HuMENA For Human Rights and Civic Engagement
HuMENA pour les Droits de l'Homme et l'Engagement Civique
هيـومينـا لحقـوق الإنسـان والمشاركـة المدنيـة

PEACEFUL ASSEMBLY UNDER FIRE:

AUTHORITIES' VIOLATIONS OF THE RIGHT TO PROTEST IN LEBANON

Peaceful Assembly Under Fire: Authorities' Violations of the Right to Protest in Lebanon

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Introduction

In 2012, the Regional Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a regional conference at its headquarters at this time, addressing the freedoms of expression, association, and peaceful assembly in Beirut[1], Lebanon. This conference occurred during a critical moment in the history of Arab nations amidst the wave of the Arab Spring. Beirut is often seen as the capital of freedoms in the Arab world due to press freedom, freedom of expression, and the right to peaceful assembly and association. Furthermore, the city has long served as a political refuge for individuals persecuted for their opinions and beliefs in their home countries.

The right to freedom of peaceful assembly is a cornerstone of Lebanese democracy, enshrined in its constitution and reinforced by the amendments following the Taif Agreement after the civil war. Moreover, this right is supported by Lebanon's adherence to international treaties, including the International Covenant on Civil and Political Rights (ICCPR). The right to freedom of peaceful assembly in Lebanon predates the establishment of the modern state, with the Law on Associations enacted in 1909, during a period marked by the emergence of the women's movement in the region. This movement gained prominence during protests demanding Lebanon's independence from French mandate rule, particularly following the arrest of Presidents Bechara El Khoury, Riad Al Solh, and members of their government. Women actively participated in these protests, which ultimately contributed to their attainment of suffrage and the right to run for office on equal terms with men in 1952, following persistent activism that included demonstrations, motorcades, and gatherings outside the Lebanese Parliament.

Protests and demonstrations are common in Lebanon and frequently featured in news reports. Since the end of the Civil War, political shifts have often spurred popular movements in various forms. Following the conclusion of the civil war and the incorporation of the "Taif Agreement" into the Lebanese constitution on September 20, 1990, the Syrian army continued its presence in Lebanon, while the southern border areas remained under Israeli occupation. Southern Lebanon was liberated in 2000 after decades of armed resistance, and the Syrian army withdrew in April 2005, following political movements that began in March of that year in response to the assassination of former Prime Minister Rafic Hariri.

Hariri was first appointed to form a government following the May 6, 1992, protests, which led to the ousting of Omar Karami's government in what became known as the "Hunger Uprising." The sharp decline of the Lebanese pound against the US dollar was a significant event of that period. The following year, Hezbollah organized

1 Kang, K.-w. (n.d.). Welcome speech to the Conference on Freedoms of Expression, Association and Peaceful Assembly. United Nations Office of the High Commissioner for Human Rights. Retrieved from https://www.ohchr.org

demonstrations on September 13, 1993, to protest the signing of the Oslo Accords. This demonstration left a lasting mark on the memory of the repression of peaceful movements post-Taif, as the Lebanese army employed sniper tactics that resulted in the deaths of peaceful protesters.

In 2001, on August 7, protests against Syrian dominance in Lebanon took place, centered in Beirut and the Shouf and Keserwan areas of Mount Lebanon. These protests were met with a wave of arbitrary arrests targeting supporters of the Free Patriotic Movement, the Lebanese Forces, and the National Liberal Party by Lebanese and Syrian intelligence agencies, resulting in hundreds of detainees. This date became a symbol of repression in the context of exercising the right to protest in Lebanon, laying the groundwork for the eventual withdrawal of the Syrian army. Before the March 14, 2005, demonstrations, the May 27, 2004, protests represented another episode of repression and violence against demonstrators in Lebanon. During these protests, organized by labor sectors in opposition to taxation policies, the Lebanese army responded with live fire and sniper tactics in the southern suburb of Beirut, resulting in five martyrs and dozens of injured[2].

In the following year, the March 8 demonstrations occurred after Omar Karami's government resigned, expressing support for the Syrian army, followed by the March 14 protests demanding the withdrawal of the Syrian army and the establishment of an international tribunal to investigate Hariri's assassination. Neither of these demonstrations faced dispersal or violence.

During this period, they established a deep societal division known as March 8 and 14. In the following years, Lebanon witnessed violent events, particularly related to demands for dismantling Hezbollah's telecommunications network and disarming the group, a call championed by the March 14 alliance. The violence escalated, reaching its peak during the Arab University incidents in 2007 and the May 7, 2008 events. In 2008, six protesters were killed by army gunfire during a demonstration in the Chiyah area of Beirut, protesting power outages. Two officers accused of firing against military orders were sentenced to prison terms ranging from three to four weeks, which were later commuted to fines.

One of the significant peaceful movements that emerged was the launch of the "Legislation to Protect Women from Domestic Violence" campaign in 2009, followed by the "Abolish the Sectarian System" campaign in February 2011, influenced by movements in various Arab countries demanding the overthrow of ruling regimes. In the years following these movements, the pace of protests and peaceful assemblies across Lebanon increased, characterized by a decentralized nature that garnered cross-sectarian support. Among the most notable of these movements was the 2014 campaign by teachers and public sector employees demanding the enactment of a new salary scale. These protests were not dispersed, but political parties capitalized on their long-standing strategies to undermine labor movements by establishing unified candidate lists that succeeded in taking over the Secondary Teachers Association,

2 General Confederation of Lebanese Workers.** (2010, March 5). "General Confederation of Lebanese Workers Strike - June 2004." Available at: [https://www.cgtl-lb.org/EventsdataDetails.aspx?ID=22]

ousting the unionists who had become symbols of the movement.[3]

Finally, the 2015 "Garbage Protests" and the October 17, 2019, uprising, which this paper will focus on, particularly examining the tools of repression used against protesters during this period through interviews with demonstrators who were persecuted and detained for exercising their right to protest. The paper will also address the August 8, 2020, protest, a historic moment of escalating violence by security and military forces, and the 2023 Freedom March. Before delving into protester testimonies, this paper offers a review of the concept of the right to peaceful assembly and protest within the context of international treaties and Lebanon's legal framework, scrutinizing various laws that constitute or should constitute guarantees for the democratic system and thus for political opponents during their exercise of the right to protest and express dissent. Particular attention will be given to the Law on the Punishment of Torture and Other Cruel, Inhuman or Degrading Treatment, enacted in 2017, and the amendment of Article 47 of the Code of Criminal Procedure in September 2020, along with defamation and slander laws and the Military Court Law.

3 Sharara, I. Kh. (2015, February 16). "Hanna Gharib Frightens the Authorities... The Divergents Unite Against Him." *Legal Agenda*. Available at: [Hanna Gharib Frightens the Authorities... The Divergents Unite Against Him | Legal Agenda]

Significance of the Research

This paper aims to illuminate the concept of peaceful protest and the mechanisms employed by Lebanese authorities to suppress it. It examines how repression has intensified or waned depending on the involvement of power structures in the movements or their absence. It also explores how the authorities perceive the issues at hand and the extent to which they feel threatened by the demands, thereby resorting to violence as a tool to suppress opposition attempts contrary to expectations in a democratic state.

This research highlights individual experiences with repression, considering the geographical region and gender of the individuals providing testimonies. In cases of violent repression, individual cases underscore the tangible impact of security and military apparatuses' practices of repression and how these practices affect individuals' political motivation and their ability to continue living their lives as usual and achieving their ambitions and goals.

Reviewing and scrutinizing the tools of repression is essential for pressing toward amending existing laws and enacting laws aimed at providing serious protection for the right to protest and express dissent.

Methodology

This research relies on a desk review of protests and critical moments of repressing the right to peaceful assembly in Lebanon since 2015. During this period, peaceful gatherings have been primarily driven by specific issues such as environmental and gender issues, whether regarding women's rights or LGBTQ+ rights, as well as economic issues. However, these gatherings often quickly transform into platforms for expressing widespread dissatisfaction with the policies of successive Lebanese governments at various levels—economic, financial, and social. This shift in the focus of peaceful movements makes it difficult to study the relationship between the subject of the peaceful assembly and the level of repression exercised against it.

The research examines the repression of peaceful assemblies in light of General Comment No. 37 issued by the United Nations Human Rights Committee, which interprets Article 21 of the International Covenant on Civil and Political Rights.[4]

At the local level, the research reviews domestic legal texts raised during the mentioned period, whether in connection with the repression of peaceful assemblies or in an effort to establish additional guarantees for activists, human rights defenders, and all participants in peaceful assemblies.

This research documents three testimonies from protesters who were subjected to severe violence—two women and one man—from three different Lebanese regions, along with an interview with a member of the Lawyers Committee for the Defense of Protesters, which was initiated by volunteer lawyers in 2015 in response to the escalating arrests of protesters.

4 International Covenant on Civil and Political Rights | OHCHR

The Legal Framework of the Right to Freedom of Peaceful Assembly in Lebanon

Article 2 of the Lebanese Code of Criminal Procedure enshrines the principle of the hierarchy of legal norms, granting judges the authority to prioritize international treaties and conventions ratified by the Lebanese state over domestic law in cases of conflict. This article complements the preamble of the Lebanese Constitution, which commits Lebanon to uphold international treaties, thereby granting them constitutional value. Article 13 of the Constitution also acknowledges the right to "assemble." Despite this foundation for protecting the right to peaceful assembly in Lebanon, security forces have increasingly resorted to repressive measures to disperse peaceful demonstrations, reaching the extent of causing permanent disabilities among protesters during the October 17, 2019, uprising. Twelve protesters lost an eye due to the security forces' systematic[5] practice of shooting at their eyes. This section examines the international context by highlighting recent developments in understanding the right to peaceful assembly as interpreted by the United Nations Human Rights Council. It also sheds light on the most significant risks to this right globally before shifting focus to the local context to review key laws that have been either used to suppress peaceful assemblies or to provide additional guarantees to protesters during the 2015 waste crisis protests, the October 17, 2019, uprising, and the August 8, 2020, peaceful assembly dedicated to public mourning following the Beirut Port explosion, which claimed the lives of 220 people and injured 6,500 others.

1. International Legal Framework

The right to peaceful assembly and association is protected internationally under various international and regional human rights treaties, notably the Universal Declaration of Human Rights (Article 20) and the International Covenant on Civil and Political Rights (Articles 21 and 22). The Covenant guarantees all individuals the enjoyment of these rights (Article 2). The International Convention on the Elimination of All Forms of Racial Discrimination also obliges states to ensure the right to peaceful assembly and association "without distinction as to race, color, or national or ethnic origin, for equality before the law" (Article 5 (9)). Additionally, the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms enshrines

5 Sherri, I.** (2023, January 10). "We Struggle with One Eye but See the Homeland with Two: Victims of the October 17th Revolution Unite in Pursuit of Justice." Legal Agenda. Available at: ["We Struggle with One Eye but See the Homeland with Two": Victims of the October 17th Revolution Unite in Pursuit of Justice | Legal Agenda]

the right of human rights defenders to peaceful assembly and association.

