prosecute sitting officials, including the president and ministers.

## EXPLOSION AND RESPONSE

The explosion in Beirut's port on 4 August 2020 killed at least 190 people, injured more than 6,500 others and left some 300,000 displaced or homeless. It also led to an estimated 70,000 workers losing their jobs, directly impacting 12,000 households.<sup>1</sup> The head of the Beirut Doctors Syndicate announced that 2,000 doctors had been injured or had their clinics destroyed by the blast. Beirut's four main hospitals were badly damaged. Material damage was found up to 20km from the blast. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 40,000 buildings were damaged, with 3,000 residential structures seriously damaged.

The World Bank has estimated the cost of the physical damage to be US\$3.8-4.6 billion and that of the economic losses to be US\$2.9-3.5 billion.<sup>2</sup> Lebanon faces this at a time when it is already reeling from an economic and financial crisis, political turmoil and the COVID-19 pandemic. The population was already suffering from severe shortages of power and clean water supplies (there were electricity cuts lasting up to 22 hours per day in the week preceding the explosion), an unregulated devaluation of the Lebanese currency within less than a year, massive job losses and severe pay cuts, including in the already stretched health sector. Between October 2019 and March 2020 (when movement restrictions were introduced in response to the pandemic), tens of thousands of protesters across Lebanon took to the streets to denounce widespread corruption within the ruling elite. Many chanted the slogan "All of them means all of them" to indicate that they had lost trust in the entire political class and rejected them without exception.

According to President Michel Aoun, the blast was caused by 2,750 tons of ammonium nitrate stored for years at the port. In their immediate reactions following the explosion, state officials exchanged accusations of blame. However, a number of official documents have since been leaked to the press, including official correspondence and court documents that

<sup>1</sup> OCHA, *Lebanon: Beirut Port Explosions Situation Report No. 7 (As of 25 August 2020)*, 25 August 2020, [reliefweb.int/report/lebanon/lebanon-beirut-port-explosions-situation-report-no-7-25-august-2020](https://reliefweb.int/report/lebanon/lebanon-beirut-port-explosions-situation-report-no-7-25-august-2020)

<sup>2</sup> World Bank, *Q&A: Beirut Rapid Damage and Needs Assessment – August 2020*, 31 August 2020, [www.worldbank.org/en/news/factsheet/2020/08/30/qa-beirut-rapid-damage-and-needs-assessment-august-2020](https://www.worldbank.org/en/news/factsheet/2020/08/30/qa-beirut-rapid-damage-and-needs-assessment-august-2020)

indicate customs, military and security authorities, as well as the judiciary, had warned successive governments of the dangerous stockpile of explosive chemicals at the port on at least 10 occasions in the past six years.<sup>3</sup>

President Michel Aoun admitted in a televised interview on 7 August that he was first informed of the stockpile around three weeks prior to the blast and said that he then immediately gave orders to the military and security authorities to do “what was needed”. He added that his responsibility ended there as he had to respect the port authorities’ chain of command.<sup>4</sup>

On 8 August, thousands of protesters gathered in Beirut’s Martyrs’ Square to call for justice for the victims, an end to impunity in the country more broadly and the resignation of the government. The Lebanese army and security forces responded with a shoot-to-harm policy against unarmed protesters, firing recklessly tear gas, rubber bullets and pellets and causing more than 230 injuries.<sup>5</sup>

On 10 August, the government resigned, but remained in place in a caretaker capacity.

## TIMELINE OF DOMESTIC INVESTIGATIONS

On 5 August, the Lebanese government set up a committee headed by the prime minister and also composed of the ministers of defence, interior and justice and the heads of the military and security institutions to conduct what was described as a five-day “administrative inquiry” into the Beirut port explosion.<sup>6</sup> The committee has so far made no public announcements.

On 10 August, in what seemed to be a separate development, the State Prosecutor announced the arrest of 19 persons following an investigation he had ordered the Internal Security Forces to launch on 5 August.<sup>7</sup> He said that the military had also participated in the investigation following an order from the military prosecutor. According to the State Prosecutor’s statement, the investigation was focused on the direct and indirect causes of the explosion; the ship that brought the explosive materials to the port; and “responsibilities”.<sup>8</sup>

In the same announcement, the State Prosecutor recommended that the government refer the case either to a military court, considering that it fell under this jurisdiction, or, given the magnitude of the crime, to the Judicial Council, a court of exception. The government referred the case to the Judicial Council on the same day.

