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Lebanon: Special Tribunal insufficient without wider action to combat impunity

On the eve of the inauguration of the Special Tribunal for Lebanon, Amnesty International is calling on the Lebanese authorities to go beyond the Tribunal's narrow mandate of investigating the killing of former Prime Minister Rafiq al-Hariri and related attacks. The organization is seeking urgent action to ensure that the perpetrators of other grave human rights violations carried out in Lebanon are also brought to justice.

“The Special Tribunal alone cannot provide sufficient response to the long pattern of impunity that has persisted in Lebanon,” said Malcolm Smart, Director of the Middle East and North Africa Programme. “The establishment of the Tribunal is a positive step that could help ensure justice for the serious crimes it is to investigate. But if it is to gain credibility and public confidence, it must be accompanied by complementary measures that address the grave human rights abuses of the past, as well as those that continue in the present.”

The mandate of the Special Tribunal, which is set to start operation on 1 March 2009, is by far the narrowest of any tribunal of an international nature. This means that it will do nothing to address the enormous number of other grave human rights abuses committed in Lebanon in recent decades, raising concern that the justice being promoted is politically selective.

Amnesty International is calling on the Lebanese authorities to open prompt, independent and impartial investigations into all allegations of serious human rights violations of recent years not covered by the Special Tribunal's mandate and to bring to justice the perpetrators.

These include the killings of civilians at the Nahr al-Bared refugee camp amid armed clashes there in 2007 and ongoing reports of torture and abusive detention. The authorities should also address the situation of four men who are being detained apparently in connection with the investigation into the killing of Rafiq al-Hariri and whose detentions have been ruled arbitrary by a UN expert group.

“The resolve to ensure justice in the case of Rafiq al-Hariri contrasts markedly with the repeated failures of the Lebanese system to deliver justice for other political killings and human rights abuses,” said Malcolm Smart. “This creates a perception that some are considered more deserving of justice than others and presents a clear challenge to the credibility of the Special Tribunal.”

The Lebanese authorities have also done little to tackle the legacy of gross human rights abuses of the past, notably those committed during and following the Lebanese civil war of 1975 to 1990, including the killing of tens of thousands of civilians and the enforced disappearance of thousands more.

Amnesty International urges the Lebanese authorities to establish an independent commission of inquiry into

the abuses of the civil war period and to repeal the amnesty laws of 1991 and 2005 so that those responsible can be prosecuted.

The international community has an important role to play in supporting such initiatives.

“Having invested so heavily in the Special Tribunal, the international community needs now to press the Lebanese authorities to focus their attention on delivering truth and justice for the full range of victims of human rights abuses in Lebanon, regardless of the profile of the victims or the presumed identity of the perpetrators,” said Malcolm Smart.

Background

The Special Tribunal for Lebanon was established by the UN Security Council in 2007 to investigate and prosecute those allegedly responsible for the killing of former Prime Minister Rafiq al-Hariri and 22 others on 14 February 2005, as well as a series of other assassinations and attempted killings since October 2004, if they are found to be linked to the case of Rafiq al-Hariri..

It is a national court with some international components, comprising both international and Lebanese judges, while applying national law for the definition of crimes. It is based in The Hague, in the Netherlands, mainly for security reasons.

The Tribunal’s creation followed the establishment in 2005 of the UN International Independent Investigation Commission, which the Security Council entrusted with the task of investigating the killing of Rafiq al-Hariri and 22 others, as well as assisting the Lebanese authorities in their investigation of some 20 other attacks that have taken place since 1 October 2004.