In July 2020, the United Nations Human Rights Committee issued General Comment No. 37[6], providing an interpretation of Article 21 of the International Covenant on Civil and Political Rights concerning the right to peaceful assembly. The comment begins by underscoring the significance of the right to peaceful assembly as a "fundamental human right that facilitates the collective expression, participation, and formation of communities... and serves as the foundation for participatory governance based on democracy, human rights, the rule of law, and pluralism." The comment also highlights the role of peaceful assembly in providing opportunities for "inclusive, participatory, and peaceful settlement of disputes."

Moreover, the right to peaceful assembly is described as a valuable tool that has been and can be used to realize economic, social, and cultural rights. It is particularly important for marginalized individuals and groups. This paragraph concludes by noting that "the failure to respect the right to peaceful assembly is a marker of repression."

According to the aforementioned interpretation, Article 21 protects all forms of peaceful assembly, whether indoors or outdoors, online or offline, in public or private spaces, and in various forms, including gatherings, sit-ins, candlelight vigils, or spontaneous assemblies. The interpretation acknowledges that the disruption of vehicular or pedestrian movement or economic activities does not warrant reconsidering the protection afforded to these assemblies, whether such disruptions are intentional or unintentional. It emphasizes that managing these risks must remain within the bounds of the Covenant. Additionally, even if individuals engage in conduct that removes them from the scope of protection under Article 21, such as engaging in violence, they retain their other civil and political rights under the Covenant. It is not considered violence merely to push or shove, disrupt vehicular or pedestrian movement, or interfere with daily activities; violence is only recognized when physical force is used against others, resulting in injury, death, or significant property damage.

Furthermore, the interpretation acknowledges the difficulty in drawing a clear distinction between peaceful and non-peaceful assemblies and, therefore, establishes a "presumption of peacefulness" for assemblies, where isolated acts of violence committed by some participants are not attributed to the assembly as a whole. In addition, the burden of proving violence lies with the authorities, who cannot deem the behavior of specific participants as violent unless they can provide credible evidence that these individuals incited others before or during the event to commit violence, that this incitement led to violence, and that the participants intended to act violently. Isolated incidents of such behavior are insufficient to characterize the entire assembly as non-peaceful.

Authorities have both negative and positive obligations toward peaceful assemblies. The negative obligation requires authorities to refrain from unjustified interference in peaceful assemblies, meaning they must not prohibit, restrict, prevent, disperse, or obstruct them without a compelling justification. The compelling justification must

6 Human Rights Committee.** (2020, October 16). General Comment No. 37 of the Human Rights Committee on the Right to Peaceful Assembly, Article 21 of the International Covenant on Civil and Political Rights.(https://romena.ohchr.org/ar/node/278)

be understood within the same context as the distinction between peaceful and non-peaceful assemblies. The interpretation also reminds states of their responsibility to enact explicit laws that recognize the right to peaceful assembly in compliance with international standards, to define the responsibilities of all relevant public officials, to ensure public awareness of the procedures to be followed by those wishing to exercise this right, the relevant authorities, the applicable rules for public officials, and the available remedies concerning alleged rights violations.

According to General Comment No. 37, banning an assembly by the authorities should be a last resort after exhausting all other measures available within the limits of the Article and prioritizing the facilitation of the assembly. Any restrictions on exercising the right to peaceful assembly must be prescribed by law. It is important to note that the interpretation presupposes that these laws are also in line with the International Covenant on Civil and Political Rights. The limits on restrictions are "that measures must be necessary in a democratic society. Therefore, the restrictions must be necessary and proportionate in the context of a society based on democracy, the rule of law, political pluralism, and human rights... Moreover, the measure must be proportionate, meaning that it balances the need for it with the harm it causes, and the measure should be abandoned if its harm outweighs its benefit."

Among the restrictions excluded by the interpretation is the issue of "the timing of the assembly," as peaceful assemblies should end on their own. The demonstration's timing, duration, or frequency may play a crucial role in achieving its intended objective. Regarding the location, all places accessible to the public or that should be accessible to them may host peaceful assemblies. In general, classifying areas around places such as courts, parliaments, sites of historical significance, or other official buildings as areas where assemblies are prohibited should be avoided. The data collected by authorities should not be used to intimidate or harass active or potential participants in assemblies.

As for law enforcement personnel, they are obligated to exhaust all non-violent means and issue prior warnings if the use of force becomes necessary unless it is evident that such warnings would be ineffective. Additionally, officers who use force must be held accountable for any use of force. Under no circumstances should law enforcement officers use more force than is necessary to achieve the legitimate objective of dispersing an assembly, preventing a crime, or lawfully arresting a criminal or suspected criminal. The national law should not grant law enforcement officers the authority to use force to disperse assemblies or the authority to shoot at the legs of protesters. Specifically, using force against participants in any assembly should not be random, excessive, or discriminatory. Furthermore, the interpretation clearly establishes the principle that the military should not be used to maintain order during assemblies.

The interpretation considers the "preventive detention of individuals to prevent them from participating in assemblies as arbitrary deprivation of liberty, contrary to the right to peaceful assembly, especially if such detention lasts more than a few hours... On the other hand, mass and arbitrary arrests before, during, or after assemblies are arbitrary practices and, therefore, illegal."

Moreover, the interpretation addresses the use of tear gas and water cannons, considering them measures of last resort. When they are used, all reasonable efforts should be made to minimize the risks they pose, such as causing panic or harming

bystanders. Tear gas should not be used in enclosed spaces. As for firearms, they are not considered suitable tools for maintaining order during assemblies and should never be used solely to disperse assemblies.

On June 28, 2024, during the second session of the annual discussion held by the United Nations Human Rights Council on the Economics of Human Rights and Women's Rights as Human Rights, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Gina Romero, presented her report on the global[7] threats to the exercise of this right.

Romero shed light on the increasing restrictions on exercising the right to peaceful assembly worldwide, particularly in the context of growing authoritarian and populist regimes and anti-human rights narratives, contrasted with the suppression of democracies. She identified the following global trends as prevalent threats to the rights to freedom of peaceful assembly and association: the intensifying stigmatization and attacks on civil society and social movements; the increased use of broad restrictive legislation to suppress the legitimate exercise of these rights; the criminalization of activists; the excessive and indiscriminate use of force to confront or suppress peaceful protests, including the growing militarization of responses to peaceful demonstrations; targeted restrictions on marginalized groups; repression during electoral periods; the negative impact of rising populism and authoritarianism; and the obstacles and repression in the digital sphere due to emerging technologies in the absence of human rights-based regulations.

7 United Nations Human Rights Council. (2024, June 28). Special Rapporteur tells the Human Rights Council how governments have implemented restrictive laws and intense stigmatizing campaigns to silence civic activism. Retrieved from https://www.ohchr.org/en/news/2024/06/special-rapporteur-tells-human-rights-council-how-governments-have-implemented

2-Lebanese Law

The Lebanese Constitution[8] establishes Lebanon as a "democratic parliamentary republic founded on public liberties, foremost among them being freedom of opinion and belief (...).[9]" The preamble also affirms Lebanon's commitment to the United Nations charters and the Universal Declaration of Human Rights.[10]

The Lebanese Constitutional Council has recognized the preamble of the Constitution as "an integral part of the Constitution with constitutional authority equal to that of the constitutional provisions."[11] In Chapter II of Title I, the Constitution safeguards personal freedom, stipulating that "no one may be arrested, detained, or imprisoned except in accordance with the law."[12] It further guarantees "freedom of opinion in speech and writing, freedom of the press, freedom of assembly, and freedom to form associations, all within the limits prescribed by law." The Constitution's reference to these charters and rights places them under constitutional protection, meaning that any laws enacted to diminish these rights can be annulled, and the judiciary is responsible for upholding them as the protector of rights and liberties.[13]

Article 20 of the Lebanese Constitution states that the judiciary is vested in "courts of various levels and jurisdictions as prescribed by law, ensuring necessary guarantees for judges and litigants." This article indicates that the organization of the judiciary is left to the law, with the Constitution providing no further provisions regarding the judiciary's powers or its relationship with the executive and legislative branches. Thus, the Lebanese Constitution has delegated the organization of the judiciary entirely to ordinary legislation, which subjects it, along with personal freedoms, freedom of opinion, expression, and assembly, to the law. Conversely, the Code of Civil Procedure addresses the principle of the hierarchy of legal norms in Article 2: "Courts must adhere to the principle of legal hierarchy. In case of conflict between the provisions of international treaties and those of ordinary law, the former shall prevail in application. Courts may not declare legislative acts void for inconsistency with the Constitution or international treaties."

8 The Lebanese Constitution issued on 23/05/1926 and all its amendments are available at: (http://77.42.251.205/LawView.aspx?opt=view&LawID=244058)

9 Paragraph (c) of the Preamble to the Constitution

10 Paragraph (b) of the Preamble to the Constitution

11 Decision No. 2/99 dated 24/11/1999, requesting the suspension and annulment of certain provisions of Law No. 140/99 dated 27/10/1999 concerning the protection of the right to the confidentiality of communications (commonly known as the Wiretapping Law). Available at: [Link](https://www.cc.gov.lb/ar/node/2577)

12 Article 8 – The Lebanese Constitution

13 Coalition for Judicial Independence in Lebanon.** (2021, April 14). Statement by the Coalition for Judicial Independence in Lebanon: The Judiciary We Want, a Protector of Freedoms, Not a Scarecrow. (https://shorturl.at/VvJIk)

In this meaning, enshrining personal freedoms and the right to "assembly" in the Lebanese Constitution is crucial in ensuring that the legislature does not pass laws that abolish or reduce these rights, as such laws would be subject to annulment by the Constitutional Council. On the other hand, the judiciary's role in protecting rights and freedoms, which includes safeguarding them and holding violators accountable, remains theoretically constrained by the judge's ability to reconcile domestic laws with the international treaties to which Lebanon is committed. Practically, however, the judge's capacity to perform this role is contingent upon the legal scope available within the Lebanese context, a politically charged environment where political authorities hold significant sway. The appointment and assignment of judges to courts and regions are carried out by a decree from the Council of Ministers—i.e., the executive authority. This political appointment mechanism extends to the Higher Judicial Council, which comprises 10 members, only two of whom are elected. Consequently, the judiciary, responsible for protecting rights and freedoms, lacks sufficient independence to fulfill this role, especially when exercising these freedoms conflicts with the interests of the political authorities.

In Lebanon, the Public Prosecution is a judicial body staffed by judges who are subject to the same regulations as other judges. It participates in criminal court sessions where it is represented and is considered part of the courts, empowered to initiate criminal prosecution through the public lawsuit. Both public prosecutors and trial judges are appointed by the executive authority[14], giving the political authorities the power to influence the direction of prosecutions, potentially leading to actions against dissenters, activists, and journalists.[15]

The question of judicial independence in Lebanon has become a popular demand echoed in protests, shifting the legal debate on the guarantees of freedom of assembly from the texts that enshrine the right to those that permit its practical suppression. While the right to protest is subject to the decision of the Minister of Interior and Municipalities under Decision No. 1024, dated March 29, 2006, which outlines the procedure for notifying protests, assemblies, and sit-ins[16], the actual exercise of this right is linked to central issues related to the application of defamation and slander crimes, the handling of rioting in the Penal Code, the rights of detainees, the criminalization of torture, and the powers of the military court.

