



Inter-Parliamentary Union
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Lebanon

LEB01 - Gibran Tueni
LEB02 - Walid Eido
LEB03 - Antoine Ghanem
LEB04 - Pierre Gemayel

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 155th session (Geneva, 25 January - 2 February 2018)

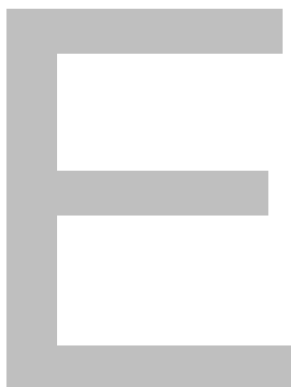
The Committee,

Referring to the case of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel, all members of the National Assembly of Lebanon who were assassinated, and to the decision adopted by the Committee at its 143rd session (January 2014),

Referring to the letter of the Minister of Justice of Lebanon dated 23 October 2015,

Recalling the following:

- Mr. Gibran Tueni was killed by a car bomb in Beirut's Mkalles suburb on 12 December 2005, together with his driver and a security escort. Mr. Tueni's assassination took place one day after his return from Paris, where he had been living in exile owing to death threats. Following his assassination, a Muslim fundamentalist group called "The fighters for the unity and freedom of Bilad El-Cham" faxed a London-based newspaper claiming responsibility for the crime;
- Mr. Pierre Gemayel was shot at point-blank range on 21 November 2006 by several gunmen who drove their car into his vehicle and sprayed it with gunfire. Mr. Gemayel was then rushed to the hospital, where he died;
- Mr. Walid Eido was killed in an explosion in Beirut on 13 June 2007. The blast also claimed the lives of his son, two bodyguards and six civilians and left an additional 11 people wounded. Security sources said that the 80-kilogramme bomb was planted in a car parked some 200 metres from a heavily guarded military beach club;
- Mr. Antoine Ghanem was assassinated along with six others in a car-bomb attack in Beirut on 19 September 2007;
- The assassination of the four members of the National Assembly took place after the murder of former Lebanese Prime Minister Rafiq Hariri in February 2005, which sparked large pro- and anti-Syria rallies in Beirut, prompting the withdrawal of Syrian forces from Lebanon. The fact that all four members of parliament were outspoken critics of Syria's activities in Lebanon has led Lebanese opposition groups to accuse Syria of involvement in the assassination, which Syria denies;
- The National Assembly joined the judicial proceedings initiated by the Public Prosecutor in the case;



2015: *Considering* that the Minister of Justice stated the following in his letter of 23 October

- Investigations in the four cases were still ongoing but no suspects had been identified to date. Contrary to what had been previously stated by the Secretary General of the National Assembly in his letter dated 31 December 2013, all cases fell under the sole jurisdiction of the Lebanese judiciary, and not the Special Tribunal for Lebanon;
- In the case of Mr. Tueni's assassination, the military investigative judge had been investigating the case since 2006. The Public Prosecution had presented a claim to the Judicial Council against unknown persons on 19 June 2007. Investigations had followed and letters rogatory had been issued requesting foreign judicial assistance in uncovering the identity of the perpetrators, accomplices and instigators. Some members of Mr. Tueni's family had lodged a complaint against two persons while presenting documents deemed to be classified as confidential intelligence material. The validity and accuracy of those documents were still under examination and the investigation had been expanded to try to shed light on events surrounding certain people and facts;
- In the case of Mr. Gemayel, the investigation had led to the preparation of an identikit picture of the perpetrator and seizure of the jeep used to commit the crime on the Syrian-Iraqi border, which had been transported back to Lebanon. In the case of Mr. Eido, an identikit picture of the perpetrator had been drawn up. In the case of Mr. Ghanem, no suspects had been identified,

Recalling that the Special Tribunal for Lebanon was established by the United Nations and the State of Lebanon in 2009 to try those responsible for the assassination of former Prime Minister Rafiq Hariri, who was murdered in a car-bomb explosion on 14 February 2005; that it can declare that it has jurisdiction in respect of other attacks in certain conditions set out in its Statutes; that in such cases, it must establish its jurisdiction by a judicial decision showing the existence, inter alia, of a connection with the attacks of 14 February 2005; that under the Special Tribunal's current case law such a connection is established by a combination of the following elements: the *modus operandi*, the purpose behind the attacks, the nature of the victims targeted and the perpetrators; that for attacks carried out after 12 December 2005 (the case of all the attacks against the four aforesaid parliamentarians except Mr. Tueni), the Special Tribunal must also obtain the agreement of the United Nations and the Republic of Lebanon and the accord of the United Nations Security Council before declaring itself competent to try the perpetrators; and that the Lebanese judicial authorities continue to have exclusive jurisdiction in respect of attacks for which a connection has not yet been established by the Special Tribunal,

Considering that the annual report of the Special Tribunal for Lebanon for 2016–2017 reiterated that it lacked jurisdiction over cases not falling within its mandate – including the case of the four parliamentarians concerned – so that, unless such jurisdiction is sought, it remains for the Lebanese judicial authorities to investigate and prosecute the cases,

Bearing in mind that, since 2014, the parliamentary authorities have never responded to the Committee's outstanding request for a visit to Lebanon to meet with the judicial authorities and the families of the parliamentarians concerned, and that the National Assembly also failed to respond to the Committee's requests for updated information or to invitations to attend a hearing during an IPU Assembly to discuss the case with its members,

Noting that the IPU Secretary General has not received updated information from the complainants for several years and that sustained efforts to reach out to the families of the assassinated members of parliament have remained unanswered,

1. *Remains deeply concerned* that, more than 11 years after the attacks, none of the perpetrators has yet been held to account; *concludes* that the Lebanese authorities have failed to provide justice and appropriate redress to the victims' families; and yet *acknowledges* the complexity of the cases and the difficulty of investigating them in light of the political context in which the crimes occurred;

2. *Firmly believes* that impunity, a serious human rights violation in itself, undermines the rule of law and respect for human rights in the country and is bound to encourage the repetition of similar crimes; *urges* the Lebanese authorities to show persistence and genuine determination in their efforts to shed light on the circumstances of these assassinations; *invites* them to share impending developments in the case whenever available in the future; and *expresses the hope* that justice will eventually be done;
3. *Deeply regrets* the lack of cooperation from the National Assembly of Lebanon, and in particular its failure to answer the Committee's requests for authorization to visit Lebanon in order to better understand the situation;
4. *Decides to close* the case in accordance with Article 25 (b) of Annex I of its Procedure for the examination and treatment of complaints, given that, despite repeated requests, the complainant has provided no updated information over a prolonged period of time, thus making it impossible for the Committee to effectively continue its examination of the case;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Minister of Justice and to the complainant.