On 13 August, the Supreme Council of the Judiciary accepted the appointment of an investigating judge that had been made by the caretaker minister of justice.<sup>9</sup> As of 1 September 2020, the judge had issued arrest warrants against 25 suspects, including the director-general of Beirut’s port and the director-general of Lebanon’s customs authority; all of them have been placed in custody.<sup>10</sup>

## FLAWED PROCESSES

Amnesty International considers that neither the “administrative inquiry” nor the investigation by the Judicial Council represent independent and impartial judicial processes.

The “administrative inquiry” is inherently not an independent or impartial process given that it is conducted by a committee composed of the heads of government ministries, the military and security forces, institutions that are under the spotlight themselves.

<sup>3</sup> AP, “Officials long warned of explosive chemicals at Beirut port”, 8 August 2020, [apnews.com/6bec1c8ecb5061bf2dd98107aeb151d9](https://apnews.com/6bec1c8ecb5061bf2dd98107aeb151d9)

<sup>4</sup> AP, “Officials long warned of explosive chemicals at Beirut port”, 8 August 2020, [apnews.com/6bec1c8ecb5061bf2dd98107aeb151d9](https://apnews.com/6bec1c8ecb5061bf2dd98107aeb151d9)

<sup>5</sup> Amnesty International, *Lebanon: Military and security forces attack unarmed protesters following explosions – new testimony* (11 August 2020), [www.amnesty.org/en/latest/news/2020/08/lebanon-military-and-security-forces-attack-unarmed-protesters-following-explosions-new-testimony/](https://www.amnesty.org/en/latest/news/2020/08/lebanon-military-and-security-forces-attack-unarmed-protesters-following-explosions-new-testimony/)

<sup>6</sup> National News Agency, “Cabinet convenes at Baabda Palace, declares two-week state of emergency in Beirut”, 5 August 2020, [nna-leb.gov.lb/en/show-news/118554/Cabinet-convenes-at-Baabda-Palace-declares-two-week-state-of-emergency-in-Beirut](https://nna-leb.gov.lb/en/show-news/118554/Cabinet-convenes-at-Baabda-Palace-declares-two-week-state-of-emergency-in-Beirut)

<sup>7</sup> National News Agency, “Oueidat calls on ISF to conduct immediate investigations into Port explosion”, [nna-leb.gov.lb/en/show-news/118528/Oueidat-calls-on-ISF-to-conduct-immediate-investigations-into-port-explosion](https://nna-leb.gov.lb/en/show-news/118528/Oueidat-calls-on-ISF-to-conduct-immediate-investigations-into-port-explosion)

<sup>8</sup> *Annahar*, “Oueidat presents approach and method of investigation into port explosion”, 10 August 2020, [bit.ly/32JtIfI](https://bit.ly/32JtIfI) (in Arabic).

<sup>9</sup> The Supreme Council of the Judiciary (also translated as the High Judicial Council) is mandated to hire and train judges, oversee the work of the judiciary and ensure its independence. For further information, see International Commission of Jurists, *The Lebanese High Judicial Council in Light of International Standards*, March 2017, [www.icj.org/wp-content/uploads/2017/03/Lebanon-Memo-re-HJC-Advocacy-Analysis-Brief-2017-ENG.pdf](https://www.icj.org/wp-content/uploads/2017/03/Lebanon-Memo-re-HJC-Advocacy-Analysis-Brief-2017-ENG.pdf)

<sup>10</sup> Naharnet, “All 25 Suspects’ in Beirut Blast Probe in Custody”, 1 September 2020, <http://www.naharnet.com/stories/en/274593-all-25-suspects-in-beirut-blast-probe-in-custody>

The Judicial Council is a special court which receives cases referred to it by the government, upon the recommendation of the minister of justice. It has jurisdiction over cases involving, among other things, assassinations, or attempted assassinations, of senior politicians, diplomats and religious personalities, as well as cases linked to political violence and terrorism.