Article 385 of the Lebanese Penal Code defines defamation and slander as "attributing a matter to a person, even in the context of doubt or inquiry, that undermines their honor or dignity. Any term of contempt or insult and any expression or drawing that

14 Prosecution and Investigation Authorities in Light of the New Code of Criminal Procedure

(http://www.legallaw.ul.edu.lb/ViewResearchPage.aspx?id=17)

15 Ghandour, Z. (2023, August 16). Freedom of Opinion and Expression in Lebanon: Multiple Layers of Restrictions. Euro-Mediterranean Human Rights Monitor. Available at: Freedom of Opinion and Expression in Lebanon: Multiple Layers of Restrictions.

16 Mougabath, M. A. (2022). The Right to Peaceful Assembly in Lebanon. Humena for Human Rights and Civic Engagement.

conveys disparagement constitutes defamation." Insult, under Article 383, is defined as "verbal or gestural insult or threat directed at a public official during or in connection with the performance of their duties, or insult conveyed in writing, drawing, telegram, or telephone communication directed at a public official during or in connection with the performance of their duties, punishable by imprisonment for up to six months." These provisions impose penalties specifically for defamation, slander, or insult against public officials, including judges, even when the insult is unrelated to their official duties (Article 389). Article 384 of the Penal Code also imposes a prison sentence of up to two years for anyone who insults the President of the Republic, the flag, or national emblems. In the latter case, the public right is invoked without any personal complaint.

Furthermore, The Lebanese law includes provisions for "rioting demonstrations." Article 345 of the Penal Code, amended by Law 234/1993, states that "anyone participating in a public meeting, which by its nature, purpose, number of invitees or attendees, or location, or its public or visible setting, is characterized by tumultuous shouting, singing, or the display of signs that disrupt public security, or engages in any other riotous demonstration, shall be punished by imprisonment from one month to one year and a fine ranging from twenty thousand to two hundred thousand Lebanese pounds." Article 346, under the title "Rioting Gatherings," provides that "any gathering or procession on public roads or in a place open to the public shall be considered a riotous assembly and shall be punished by imprisonment from one month to one year: if it consists of three or more persons with the intent to commit a felony or misdemeanor, and at least one of them is armed; if it consists of seven or more persons with the intent to protest against a decision or measure taken by the public authorities with the intent to pressure them; if the number of persons exceeds twenty and they appear in a manner likely to disturb public tranquility." Article 347 of the same law exempts those who comply with an order to disperse by "the administrative authority or a judicial officer" from punishment. Article 348 prescribes penalties for those who refuse to disperse without the use of force.

The Lebanese authorities use the charge of rioting as a primary tool to criminalize protests, as the legal concept of rioting assemblies requires that for the crime of "rioting assemblies" to be established, there is no need for acts of vandalism; the crime is fulfilled whenever any protest assembly refuses to disperse despite being ordered to do so by the authorities. This provision effectively allows for punishing peaceful assemblies whenever participants refuse to comply with the authorities' orders to disperse.[17]

On the other hand, the Penal Code provides safeguards against liberties violations, stipulating that "any public official who arrests or detains a person outside the cases provided for by law shall be punished by temporary hard labor" (Article 367). It also punishes "anyone who detains a person without a judicial warrant or court order, or who holds them beyond the legal period," whether they are directors, wardens of prisons, disciplinary institutions, or reformatories. These provisions consider any assembly that does not immediately disperse when ordered by the security forces as a riotous

17 Frangieh, G., Haidar, N., & Wansa, S. (2020, October 16). How the Authorities Used the Weapon of Arrests to Suppress the Freedom to Protest and Express Dissent. Legal Agenda. Available at: How the Authorities Used the Weapon of Arrests to Suppress the Freedom to Protest and Express Dissent | Legal Agenda.

assembly, making every peaceful demonstrator vulnerable to criminal prosecution at any moment the political authorities decide to end protests against their decisions, a situation that contradicts the concept of democracy and the necessity of exercising the right to freedom of peaceful assembly.

In this context, the arrest of protesters has become a widespread tool for suppressing peaceful assemblies in Lebanon.[18] This practice directly raises the question of the rights of detainees, particularly regarding the presence of a lawyer during their initial interrogation.

In September 2020, Law No. 191/2020 amended Article 47 of the Code of Criminal Procedure.[19] Before this amendment, lawyers were prevented from attending the initial investigation conducted by judicial police officers or any of the security or military agencies. This amendment was enacted in September 2020, after the popular uprising that began on October 17, 2019, had subsided due to the COVID-19 pandemic. The presence of a lawyer during interrogation and the nullity of the investigation reports, if the investigation begins in the absence of a lawyer, are among the basic guarantees to prevent detainees from being subjected to torture and forced to confess under duress.[20] While the Anti-Torture Law, No. 65, was passed in 2017, its implementation remains hampered by a fundamental flaw discussed during the plenary session of Parliament, which prevents the prosecution of torture victims before the military court and prohibits their investigation by law enforcement officers, whether from the judicial police or the military. Despite the importance of enacting this law, it contains many loopholes that render it incompatible with the United Nations Convention against Torture.[21]

18 Ibid.

19 Al-Amin, L., & Al-Maghrebi, F. (2020). A Practical Guide to the Implementation of Article 47 of the Code of Criminal Procedure (Law No. 191/2020). (https://library.fes.de/pdf-files/bueros/beirut/21195-20240612.pdf)

20 Al-Amin, L., Daghidi, M., Al-Maghrebi, F., & Hoteit, M. (2023). The Law Criminalizing Torture: Obstruction and the Role of the Judiciary. Friedrich Ebert Stiftung.(https://library.fes.de/pdf-files/bueros/beirut/19517.pdf)

21 Amnesty International. (2022, June 26). Public Statement – Lebanon: The Anti-Torture Law Must Be Enforced (18/5763/2022 MDE). (https://www.amnesty.org/fr/wp-content/uploads/sites/9/2022/06/MDE1857632022ARABIC.pdf)

Escalation of Repressive Practices Against Peaceful Assemblies in Lebanon

According to the annual assessment published by Freedom House, Lebanon scored 42 out of 100 in 2023 for its respect for political and civil rights. This reflects a decline of one point compared to 2022 and 2021 and a decrease of three points since 2020 when Lebanon scored 45. Although these numerical differences may seem minor, they indicate a consistent annual deterioration in the guarantees of freedoms in Lebanon within a "Partly Free" rating. A review of the organization's report related to the right to peaceful assembly highlights an increase in repressive practices. One easily traceable shift concerns assemblies related to the rights of LGBTQ+ individuals. The 2020 Freedom House report notes that events such as LGBTQ+ Pride activities, concerts featuring LGBTQ+ performers, or public discussions with authors and activists taking particular stances on the Syrian civil war also faced threats from hostile non-governmental groups and suffered from a lack of effective government protection.[22]

The 2022 report notes the Minister of Interior's request for judicial authorities to prosecute members of a Bahraini Shiite opposition group for organizing events that included criticism of Bahraini authorities. In June, the same minister issued an order to ban LGBTQ+ Pride gatherings that "promote homosexuality," despite the State Council's decision[23] deeming such measures a violation of freedom of expression.[24] Nonetheless, the security forces failed to protect the right to peaceful assembly during the 2023 "Freedom March[25]," which was attacked.

22 Lebanon: Freedom in the World 2021 Country Report

23 Legal Agenda & Helem Association.** (2022, November 15). The Interior Ministry's Decision to Intimidate Homosexuality Is No Longer in Effect. [Link]

24 Lebanon: Freedom in the World 2023 Country Report

25 The National Human Rights Commission, including the Committee for the Prevention of Torture.** (2024, May 22). Annual Report for the Year 2023. (Annual Report of the National Human Rights Authority, including the Committee for the Prevention of Torture, for 2023.)

1-Protests Related to the 2015 Waste Crisis

In July 2015, a significant protest movement emerged in Lebanon, sparked primarily by the waste crisis in the capital, Beirut, and parts of Mount Lebanon, following the cessation of operations by the company responsible for waste collection, treatment, and disposal, leading to the accumulation of waste in streets and alleys. Although this movement became known as the "Waste Protest" or "You Stink" after the campaign that launched the initial demonstrations, it quickly expressed widespread public discontent with government policies. The waste crisis was seen as a manifestation of this corruption, with demands extending beyond finding solutions to it. Slogans calling for the downfall of the government/corrupt regime were raised, and protests voiced dissatisfaction with the economic and financial system controlled by banks. Others expressed their anger at a continued denial of justice, such as cases against the then-Minister of Social Affairs[26] related to rape incidents in children's care homes.[27] The use of violence by security forces against protesters escalated in an unjustified manner during a small gathering in Riyad al-Solh Square on August 19, 2015. Batons and water hoses were used to disperse a few dozen protesters, five of whom were arrested. The security forces attempted to negotiate their release in exchange for dispersing the sit-in, with the brother of one detainee telling the press after meeting his brother that "Either the sit-in is dispersed, or the detainees will be referred to the military court."[28]

The violence at that time fueled the expansion of the movement, as was evident in the August 22 demonstration, which was met with live ammunition and tear gas[29] as soon as it reached the entrances to Parliament Square. In the week following this peaceful protest, 14 minors were arrested for participating in demonstrations demanding a solution to the waste crisis.[30] The arrests were not limited to minors, as the number of detainees and their whereabouts remained unknown[31] for days. During a protest on August 25, 90 persons,[32] were arrested. The second significant shift in the movement occurred on August 29, when a large rally was called by the "August 29 Coordination

26 A young man was arrested after he protested against the convoy of former Minister of Social Affairs, Rashid Derbas, in connection with a legal case filed against him regarding child rape incidents that occurred in care homes during the children's stay, and Derbas' role in obstructing the victims' access to justice.

27 Barjas, I. (2015, July 28). "You Stink" Protest: Differing "No's." Al-Modon.

28 Barjas, I. (2015, August 19). A New Phase for "You Stink": Confronting State Violence. Al-Modon.

29 Barjas, I.** (2015, September 8). The Diversity of Campaigns and Participating Regions: A Feature, with "Proof" on September 9. Al-Modon. [Link]

30 Barjas, I. (2015, September 7). Release of a Minor and Arrest Orders for Two Others; Four Await Investigation. Al-Modon. [Link]

31 Barjas, I. (2015, September 7). Release of a Minor, Arrest Orders for Two, and Four Await Investigation. Al-Modon. "We Want Accountability": Violence and Arrests as a Failed Attempt to Suppress the Movement.

