

AMNESTY INTERNATIONAL PUBLIC STATEMENT

13 May 2022 index number: MDE 18/5599/2022

JOINT LETTER CALLING ON THE LEBANESE AUTHORITIES FOR AN INDEPENDENT, IMPARTIAL, AND TRANSPARENT INVESTIGATION INTO THE CAUSES OF THE RECENT SHIPWRECK OFF THE COAST OF TRIPOLI

On April 23, 2022, a boat transporting around 80 people, mostly Lebanese as well as Syrian and Palestinian nationals and heading towards Cyprus sank off the coast of Tripoli, Lebanon. The next day, the Lebanese army announced that the number of survivors had reached 45. While seven bodies have been recovered, including that of a 40-day-old baby, the remaining passengers are still missing.

Lebanese officials quickly accused reckless smugglers for deliberately overloading the boat and eschewing safety precautions. The authorities arrested the alleged captain of the boat before releasing him a few days after. He remains under investigation.

Survivors on the other hand, testified in various media outlets. about what happened to them and the causes of the sinking, which they maintained was directly caused by the intervention of the Lebanese naval forces. Survivors explained that a cruiser attempted to stop the boat before it could reach international waters and accused the Lebanese navy of deliberately ramming the vessel while trying to force it back ashore. The army, in turn, claimed that the boat was overloaded and that the captain carried out evasive maneuvers, which were the cause of the collision.

Top level officials, including President Michel Aoun, said the incident must be investigated due to these “conflicting accounts of events.”

On April 26, 2022, the Lebanese army announced that the Lebanese Intelligence Directorate will be responsible for conducting the investigation according to the request of the Military Public Prosecutor, Fadi Akiki.

Considering the allegations made by survivors that the Lebanese navy was responsible for the sinking of the boat on April 23, we believe that the Military Intelligence Directorate should not be the responsible entity investigating the conduct of members of the Lebanese navy as it cannot be considered “independent and impartial” within the meaning of the Minnesota Protocol on the Investigation of Potentially Unlawful Death.

Under the Minnesota Protocol, “investigators and investigative mechanisms must be, and must be seen to be, independent of undue influence. They must be independent institutionally and formally, as well as in practice and perception, at all stages”.

We also would like to recall that the Lebanese military court system, established by Law No. 24 of 13 April 1968 (Code of Military Justice) is an exceptional court system that falls under the jurisdiction of the Minister of National Defence. In this regard, in its 2018 Concluding Observations, the UN Human Rights Committee highlighted “the reported lack of independence and impartiality of military court judges” in Lebanon.

Finally, it must be recalled that parties injured by crimes that fall within the jurisdiction of a military court are only entitled to resort to the civilian judiciary to seek damages. Injured parties are not entitled to institute personal actions before the military judiciary as its jurisdiction is restricted to public prosecution.

According to the UNHCR, 1,570 individuals, including 186 Lebanese nationals, had embarked or tried to embark on sea journeys from Lebanon between January and November 2021.

In light of the foregoing, we, the undersigned organisations, call on the Lebanese authorities to conduct a prompt, transparent, independent and thorough investigation into the causes of the shipwreck and the conduct of the Lebanese navy on April 23, 2022. In the event of a trial, respect for due process rights must be guaranteed.

We would also like to recall that ordinary criminal offences committed by military personnel during service should be tried in ordinary courts. Military courts should be used only to try military personnel for breaches of military discipline, such as desertion and insubordination but excluding human rights violations and crimes under international law.

Finally, in the context of the 2022 general elections, we also urge the next government to ensure, in collaboration with its international partners, safe migration routes. Lebanese nationals who wish to leave the country should be able to obtain travel documents without any restrictions.

List of signatories:

Amnesty International

Ceasefire Centre for Civilian Rights

Centre for Defending Civil Rights and Liberties

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The Lebanese Center for Human Rights - CLDH

The Legal Agenda

MENA Rights Group

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