Amnesty International has a number of concerns regarding the compatibility of the composition and proceedings of the Judicial Council with Lebanon's obligations as a state party to the International Covenant on Civil and Political Rights.

The government appoints the five members of the Judicial Council following a recommendation by the minister of justice and the consent of the Supreme Council of the Judiciary.<sup>11</sup> The minister of justice also makes the decision on which judge will take charge of an investigation into a case before the Judicial Council, subject to the consent of the Supreme Council of the Judiciary.<sup>12</sup> These provisions contradict Lebanon's obligations, as set out in its constitution and international law, to safeguard and ensure the judiciary's independence from the executive authorities.<sup>13</sup>

The fact that it is the government, upon the recommendation of the minister of justice, which selects cases to refer to the Judicial Council also raises concerns that their selection for prosecution by this court may be based on political considerations rather than legal merit. International standards emphasize the importance of not displacing the jurisdiction of ordinary courts: "Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."<sup>14</sup>

The Judicial Council does not have the jurisdiction to prosecute sitting or former officials, including the president and ministers. This is of particular concern in this case given the serious allegations that state bodies were responsible for the tragic events of 4 August. It has already had consequences. On 14 August, following the referral of the case to the Judicial Council, an investigating judge in the preliminary investigation under the State Prosecutor announced the suspension of a planned interrogation of former and current ministers of finance and public works; he indicated, by way of explanation, that he anticipated the investigating judge under the Judicial Council would confirm it did not have jurisdiction to conduct such interrogations.<sup>15</sup> Only the Supreme Council has jurisdiction to prosecute sitting and former officials.<sup>16</sup> It is supposed to consist of seven MPs elected by parliament in a vote and of eight high-ranking judges appointed by the judiciary according to their rank and, in case of equal rank, in order of seniority. However, it remains an unconstituted body. In February 2019, amid widespread debate about the country's governance, the Speaker of Parliament called for a session to elect the seven MPs for the Supreme Council; this duly occurred in March 2019. The judiciary, however, has to date not appointed its eight members.

Decisions of the Judicial Council, even death sentences, cannot be appealed in any way, except if the Council itself decides to conduct a supplementary investigation into the case.<sup>17</sup> These provisions violate Lebanon's obligations under international law to guarantee the right to appeal.<sup>18</sup>

## CALLS FOR AN INTERNATIONAL INVESTIGATION

Victims of the blast and their relatives have been vocal in calling for an international investigation, expressing their lack of faith in domestic mechanisms. Amnesty International and other human rights organizations have similarly called for international investigations.<sup>19</sup> Lebanese authorities, including President Michel Aoun, have rejected the call. UN human rights experts have stressed the need for independent investigations and for victims' calls for accountability to be heard.

Paul Naggear, father of three-year-old Alexandra Naggear, who was killed in the explosion, held a press conference, alongside other relatives of victims, on 14 August calling on the UN Security Council to launch an international

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<sup>11</sup> Code of Criminal Procedure, Article 357.

<sup>12</sup> Code of Criminal Procedure, Article 360.

<sup>13</sup> Lebanese constitution, Article 20. International Covenant on Civil and Political Rights, Article 14.

<sup>14</sup> UN Basic Principles on the Independence of the Judiciary, Principle 5.

<sup>15</sup> National News Agency, "Postponement of interrogation of ministers scheduled for today in port explosion", 14 August 2020, [nna-leb.gov.lb/ar/show-news/496776/](https://nna-leb.gov.lb/ar/show-news/496776/) (in Arabic).

<sup>16</sup> The Document of National Accord signed in Taif, Saudi Arabia, in October 1989, to end the Lebanese armed conflict of 1975-1990 stipulated the formation of the Supreme Council, whose function is to try presidents and ministers, citing Article 80 of the constitution.

<sup>17</sup> Code of Criminal Procedure, Articles 366 and 367.

<sup>18</sup> International Covenant on Civil and Political Rights, Article 14(5).