32 Barjas, I. (2015, September 16). Arbitrary Arrest Campaigns: A Tool to Suppress the Movement. Al-Modon. Arbitrary Arrest Campaigns to Crush the Movement.

Committee," which included various campaigns and political groups. This rally resulted in a large non-sectarian and non-partisan demonstration, signaling a shift in the movement's discourse towards radical opposition to the policies of successive governments since the end of the civil war 1989. The movement also became decentralized, with different Lebanese regions organizing their own campaigns.[33] During this demonstration, security personnel dressed in civilian clothing were seen kicking arrested protesters in the late hours of the night.[34]

In addition to arbitrary arrests and the disappearance of individuals by security agencies, the authorities employed hostile narratives to disperse protesters, widely using the term "infiltrators" in official discourse to the point where some organizers fell into the trap of this rhetoric. This hostile narrative targets emotions and social vulnerabilities. These narratives consist of both true and false information, where the way facts are presented is more important than the facts themselves. They rely on negative emotions such as fear or anger to lower rational defense mechanisms and trigger survival instincts, creating a psychological state where the brain responds positively rather than negatively to extremist and divisive speech.[35]

Reactions from Lebanese politicians, whether in government or outside it, confirm the occurrence of unjustified violence against protesters during the 2015 movements, highlighting the divisive push. Among the most prominent comments was from former Interior Minister Nohad Machnouk, who stated that he had ordered a ceasefire in downtown Beirut and pointed out that the shooting had been carried out by military forces other than the Internal Security Forces. The Progressive Socialist Party leader Walid Jumblatt also condemned the use of water cannons and rubber bullets against protesters, saying that the protesters had been embroiled in slogans calling for the overthrow of the government and Parliament. The Future Movement leader, then-Prime Minister Saad Hariri, also condemned the excessive security measures against peaceful protests. In contrast, the Maronite League distinguished between peaceful protesters and others who aim to cause chaos, destabilize the country, and undermine state foundations, calling on the Public Prosecutor to expedite the prosecution of those responsible for acts of vandalism. The National Democratic Gathering in Lebanon condemned the security forces' attacks on protesters, considering them a flagrant violation of citizens' rights to free expression and demanding a solution to the waste crisis while warning against provocations against Hezbollah leaders. It considered the incidents in Riyad al-Solh Square as unacceptable practices by civil movement elements and suspicious acts by troublemakers deliberately provoking the security forces, urging protesters to distance themselves from such individuals and maintain the peaceful and organized nature of their protests.[36]

33 Barjas, I. (2015, September 8). The Diversity of Campaigns and Participating Regions: A Feature, with "Proof" on September 9. Al-Modon. The Diversity of Campaigns and Participating Regions: A Feature, with "Proof" on September 9.

34 Barjas, I. (2015, August 30). The Night of August 29: Intelligence Among the Protesters. Al-Modon. The Night of August 29: Intelligence Among the Protesters.

35 Publications Office of the European Union. (2020. April 6). Understanding citizens' vulnerabilities (II): From disinformation to hostile narratives (JRC118914). EUR 30029 EN. Retrieved from: (https://publications.jrc.ec.europa.eu/repository/handle/JRC118914)

36 2015 Lebanese Protests – Marefa.

On July 12, 2019, the Permanent Military Court, presided over by Brigadier General Hussein Abdullah, issued its verdict in the case of the "infiltrators" in the August 29, 2015 civil movement protest, acquitting five individuals out of 21 accused of charges including "forming riot groups" that "infiltrated" a peaceful protest, throwing Molotov cocktails and sharp objects at security forces, treating them harshly, insulting public officials, tarnishing the reputation of the military institution, and vandalizing public property, which resulted in injuries to several soldiers and caused damage to military equipment.[37]

Mass arrests affected approximately 200 protesters, including over 23 minors, since the movement began in July 2015. The arrests also included disciplinary elements who separated protesters from police officers. Not all arrests took place at the protest site; a large number of protesters were arrested after being chased or tracked down in nearby locations or hospitals where they were taken due to injuries from security forces' violence. The Government Commissioner to the Military Court supervised the investigations of the majority of the protesters, except for the investigations conducted by military intelligence, which were not subject to judicial oversight.

Arrests were carried out by military intelligence, the Information Branch, reconnaissance teams, and riot control forces, some in military uniforms and others in civilian clothing. Various agencies conducted investigations with the detainees regarding their participation in the protests, and some detainees, including minors, were transferred between detention centers for questioning by different agencies. One minor was interrogated by military intelligence, followed by military police, and then the Information Branch; another minor was questioned at Zokak el-Blat police station, then at the Beirut judicial police, and finally by the Information Branch. The security forces verbally interrogated the protesters without opening official records, and the Government Commissioner released the majority of them on bail, while others remained in detention. The method of overnight detention in exchange for signing pledges not to engage in rioting was used to intimidate protesters and dissuade them from demonstrating. Some individuals were detained for an entire month. The most prominent violations during the investigations, documented by Legal Agenda, include the failure to disclose the detention and its location, interrogating minors without the presence of juvenile representatives and without their parents' knowledge, conducting urine tests on protesters, searching phones without a judicial warrant, and discouraging protests.[38]

On the other hand, on November 30, 2018, Beirut's Sole Criminal Judge, Abeer Safa, issued two landmark rulings in cases related to the 2015 summer protest movement. The rulings annulled legal actions against activists involved in the movement for charges of contempt, slander, and defamation against the government and its ministers. In the first case, the prosecution was based on activists raising images depicting all Lebanese

37 Hamza, R. (2019, July 17). "Infiltrators" of the Summer 2015 Movement Are Innocent by Military Court Ruling. The Legal Agenda. Available at: "Infiltrators" of the Summer 2015 Movement Are Innocent by Military Court Ruling | Legal Agenda

38 Frangieh, G., & Wansa, S. (2015, October 12). How Did the Authorities Suppress the Right to Protest? The Legal Agenda. Available at: How Did the Authorities Suppress the Right to Protest?

ministers labeled as "Lebanon's Trash," while in the second case, it was based on activists throwing small, orange table tennis balls inscribed with phrases like "Thief," "Minister Thief," "Lebanon's Trash," "24 Corrupts," "Corrupts," and "Corrupt."[39]

Additionally, five years after their prosecution, Beirut's Sole Criminal Judge, Nadia Jadail, on November 30, 2020, issued a ruling in the case of the "Le Gray" protest during the 2015 summer movement. Judge Jadail decided to dismiss the charges against all defendants accused of rioting and vandalism due to the lack of criminal intent.[40]

2-The October 17, 2019 Uprising

In 2019, the repression began almost immediately after the popular uprising that started on October 17. The United Nations Human Rights Office documented 100 cases of arrest and mistreatment of demonstrators on October 19 alone. In a press release dated October 25 concerning these arrests, the office noted, "Between October 17 and 24, it was reported that four people were killed, and hundreds of injured were treated by the Lebanese Red Cross." The statement also expressed concern "regarding the dismissal of the Director-General of the National News Agency in Lebanon due to the coverage of protests in the country." It further mentioned "cases of employees being dismissed for exercising their right to peaceful assembly."[41] According to figures from the Lebanese Red Cross and the Lebanese Civil Defense, these two entities treated 1,790 injuries among protest participants from October 17 to October 30.[42]

On July 13, 2020, 14 Lebanese and international organizations announced the formation of the "Coalition to Defend Freedom of Expression in Lebanon" to counter the Lebanese authorities' attempts to suppress freedom of expression and opinion in the country. The coalition's launch statement highlighted, "Although Lebanon is considered one of the most free countries in the Arab region, influential religious and political figures increasingly resort to using defamation and libel laws as tools for retaliation against and suppression of their critics. Those particularly targeted are individuals who criticize the country's deteriorating economic and political situation or hold these figures responsible for the state of affairs or accuse them of corruption. The

39 Saghieh, N., & Ibrahim, F.** (2022, April 5). Freedom of Expression and Its Role in Times of Crisis. The Legal Agenda. Available at: [Link]

40 The Legal Agenda. l (2020, November 30). Judge Jadail Acquits the "Le Gray" Protesters of 2015: Protesting is the Duty of the Good Citizen, and the Judge and Security Forces Must Protect It. Available at: [Link]

41 Office of the High Commissioner for Human Rights. (2019, October 25). Press briefing note on Lebanon. Press briefing note on Lebanon | OHCHR

42 Office of the High Commissioner for Human Rights. (2019, October 25). Press briefing note on Lebanon. Retrieved from Lebanon: UN experts decry incidents of excessive force against protesters | OHCHR

Lebanese authorities have conducted thousands[43] of investigations against peaceful expression since 2015. Between October 17, 2019, and June 30, 2020, over 1,175 arrests and more than 1,240 assaults on civilians were documented in connection with their participation in protest activities related to the uprising.[44] In addition to the arrests, more than 230 summonses for investigation were recorded for activists from October 17, 2019, to March 15, 2020, in connection with their participation in the popular uprising, although they were not detained for more than 24 hours. Despite the temporary suspension of summonses following the declaration of the general mobilization due to the spread of the coronavirus, the pursuit of activists resumed immediately after the reopening of official institutions, with over 60 summonses recorded by the end of June 2020.[45]

Moreover, the Legal Agenda, in collaboration with the "Lawyers' Committee for the Defense of Protesters," documented 732 injuries among participants in the uprising, including at least 75 women and 19 minors.Of these assaults, 73.4% were recorded in Beirut, and while this is the highest percentage, violent assaults also occurred in other regions. The documented assaults in the Akkar and North regions accounted for 11% (mostly in Tripoli and Beddawi), approximately 5% in each of the South (mostly in Tyre, Sidon, and Nabatieh), Mount Lebanon (mostly in Jal El Dib, Aley, and Baabda), 3% in Keserwan and Jbeil, and around 2% in the Bekaa (mostly in Zahle and Western Bekaa District).[46]

At least 19 minors were subjected to physical violence for their participation in the uprising, many of whom were school and university students. In an interview with the Legal Agenda, one minor reported that during a protest in downtown Beirut on November 13, 2019, he was severely beaten by Internal Security Forces members in a side street, then taken to the central Beirut police station where he was beaten on his face and eyes. The officers did not allow him to contact his family, and when they released him, they did not notify his family. He returned home with severe facial injuries and extensive bruising around his eyes, prompting a lawyer from the Union for the Protection of Juveniles to file a complaint with the military court about the beating. Another minor reported being tortured by Parliament Police after being pulled from the protest area in front of the Parliament to Nejmeh Square, behind the iron barriers set up to prevent protesters from reaching Parliament. The minor stated that he was surrounded by men in civilian clothes, one of whom checked his identity, indicating they were aware he was a minor. Despite this, they proceeded to beat and abuse him, forcing him to lie on the ground during the assault. They took turns hitting and kicking him, cursing him, and questioning him: "Why did you come to the street? Why are you

43 Amnesty International. (2020, July 13). Lebanon: A New Coalition to Defend Freedom of Expression. [Lebanon: A New Coalition to Defend Freedom of Expression - Amnesty International]

44 Saghieh, N., & Frangieh, G.** (2020, October 20). The Revolution Confronting the Authorities and Their Violence. The Legal Agenda. [The Revolution Confronting the Authorities and Their Violence]

45 Frangieh, G. (2020, October 16). Summons for Investigation: Attempts to Discipline and Deter Protesters. The Legal Agenda. [Summons for Investigation: Attempts to Discipline and Deter Protesters]

46 Haidar, N. (2020, October 16). Violence and Torture Against the Popular Uprising: Crimes Against Protesters Without Accountability. [Link]

insulting and attacking the security forces?" Then, Parliament Police handed him over to Internal Security Forces, with blood oozing from his head, who took him to the Hobeish Barracks for 24 hours without a forensic medical examination. At least 75 women who participated in the uprising were subjected to physical violence. These assaults included severe beatings in the protest squares, resulting in serious injuries such as broken arms and legs, head injuries, and loss of consciousness in the streets, in addition to violence during detention and even sexually motivated assaults. The sexually motivated assaults included bullying, sexual harassment, and threats of rape. These types of assaults were not limited to women; some men and young people were also targeted, including beatings on their genitals and the insertion of batons into their anuses over their clothes.[47]

The Legal Agenda Organization the "Lawyers' Committee for the Defense of Protesters" also documented the firing of rubber bullets at protesters from close and unsafe distances, causing severe injuries, notably to the face, head, ear, and foot, as well as injuries to the fingers and genitalia. Injuries resulting in the loss of one eye occurred in three stages: the first on the second day of the uprising on October 18, 2019 (one injury), the second in mid-December 2020 (four injuries), and the third on August 8, 2020, following the Beirut Port explosion (seven injuries). Twelve people were forced to undergo multiple surgeries without the state covering most of their treatment, and none of them were able to hold the perpetrators accountable despite most of them seeking justice through judiciary.[48]

In January 2021, six activists, who called themselves the "Guardians of Menieh," were acquitted of charges of committing acts of vandalism and violence against security forces. The rulings came after two years of prosecution in what became known in the media as the case of the siege of the Free Patriotic Movement's center in Tripoli. The court also issued in absentia six-month prison sentences for five other defendants for their failure to attend trial sessions.[49]

The August 8, 2020 March, which was held in mourning for the victims of the Beirut Port explosion, is seen as the culmination of the escalation of security forces' violence since 2015, in the context of a continued policy of impunity. On this day alone, over 728 people were injured, and more than 170 were transported to hospitals, according to data from the Lawyers' Committee for the Defense of Protesters, the Red Cross, and the Islamic Medical Association.[50]

47 Ibid.

48 Sherry, I. (2023, January 10). "We Fight With One Eye and See the Homeland With Both": The Victims of the October 17th Uprising Unite in Search of Justice. The Legal Agenda. ["We Fight With One Eye and See the Homeland With Both": The Victims of the October 17th Uprising Unite in Search of Justice | Legal Agenda]

49 Mustafa, B. (2021, December 28). From the Waste Protests to Guarding the Peacefulness in October: Acquittal for the "Guardians of Minieh." The Legal Agenda. [Link]

50 Alouh, S. (2020, August 11). The Authorities Escalate in Defense of the Regime, Causing Hundreds of Injuries Among Protesters: New Harmful Weapons, Drug Tests, and Illegal Arrests. The Legal Agenda. [The Authorities Escalate in Defense of the Regime, Causing Hundreds of Injuries Among Protesters: New Harmful Weapons, Drug Tests, and Illegal Arrests | Legal Agenda]

The continuation of violence against protesters by security forces reflects the broader application of impunity to those who commit acts of violence and repression against any opponent of the political system governing the state. The most prominent example is the fate of the 15 complaints submitted by the Lawyers' Committee for the Defense of Protesters based on Laws No. 65/2027[51] and 105/2018.[52] The committee submitted these complaints on December 18, 2019, based on directives from the Beirut Bar Association, involving 17 plaintiffs who claimed they were subjected to torture[53] and enforced disappearance, in addition to violations of civil rights as stipulated in Article 329 of the Penal Code. The Public Prosecutor's Office closed the door to accountability in these cases when it referred these complaints to the Military Public Prosecutor's Office, deeming it to have jurisdiction. The latter then referred these complaints to the security and military agencies accused of committing acts of torture. Consequently, the Lawyers' Committee submitted a memorandum to the Public Prosecutor's Office requesting that the Government Commissioner to the Military Court retract the referral of torture complaints to security agencies for violating the provisions of the Anti-Torture Law. The lawyers also requested that the Public Prosecutor's Office revoke its decision to refer the complaints to the military judiciary, considering it as an exceptional court, and instead refer them for ordinary investigation through the Appeals Public Prosecution in Beirut and Mount Lebanon under the Anti-Torture Law. The Public Prosecutor's Office responded and requested that the Military Public Prosecutor's Office retrieve the complaints, but the latter did not comply and decided to dismiss the complaints. The Military Public Prosecutor's Office used the refusal of the plaintiffs to appear before the accused entities as grounds against them, arguing that their refusal to attend constituted a failure to follow up on the complaints.[54]

51 Lebanese University | Legislation | Punishment of Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment

52 Lebanese University | Legislation | Missing and Forcibly Disappeared Persons

53 (https://english.legal-agenda.com/wp-content/uploads/DCAF-PP2-Interactive.pdf)

54 (https://library.fes.de/pdf-files/bueros/beirut/19517.pdf)

3- The Freedom March

On September 30, 2023, participants in a demonstration held in central Beirut under the banner "The Freedom March" were subjected to physical assaults, including kicking and beating, by a group of young men who claimed that the march was in support of homosexuality.[55] The security forces failed to protect the participants, some of whom faced life-threatening situations. Clashes ensued between some of the marchers and young men on motorcycles who attempted to block their progress, expressing their refusal to tolerate "any form of deviance in the streets of Beirut," as they expressed.[56] It is noteworthy that the Internal Security Forces (ISF) were present at the protest, along with anti-riot police, Parliament Police (who intervened later), and the Lebanese Army (which also intervened at a later stage). Although the organizers had notified the authorities of the protest, their request was not officially registered with the Ministry of Interior. Instead, the ISF informed the organizers that it would ensure the safety of the sit-in based on the notification. The original plan for the march was to start from Riad al-Solh Square in downtown Beirut and head towards the Ministry of Interior in Hamra, Beirut. However, due to security threats arising from an incitement campaign, the protesters chose to hold a sit-in at Riad al-Solh Square. This decision was particularly influenced by the ISF's recommendation, which, while agreeing to protect the protesters, advised limiting the protest to a sit-in due to the ISF's inability to safeguard the entire march.

The violence against participants in the Freedom March is a stark and clear manifestation of the ongoing repression exercised by the Lebanese state, through both official and unofficial channels, against individual liberties, particularly those of LGBTQ+ individuals. The events of 2023 are especially egregious and easy to trace, particularly as political entities submitted two separate bills in August 2023 that explicitly criminalize consensual same-sex relations between adults and punish anyone who "promotes homosexuality" with up to three years in prison. This move followed a series of hostile incidents between 2022 and 2023 aimed at banning events related to LGBTQ+ rights.[57] In June 2022, Lebanese Interior Minister Bassam Mawlawi, in the caretaker government, issued a directive to the General Directorate of the ISF ordering the prohibition of pro-LGBTQ+ events. Despite a ruling from the State Council—Lebanon's administrative judiciary—nullifying this directive, Mawlawi openly expressed his non-compliance with the judicial decision and issued a second directive banning any "conference, meeting, or gathering aimed at promoting the phenomenon of homosexuality." On August 23, 2023, men from a group calling itself "Soldiers of God," known for their hostility towards LGBTQ+ individuals, attacked patrons at a bar in Beirut during a drag show, assaulting some of the customers as they attempted to leave and threatening further violence

55 Amnesty International. (2023, October 3). Lebanon: Authorities Must Investigate the Attack on Freedom March Protesters. [Amnesty International Lebanon: Authorities Must Investigate the Attack on Freedom March Protesters]

56 Annual Report of the National Human Rights Commission, Including the Committee for the Prevention of Torture, for the Year 2023

57 The Legal Agenda. (2022, November 19). The Minister of Interior Defies the Judiciary: Nothing Trumps Homophobia. [The Legal Agenda - The Minister of Interior Defies the Judiciary: Nothing Trumps Homophobia]

against LGBTQ+ individuals. Reports indicated that ISF officers who arrived during the attack[58] did not intervene to stop it but instead appeared to question the bar owner and patrons about the nature of the show. No arrests were made in connection with the attack.[59]

The escalation of direct violence against peaceful assembly is evident following the impunity for all violations committed against participants in the October 17, 2019, uprising, whether in terms of the lack of accountability or punishment for security and military personnel for the acts of torture they committed or the failure to prosecute any of the individuals involved in repeated attacks on protesters in public squares by civilians affiliated with various political parties and militias.[60] With regard to gatherings related to LGBTQ+ rights, a pattern of shirking responsibility towards anyone supporting the rights of this community has become increasingly apparent over the years. This is not only through investigations into the organizers of related annual events[61] but also through the security forces' initiative to inform the organizing parties of their refusal to provide any protection for the gathering in the event of attacks against it, which implicitly conveys a threat of violence.[62]

58 Younes, R. (2023, August 25). Violent Attack on a Drag Show in Lebanon: A Growing Hostile Environment Against LGBTQ Individuals. Human Rights Watch. [Violent Attack on a Drag Show in Lebanon | Human Rights Watch]

59 Amnesty International. (2023, August 24). Lebanon: Attack on LGBTI bar another 'ominous sign' of deteriorating rights situation. Amnesty International. Lebanon: Attack on LGBTI bar another 'ominous sign' of deteriorating rights situation - Amnesty International

60 Shabab al-Khandaq to Al-Modon: Mr. Hassan Sees and Commands; Also, Shots Fired at Dawn on Protesters in Sahet Al-Alam in Tyre, with No Injuries Reported. United Nations: Attacks on Protesters in Lebanon Are "Serious" and Could Lead to Sectarian Conflict

61 The State is Also Subject to Homophobia: The International Day Against Homophobia - Persevering Against an Authority Consumed by Its Fears. [Legal Agenda]

62 Barjas, I. (2017, April 13). Cinema Heroes Under the Censorship of "Mawlana": Some Compromise, Others Boycott, and No Unified Defense. [Cinema Heroes Under the Censorship of "Mawlana": Some Compromise, Others Boycott, and No Unified Defense | Legal Agenda]

Testimonies

1- Sallam: Between 2015 and 2019

Salam (a nickname) identifies himself as a "political and social activist." His first involvement in peaceful gatherings was during the 2015 protests related to the waste management crisis. Salam describes the Beirut demonstrations of 2015 as demand-driven rather than political. He asserts that, despite addressing issues broader than waste management and touching on corruption, these protests were the first since 2005 that did not reflect the political rivalries between Lebanese parties like those of March 8 and March 14. According to Sallam, the 2005 protests and similar political movements involved a balance of power, where parties avoided attacking each other. In contrast, he believes that their demand-driven movement was inherently peaceful, not a result of such power balances.