<sup>19</sup> Amnesty International, *Lebanon: Beirut explosion must be independently investigated* (Press release, 5 August 2020).

investigation. He said: “We want an international probe. We want our leaders to stop playing with our lives like a chess game. We want to know who killed our loved ones.”<sup>20</sup>

Paul Naggear told Amnesty International: “My wife and I are still in Lebanon. We are grieving... We need to find the best means to obtain accountability, not just for us but for all the injured and those who lost their homes and belongings. We all know that nothing will come out of a domestic investigation.”<sup>21</sup>

Siham Tekian, 67, lived above the grocery store she had been running for 37 years in Mar Mikhael, one of Beirut’s oldest neighbourhoods and one of the closest to the port. Her home and the store were blown away by the explosion, and she suffered multiple wounds from the blast.

She told Amnesty International: “Everything was taken from me. My doors, windows, furniture, clothes – everything has been torn apart; my house exploded. I don’t care who did it or how it happened, but I know that the state kept explosives near our houses knowing that they may explode and devastate neighbourhoods, hospitals, lives, our lives... I cannot trust this state – ever.”<sup>22</sup>

Siham Tekian and her husband slept for six consecutive nights on the streets in front of her shop following the explosion. She told Amnesty International: “People said I should go find a place to stay, but I couldn’t leave our belongings and lives out in the open. We stayed there until a young man... paid someone to fix the iron door of my shop. We then moved inside.”

The only source of support she had, she pointed out, came from friends, non-governmental organizations and private companies. As for the state, she said, “I don’t want to hear anything about it. How can I trust a state that blew up its own people? I could’ve died. The people who died are not martyrs, they are the victims of this state!”

Siham Tekian has no trust either in a domestic investigation. She said: “Since the explosion, nothing they have done or said has been persuasive. I am not so stupid to believe that a few men fixing a silo’s door caused this explosion. They [the state] are murderers and they won’t accept responsibility for what they did.”

The UN High Commissioner for Human Rights Michele Bachelet has urged the Lebanese authorities to heed the voices of those affected by the explosion. “Victims’ calls for accountability must be heard, including through undertaking an impartial, independent, thorough and transparent investigation into the explosion,” she said on 7 August.<sup>23</sup>

A group of 38 UN human rights experts echoed this appeal in a joint statement on 13 August in which they supported “calls for a prompt, impartial, credible and independent investigation based on human rights principles”. They stressed that the investigation “should be protected from any undue influence and be given a strong and broad mandate to effectively probe any systemic failures of the Lebanese authorities and institutions to protect human rights”. They also offered “to cooperate with the Lebanese authorities, civil society, and the international community including by supporting the investigation(s) and other measures in order to minimize the harm of this disaster, ensure accountability...”<sup>24</sup>

## CONCLUSION AND RECOMMENDATIONS

Amnesty International considers that the steps taken by the Lebanese authorities so far to look into the massive explosion that devastated Beirut on 4 August are wholly inadequate as they are relying on flawed processes that are neither independent nor impartial. More broadly, it has serious concerns regarding the Lebanese authorities’ ability and willingness to guarantee victims’ rights to truth, justice and remedy, considering the decades-long experience of impunity in the country and the scale of the tragedy.

Amnesty International therefore reiterates its call for the creation of an independent and impartial international fact-finding mechanism. Such a mechanism should be mandated to assess responsibilities in relation to the explosion and the resulting deaths, injuries and destruction and to make its findings public.

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<sup>20</sup> DPA, “Families of Beirut blast victims push for international probe”, 14 August 2020, [www.dpa-international.com/topic/families-beirut-blast-victims-push-international-probe-urn%3Anewsml%3Adpa.com%3A20090101%3A200814-99-167266](http://www.dpa-international.com/topic/families-beirut-blast-victims-push-international-probe-urn%3Anewsml%3Adpa.com%3A20090101%3A200814-99-167266)

<sup>21</sup> Telephone interview with Paul Naggear, 24 August 2020.

<sup>22</sup> Telephone interview with Siham Tekian, 24 August 2020.

<sup>23</sup> OHCHR, *Press briefing note on Lebanon*, 7 August 2020, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26153&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26153&LangID=E)

<sup>24</sup> OHCHR, *UN human rights experts call for justice and accountability in response to Beirut explosion*, 13 August 2020, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26163&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26163&LangID=E)