Later, in 2016, Sallam joined one of the newly formed political parties that declared opposition to the Lebanese political system. Between 2015 and 2019, he was active in several campaigns, most of which focused on environmental issues, particularly concerning violations related to the Litani River[63] and quarries. In 2019, he began participating in roadblocks in the Dhour El-Baydar area, where he found himself responsible for the protesters due to their trust in him.

Sallam draws on his experience with the protests on the violations of Litani River, which prompted the environmental public prosecutor to take action after significant pressure, including camping and roadblocks. He emphasizes that peaceful means can yield positive results in demand-driven movements. This belief led him to participate in blocking the road connecting the Bekaa to Beirut during the October 17 Uprising, which exerted significant pressure, primarily on Hezbollah. However, Salam states that the response from Hezbollah to the roadblock was not peaceful. A party official attempted to reopen the road, but when they refused, he contacted a colonel in the military intelligence in the area, who told him to handle the matter himself. The official returned with 30 to 40 armed individuals. One protester was stabbed in the back, and there was gunfire. Salam notes that military intelligence did not intervene during the incident. He explains that their attempt to use roadblocks to isolate regions and pressure state institutions eventually backfired. As the issue became more tribal and sectarian on one side, and involved Hezbollah on the other, the movement lost its peaceful character, and people no longer felt safe participating.

With the movement in their region losing momentum and given that activist groups during the uprising sought to coordinate among regions and between them and Beirut, the Bekaa activists began to participate more in protests in Beirut, mostly centered around the Cabinet and Parliament. Salam recounts how they would travel in about 10 small buses together: "Along the way, we were stopped and searched multiple times

63 Ayoub, L. (2023, May 10). "Alban Lebanon" Convicted for 20 Years of Polluting the Litani River. The Legal Agenda. [Link]

at every security or military checkpoint, where our masks were confiscated." On one occasion, Salam recalls, "the strike force checkpoint at Fayadieh prevented us from reaching Beirut, forcing us to return to the Bekaa after thoroughly checking our Ids and escorting us to the last point where we could turn back to Beirut."

Sallam commented on how a military entity restricted his right to move between two Lebanese regions and his right to participate in protests, describing the experience as "a very bad feeling, as if we were passing through a prison gate."

For Sallam, the non-violent nature of the gatherings is not ambiguous. While he views the introduction of weapons as a clear departure from peacefulness, as previously explained, he also believes that "acts of vandalism or arson do not mean that a protest is no longer peaceful; this is revolutionary violence. After a while, we felt that nothing was improving and that all our actions were in vain." Salam notes that "many young people from the Bekaa view downtown Beirut as a place inhabited by those who have stolen from their region and feel that they cannot enter, while those who have plundered the state live there."

The turning point that brought Sallam into direct confrontation with the repression of his right to protest came after the night when a group of protesters attempted to break down the gate erected to prevent them from entering Nejmeh Square, where the Parliament is located. Following this, "the resigned Prime Minister—considered the leader of the Sunni sect—visited the Mufti in the Bekaa personally and handed over a list of wanted individuals from the Information Branch. Two days later, the Information Branch arrested 20 young men from their homes and workplaces, setting traps for some, such as ordering a delivery from a young man who worked in deliveries to arrest him that way." Sallam and another person on the list were not arrested but were summoned two days later. The two complied and went to the investigation conducted by the Information Branch in Beirut—Ashrafieh, where he was questioned about his "political role, funding for transportation from the Bekaa to Beirut, and his coordination role." Salam also mentions that "they presented a photo published in An-Nahar newspaper of a masked person whose features were not visible, and said that the detained youths claimed that this person was me, but I denied it. The officer then sent the photo to the room where the youths were detained to get their signatures as an acknowledgment that I was the person in the photo." Sallam confirms that "I was not informed of my rights before the investigation began, nor was I told about the legal provisions under which I was being investigated or the charge against me. All the questions were related to my political role and participation in the protests." Salam says that he remained under investigation for about six hours in a glass room with cameras, after which the investigator called the public prosecutor, who ordered his detention. "Even when I was detained, I didn't know what the charge was. I was only allowed to inform my family. We remained detained for about 12 days before being released."[64] Salam says that "the treatment at the Information Branch was good; we were allowed to shower, eat, and our families could bring us supplies. However, on the day of our release, they made sure to transfer us to the Adlieh prison in Beirut, the prison under the Adlieh Bridge. There, we thought they had decided to imprison

64 Legally, the Maximum Period for Detention is 48 Hours, Renewable Once by the Public Prosecutor's Decision

us, but what happened was that they shaved our heads, beat us, humiliated us, and then released us." Sallam explains: "The protocol for anyone entering prison is to have their head shaved. We were not sentenced to imprisonment, but they took us to the prison just to subject us to these hours of humiliation before releasing us." Sallam adds, "We were deeply affected by this, and afterward, many young people stopped participating in the movements, and many others refrained because they saw what happened to others." As for Salam, the military police in the Bekaa began summoning him every Monday and Thursday for investigations related to various issues connected to roadblocks. "Sometimes, out of 50 people in a particular protest, I was the only one summoned. My presence at investigations became almost routine, but it cost me two full days a week and constant anxiety each time that I might go in for questioning and not come out." On one occasion, Salam was summoned for questioning in the Bekaa, coinciding with a scheduled session in Beirut connected to his previous arrest. On that day, he appeared before the judiciary in Beirut and obtained proof of his attendance to justify his absence from the investigation in the Bekaa, and Salam confirms that "the excuse for my absence was accepted." However, in 2021, while participating in a protest outside the UNESCO Palace in Beirut, where Parliament was meeting during the COVID-19 pandemic, "members of the parliamentary police attacked me, causing significant injury and leading to my hospitalization after losing consciousness." At that time, Salam requested the presence of the Internal Security Forces to file a complaint against the attackers. As part of the routine procedure, they conducted a background check on him, revealing an outstanding arrest warrant that he was unaware of, related to his absence from the investigation for which he had presented a valid excuse and had it accepted. Consequently, the Internal Security Forces "removed me from the hospital, despite my poor condition, and took me to the Ain el-Mreisseh police station, where I was held overnight based on a judicial order, even though they informed the judge of my poor health. The following day, the military police sent the excuse for my absence, and I was released based on that." The assault left Salam with broken ribs, and he was unable to move for a month. However, after being released from the Ain el-Mreisseh police station, he has not been summoned to follow up on his complaint against the attackers.

Sallam is among the few who were not deterred by the tools of repression, despite their violence, from persisting in their participation in the October 17 Uprising. It is also important to note that one of the principles that activists upheld during this uprising was the emphasis on "decentralized movements" and the challenge of preventing decentralization from stigmatizing the movement as sectarian. As a result, activists frequently moved from their local areas, where their participation was concentrated, to other regions to "support these movements."

In this context, Sallam, along with about five of his friends, traveled to Tripoli to participate in a protest called for in front of the municipality and the serail. On the second day of the protests, the young men noticed "the presence of weapons and concluded that the movement was being used to resolve issues between security agencies. A grenade was thrown at the car of the head of the Information Branch in the north, injuring his driver along with him. The situation quickly escalated into gunfire, and we felt like we were in a war zone." Salam recounts, "When we saw the direction things were heading, we realized that what was happening was not the work of revolutionaries, so we left the square and went to a friend's house in Tripoli, where we

watched the municipality building being set on fire." Salam continues, "After some time passed, Salam continues: "After a while, rumors started circulating on WhatsApp that young men from the Beqaa were involved in the matter. We realized that we were being framed, so we appointed lawyers the next day."

He added that, two days later, "Military Intelligence arrested two of our friends from their homes in the Beqaa, covering their heads with black bags. The rest of us went into hiding until the situation became clearer." Salam adds, "Our lawyers informed the Ministry of Defense that we were ready to comply with any investigation once we knew the charges against us. However, the response was that we were not required for questioning. Subsequently, we received a summons from a private number, not affiliated with the ministry, from an unknown person asking us to appear for questioning. We refused to comply. They called again, using details from a conversation with our lawyers to prove they were indeed from the Ministry of Defense. We reconnected with our lawyers, who insisted on accompanying us to any investigations." Sallam continues, "Our lawyers informed us that we would not be questioned that night, so they left. Once they had gone, the interrogations began, and it was already past 9 PM by the time we arrived at the ministry." Salam recounts, "There, we were numbers, not names." The young men entered the investigator's room, "where a picture of my friends and me having dinner at their house in Tripoli was pinned to the wall—a photo taken from social media." The questions began: "Who was with you?" We denied any connection to what had happened. He said, "This time you came here with your dignity intact. It's better for you to stop this 'headache' of a revolution. Go home and stay out of this. If you don't, we'll handle you differently next time."

Sallam says, "In the Ministry of Defense, we weren't allowed to speak. If we wanted drinking water, it wasn't available, and neither was food." The next day, "they resumed questioning us and then blindfolded us before transferring us to the Rihaniyeh prison." The lawyers were waiting for us there: "They started questioning us again, and the interrogations lasted three days. Each day, they claimed they needed to expand the investigation further." He adds, "During those three days, we only ate a piece of bread with some thyme and had a single bottle of water over 24 hours." Salam describes the conditions at Rihaniyeh: "We weren't physically beaten, but the psychological torture was severe. I was detained for 15 days, losing 10 kilograms during that time." On the psychological torture, he says, "If you spoke to someone in the cell, a guard would come in, shouting and hurling the worst insults at us. The room door had a sign that read 'Mental Illness Room.' It was about one by two meters, with the toilet inside. Drinking water was unavailable, and we suffered with the food. There was constant yelling throughout the day and night, and they would bang on the metal doors." After 15 days, "We were interrogated by the military prosecutor and then released, while the others were kept for a month and a half." This case was then classified as "a terrorism case and transferred to the military court." Three years have passed, "and we haven't been summoned to appear in court yet." In contrast, Salam did appear before the military court in another case where he was "accused of damaging military vehicles and injuring army personnel. In this case, I am the sole defendant, and obviously, it's absurd to claim that a single unarmed person could cause all this damage." Salam adds, "The military prosecutor asked for my acquittal during the public hearing, but the court decided to fine me 200,000 LBP." The result of this ruling was "having this judgment listed on my

criminal record, which caused me to lose job opportunities and chances to travel over the past three years."

Sallam concludes his testimony by saying, "What happened to me in the aftermath of the Tripoli events left me traumatized. Every time I go down to a protest, I feel an internal fear. I've been economically and physically harmed, and I no longer participate in any actions due to the psychological pressure. I live in a state of constant fear. Before reaching this state, it was very important to me that I felt able to express my demands. I used to gather the youth and had a dream that we could bring about change in power, that we could achieve something. But after what I went through, after the parliamentary elections and the shifts in relations with some MPs whom I supported and campaigned for, I felt disillusioned and disappointed, and I no longer participate in any actions."

2- Reem: 2011 - 2019

Reem (pseudonym) participated in a popular movement for the first time in 2011, having joined the Aley Tent as part of the campaign to overthrow the sectarian regime. It was then that Reem first encountered the repressive practices against peaceful movements in Lebanon: "My brother was detained during his participation in the Soufar-Aley protests. He disappeared, and we couldn't find out where he was being held. We went from one detention center to another until we finally located him." Reem continues: "I remember my brother telling me that they were tortured and held in solitary confinement." Reem's brother and his companions were detained for three days, during which party supporters in the same area burned down the tent where activists had been gathering. Reem recalls how the anger within her grew due to what happened to her brother in 2011, saying, "The youth who were arrested were peaceful. They were sitting on the ground, not resisting, yet they were taken despite their compliance. After thorough searching, we managed to obtain information through a lawyer that they were being held in Al-Jamhour by the military court." She adds, "After that, I began to feel a sense of alienation from the army and more anger towards this regime."

Reem did not participate in any subsequent movements until 2019, when the October 17 uprising began. In the context of her political engagement within one of the electoral campaigns that had nominated individuals opposed to the existing political system in Lebanon the year before the uprising.

Reem was arrested during the third month of the uprising while participating in a demonstration. She recalls that the security forces used to post tweets on social media directing protesters to leave the demonstration "if they were peaceful," effectively branding anyone present after the tweet as "non-peaceful." Simultaneously, "riot police began pushing participants away from the square using tear gas and batons, so my friends started moving towards nearby streets for safety, while I decided to start a live broadcast on Facebook of what was happening. Nearby, a young man was being surrounded by five riot police officers who started beating him. I waited until they moved away and rushed to check if he was still alive. At that moment, I felt a large, hard object hit my right side. I couldn't see what struck me because I lost my balance and hearing, so I tried to walk toward the pavement to sit down, and I restarted the live broadcast, struggling to catch my breath." Reem suspects that she was struck by the metal shield designed to protect riot officers in case of an attack, but an officer she didn't know used it as a tool to assault her because of her participation in the protest.

Reem continues, "I was sitting on the pavement when one of the officers approached me and said, 'You're still here after being hit? Leave and turn off the live feed!'" Another officer quickly approached, telling his colleague to arrest me, saying, 'Take her from here.' As I was being taken by the officer to where the security forces' vehicle was parked, I passed by a young woman still in the square, and I shouted to her to inform my brother that I had been arrested. In doing so, Reem was following one of the guidelines issued by human rights organizations and the Lawyers' Committee for the Defense of Protesters to counter the practice of forced disappearances of demonstrators, which was for detainees to clearly shout out their names so other protesters could notify the

committee. Another tool was to write the committee's hotline number on the wrist to be able to call as soon as permitted by the security forces. Reem continues, "After that moment, I encountered three riot police officers I'll never forget. The first one tried to scare me by saying, 'Watch out, they're coming to beat you,' in a sudden manner, which, given my state at the time, terrified me. Then I passed by two officers, one of whom said to the other, 'Let me hit her,' while the other responded, 'Don't do it,' as they debated among themselves. The third officer was the one who told me, 'They'll be happy to see you at the station; they'll rape you.'" Reem was "the only girl, with no one in the street except the army, the gendarmerie, and the riot police." She eventually reached "a jeep where the officer in charge of the gendarmerie was located, who reassured me that I would go to the barracks for two hours and then be released." Then another officer came and said, "Didn't you hear that we're clearing the protest? We asked peaceful demonstrators to leave the gathering, and only the troublemakers remained. If you're peaceful, why did you stay?" Reem says, "He was simply blaming me for protesting."

Reem felt she was going through "stages, with each person playing their role perfectly to exert psychological pressure, and it was clear that these roles were prearranged among them."

When Reem arrived at the Emile Helou barracks, she saw "young men getting out of security forces' vehicles, each one receiving blows as soon as he got out. One of them was unconscious, but the officers claimed he was faking it, even though it was clear he wasn't. They proceeded to kick and beat him in that state." From Emile Helou, Reem was transferred to another barracks in Ramlet al-Baida, where she was interrogated. "They mocked the fact that my bag contained items like onions and other things we carried to counter the effects of the gas thrown at us. Then they asked me what I was doing at the demonstration and similar questions. After I finished my statement, my lawyer entered, I signed it, and I was released based on the public prosecutor's orders." The matter ended there—just an attempt to intimidate the protester after she was beaten. She was not summoned to court or any further investigation. Reem says, "The blow caused a perforation in my eardrum, and this damage will stay with me for the rest of my life. One of my hobbies is diving, but I can no longer practice it. This is just one detail that shows the impact of the harm that was inflicted on me." Psychologically, "I feel a lot of anger, which increased after I was beaten again during a later protest. That day, I felt that no matter what happened, I wouldn't leave the square. Before that, when I was detained, I was about to leave, but at that stage, I was more afraid." Reem continues, "Everything that happens is illogical. Violence was never logical in its scale and impact. My sister was also hit by a rubber bullet in her chest, and some people lost their eyes."

3. Mariam: 2015 - 2019

Mariam was detained during her participation in a protest connected to the 2015 garbage movement. She was one of a large number of detainees arrested that day. She and 16 others, including five women, were taken to the Emile Helou barracks, where they were held until 11 PM before the women were transferred to another police station.

She recounts an incident that happened to her and other women while they were at the Helou barracks: "We wanted to use the bathroom, but the toilets there had open doors, and there were male security officers all around us, so we refused. At that point, female officers were called in to escort us to another floor, but they also forced us to leave the doors open while we relieved ourselves."

Mariam says that at that time, the security forces "led us out of the barracks through a corridor so that the lawyers waiting for us wouldn't see us." She describes the place they were taken to as "extremely crowded, with a very small room that already had six women inside, including migrant workers. We tried to refuse entry but were eventually forced inside." All the guards at the station were men, and they realized they were near the site of the protests because the gendarmerie and riot police were coming to the station to change shifts, which made things worse as every officer who came in and out insulted them. Meanwhile, the lawyers were trying to locate the group of women, according to Mariam.

Mariam suffers from asthma, and she had an asthma attack while in the detention center, but the security forces refused to give her medication. Mariam says, "To show their kindness, they moved me to a second room with two iron beds. They tied me to one of them while a male security officer shared the room with me, sleeping on the other bed. The air conditioning was very cold and directed at me while I was having the asthma attack." While she was in that room, every officer who entered the station "hurled obscene and degrading remarks at me, calling me one of the 'protest whores.'"

The five female activists spent that night in the station without any orders from the public prosecutor or any investigation into their detention—just arbitrary deprivation of freedom.

The next day, the detainees were taken to the military court, where they were interrogated by a military investigative judge and released the same day. However, a "search and investigation notice"[65] was issued against them despite having given their statements.

This was the only time Mariam appeared before the government commissioner at the military court, who "questioned me about my job, how long I've been participating in protests, where I was when I was detained. I recall there were photos showing me standing among the demonstrators without any action on my part. Circles and arrows

65 A Search and Investigation Notice is Part of the Preliminary Investigation Process, Issued by Public Prosecutors and Investigating Judges. It is Not Based on Arrest Warrants or Judicial Decisions Against Suspects Whose Statements Cannot Be Obtained, and Aims at Their Arrest, or the Recovery of Missing or Stolen Items, Vehicles, Missing Persons, and Corpses

were drawn on the photos with my name written next to them. These photos were taken by informants embedded among the protesters."

A search and investigation notice authorizes any security officer to arrest the person it was issued against wherever they are found. In effect, this notice prevents those it targets from participating in protests.

Mariam tells that the day after her release, while participating in a protest in front of the Public Prosecutor's house—an event held to object to the repressive policy he was involved in, including the issuance of arrest warrants against protesters, referring them to military courts, and denying lawyers' presence during statements given to the judicial police—a lawyer approached her and informed her that a search and investigation notice had been issued against her and advised her to leave the protest. Later, two days later, the 16 detainees were summoned to the military court. The men were still in custody, while the women attended court. From that moment, "the military court process began—numerous summonses, hearings postponed time after time, and this continued until 2018."

Mariam says that "the military court is the worst experience I've ever had, and I think it's the worst experience any civilian can go through. The military personnel treat civilians in court with arrogance. I believe the only thing I learned from the military court is to remain silent, and even if they ordered me not to smile, I would comply." Mariam's words reflect the oppressive nature of bringing civilians into a space meant for military personnel to issue judgments against them.

Regarding her experience with the military court, Mariam says, "We enter the courtroom at eight in the morning and wait until our case number is called, even if it's number 100. If they don't like the way I'm sitting, I might be reprimanded and humiliated." Finally, "the only hearing where we were treated respectfully in the military court was the one attended by Human Rights Watch. At that time, the lawyers managed to push the military court to declare its lack of jurisdiction, leading to the case being referred to the regular criminal court."As a result, Mariam now has two cases related to the protests before the regular criminal court: the one referred from the military court and another related to graffiti on walls. The charges that were referred to the military court based on the military investigative judge's accusation at the time were "forming riot gangs, assaulting security forces, and damaging public property."

Mariam says, "The experience before the regular court is very different. We are informed of the time of our hearing, we attend, and then leave. We only attended once when the judge questioned us, and then the lawyers continued to follow up on the case."

Regarding the context of October 17 Uprising, particularly during what became known as "the Banks' Night" in the first week of 2020, Mariam was "beaten vindictively. The soldier who broke my phone the night before Banks' Night during my participation in a protest in front of the Central Bank was the same one who hit me on the head with a baton during my participation in the sit-in in front of Helou Barracks, demanding the release of detainees from Banks' Night." Mariam continues, "I had just arrived a few minutes earlier when he approached me and said, 'It's you!' indicating that he recognized me as well, then started hitting me on the head with his baton."

Mariam says that "the violence escalated each time, and the most brutal incident we experienced was on August 8, 2020. There was nothing like it in the history of previous protests. I remember on that day there was a large medical aid tent where medical students and nurses from various hospitals volunteered to provide first aid—this tent was set up after the early nights of October 17. I can't forget the number of people who arrived with their bodies full of shrapnel; we were trying to remove the shrapnel from their hands and bodies, and we even saw people losing their eyes." Mariam adds, "That day, I understood the true meaning of fear, and I realized what they were capable of doing. Despite the massacre on August 4, just four days earlier, they continued the massacre on August 8."

4 – Observations from a Lawyer on the Committee for the Defense of Protesters

A lawyer, Lama Al-Amin, who was involved in the establishment of the committee in 2015, was interviewed. She initially handled hotline calls and later joined the Bar Association in 2019 as a trainee lawyer, participating in the defense of protesters as a committee member. During the interview, Al-Amin described various repressive tools she observed while fulfilling her role with the committee:

- Forcibly disappearing of Protesters and Non-Disclosure of Detention Locations: Al-Amin noted that amendments to Article 47 of the Code of Criminal Procedure were enacted in September 2020. However, the same pattern of conduct was encountered by lawyers defending protesters in 2015 and during the 2019-2020 protests. This pattern involved not disclosing the locations of detainees and denying lawyers the right to attend interrogations conducted by law enforcement at detention centers. Meeting with detainees required the appointment of a volunteer lawyer by the detainee themselves, which necessitated bringing a notary public to the detention center to issue a legal mandate, allowing the lawyer to meet with the detainees. This process took additional time, during which the detainees were kept isolated from any legal counsel and remained unaware of their rights.

- In 2017, the Law on Punishing Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment was enacted, ostensibly providing additional guarantees to protect detainees during the protests of the October 17 Revolution. However, Al-Amin explained that security forces exploited loopholes in the law, particularly its limited application to detention centers. They extended the time before reaching the detention center and assaulted the detainees during transportation. Al-Amin recounted a colleague's experience upon entering one detention center, where he felt as though

he were in a medical clinic due to the blood on the floor and the number of injured persons. She further noted that some detention centers refused to carry out beatings or torture on-site to shield their personnel from potential repercussions, transferring detainees to other centers for this purpose. Additionally, some centers refused to admit detainees who appeared to have been assaulted. The committee's work also revealed that security roles during the uprising were divided, with the army having broad authority in areas such as the South, Bekaa, and Tripoli, while the Internal Security Forces (ISF), riot police, and other security branches operated in Beirut. When a detainee was held by the army, the situation was always more complex for lawyers. In contrast, torture typically occurred at a specific detention center in each region—for example, the Zghib Barracks in Saida in the South, where cases of torture involving electric shocks, binding of hands and feet, and hospitalization of detainees after release were documented. In Tripoli, the committee could not even document what detainees faced due to the extreme fear they were in, according to Al-Amin.

- Most of those detained during the protests were charged with resisting security forces, using force against security personnel, or inciting riots. The majority of the case files were empty. For example, individuals were accused of assaulting military personnel on days when no security forces reported injuries, according to ISF statements. Consequently, the committee succeeded in obtaining many decisions to dismiss charges from the Military Court. However, some individuals were fined despite the lack of evidence in their files, leading to the recording of the offense on their criminal record[66], which hindered their ability to travel and work.

- The forms of torture observed by the committee escalated over time. In 2015, injuries primarily occurred on the streets, such as protesters being hit by tear gas canisters, beaten in public, pushed, or subjected to disproportionate use of force by riot police, such as suddenly dispersing protesters with water cannons while they were peacefully assembled and not near any government building. Additionally, the security forces would wait for protesters to gather in narrow streets before launching tear gas to cause the maximum possible harm. Moreover, in 2019, alongside physical torture, there was significant psychological abuse. Protesters were insulted, spat upon, and humiliated. Despite this being reported to the judiciary and the torturing agencies being named in the committee's press conferences, no one was held accountable. The response received was that the agencies were conducting internal disciplinary measures. However, many criminal defense lawyers noticed that

66 The Criminal Record is a Document That Confirms the Presence or Absence of Final Criminal Convictions, Bankruptcy Declarations, or In Absentia Felony Judgments Against an Individual. It Records Principal Sentences and Any Accompanying Secondary and Additional Penalties. However, Reform Measures and Convictions Issued Under Traffic Law Are Not Recorded.

some officers who had engaged in torture had actually received promotions, according to Al-Amin. Additionally, in 2019, new types of weapons were used against protesters, including a type of bullet used for hunting wild boars. Al-Amin emphasized the significance of this, stating, "Using a weapon designed for hunting wild animals leaves no room for discussions of proportionality in the use of force." Two years after the protests ended, Al-Amin noted that some detainees had died, others were paralyzed, and what they had in common was being detained in the same barracks where severe torture occurred. For Al-Amin, this indicates the use of various torture methods that the committee has not been able to fully document. "So far, all we have is individual interviews; there has been no systematic documentation or data collection to show the extent, distribution, and impact of torture."

- Al-Amin identified the August 8 demonstration as a day when "we all saw what the security forces were capable of and the extent of their ability to torture." She said, "They used birdshot and initiated violence before large crowds even reached the square. The demonstrators were dressed in black, mourning the victims of the port explosion, and were walking in the street when they were targeted with violence and gunfire." Al-Amin added, "At that time, medical teams requested that the violence be stopped for the first time because hospitals could not take in any more victims. Some hospitals were damaged by the explosion, and those that were not still had emergency rooms overflowing with injured people."

Summary

On May 21, 2024, the Lebanese State Council issued a ruling ordering the Lebanese government to compensate a citizen who lost his right eye due to rubber bullets fired by security forces at protesters in Beirut on January 18, 2020.[67] While the amount of compensation is modest relative to the severity of the injury, this decision by the State Council is the first and only one to acknowledge the state's responsibility for the violence used to suppress protests, thereby holding the state financially accountable for permitting the use of such force. However, the State Council's ruling does not result in any accountability for the individuals or security agencies that perpetrated the violence against the protesters, nor does it invoke the punitive measures necessary to deter the repetition of such actions and discourage further acts of repression and torture against peaceful assemblies.

The right to freedom of peaceful assembly in Lebanon, along with the repressive practices against it, reinforced by a policy of impunity, forms an integral part of the state's history.

The intensity of repression fluctuates depending on two key factors that are unrelated to the peaceful nature of the assembly: first, whether the assembly poses a rights-based demand that threatens a fundamental pillar of the existing political system, and second, whether it lacks involvement from political groups capable of balancing power with those being protested against. In instances where there was a balance of political power, peaceful assemblies have served as a tool for political negotiation within constitutional institutions, as exemplified by the gatherings of March 8 and March 14, 2005. Conversely, if the demands of these gatherings exceed the boundaries of negotiations between political parties, it can escalate into armed conflict, where the stronger party imposes its political decisions without needing to confront the peaceful assembly itself, as was the case on May 7, 2008.

In contrast, when peaceful assemblies do not reflect the presence or stance of political parties represented in the government and involve criticisms and demands that pose a threat to political leaderships, religious institutions, or financial powerhouses, or open possibilities for radical changes in the existing system, violence, abuse, and torture emerge as repressive tools aimed at quelling the movement.

In the past decade, security and military agencies have employed numerous repressive tools that contravene the interpretation of Article 37 of the International Covenant on Civil and Political Rights by the UN Human Rights Committee. This violence and the blatant impunity associated with it have escalated since 2015. Among the most notable methods observed, based on the information reviewed or heard from witnesses during this research, are:

- The use of water cannons and tear gas to disperse peaceful demonstrations, signaling the end of a peaceful assembly by a decision of the

67 Swaidan, A. (August 8, 2024). The First Judicial Ruling on Cases Involving the Targeting of Protesters' Eyes. Legal Agenda. Available at [First Judicial Ruling on Cases Involving the Targeting of Protesters' Eyes | Legal Agenda]

security forces, regardless of the organizers' intentions. In a related context, security forces have also used social media to inform protesters that they must leave the protest site, branding them as non-peaceful regardless of their actual conduct. These tweets unjustifiably turn individuals present in a public square into security targets merely for exercising their right to assemble or move.

- Increasingly and repeatedly, security forces have violated the principle of proportionality in what they claim to be responses to rioting, particularly by using rubber bullets at close range, aiming them at the eyes, and employing ammunition intended for hunting wild animals, as well as using birdshot. Additionally, tear gas has been used extensively in narrow streets where protesters sought refuge. Notably, all gatherings that faced this level of violence were devoid of any organized violent or armed presence, with transgressions limited to minor damage to some storefronts or traffic signals.

- Arbitrary detention, enforced disappearance, and prolonged judicial proceedings all impose direct restrictions on individuals' freedoms, subjecting them to significant pressure that ultimately leads to their withdrawal from public life and democratic political participation out of fear. Referring civilian protesters to military courts, which assume jurisdiction over individuals based on their participation in popular demonstrations in the context of exercising their right to peaceful assembly, places additional pressures on them, often resulting in convictions with financial penalties. Although these fines may be minimal, they still serve as an obstacle to the individuals' ability to work and travel, constituting an unspoken but real punishment.

- The practice of torture, and the protection of its perpetrators through facilitating their impunity, persists despite the numerous accounts of torture in detention centers following participation in protests. Despite the findings of the secret investigation published by the UN Committee Against Torture on Lebanon in 2012, which concluded that torture is systematically practiced in Lebanon, and the subsequent pressure leading to the establishment of the National Human Rights Institution, including the Committee Against Torture in 2016, and the adoption of the Anti-Torture Law in 2017, the application of this law has been obstructed by transferring torture complaints by the Public Prosecutor to the military court. Beyond the 17 complaints filed in 2020, the Public Prosecution has not initiated investigations into any torture allegations, despite their widespread circulation in the media and social networks, as well as journalistic coverage and documentation of the abuses suffered by protesters during their detention. It is important to note that all of the above should have prompted the public prosecution offices to promptly initiate investigations to protect rights and freedoms.

Finally, all the aforementioned actions represent blatant violations that hinder any prospects for democratic change, entrench impunity and injustice, and prioritize violence over peacefulness, thus placing Lebanon in a state of continuous and dangerous regression, marked by an escalation of repression and systematic violence by official agencies.

Recommendations:

- According to the United Nations Human Rights Committee's General Comment No. 37 on the right to freedom of peaceful assembly, Lebanon must abolish or amend all laws that restrict freedom of expression, particularly those related to defamation, libel, and slander. Especially the concept of "riots," which currently allows security forces to intervene in organizing peaceful assemblies and to set restrictions on their timing, in a way that conflicts with the objectives of the gatherings. Such a broad interpretation effectively categorizes any assembly that does not align with the desires of security forces as a riot, thereby justifying mass arrests under such laws. On the other hand, a clear and explicit legislation should be enacted to strengthen the right to freedom of peaceful assembly, clearly defining its scope and outlining the permissible interventions and the specific security agencies authorized to intervene, ensuring that the military has no authority in this subject.

- All necessary measures must be taken to curb the policy of impunity, especially in cases of disproportionate violence or the use of torture or other forms of cruel and degrading treatment against protesters. Public and transparent prosecution of the perpetrators of such crimes through the judiciary, coupled with compensation for the victims, will help to mitigate these abuses and, in turn, reinforce the guarantees of freedom of expression and assembly in a democratic society.

- The enactment of amendments to the Judicial Organization Law is a pivotal step toward improving human rights protections in Lebanon, particularly those related to the freedom of peaceful assembly. Thus enhancing guarantees for freedom of expression and peacefull assembly in a democratic state.

- Amending this law to enhance judicial independence from the executive branch is essential to liberate the judiciary from the burden of protecting the interests of the executive and sectarian leaderships. A key transformation in the protection of assembly rights relates to the public prosecution, particularly the office of the Public Prosecutor, which under the current law and appointment mechanisms, plays a crucial role in arresting protesters and failing to prosecute those who assault them, thus perpetuating a repressive policy.

- Amending the 2017 Anti-Torture Law to align with international standards is also necessary. This includes unequivocally limiting exclusive judicial powers to prosecute torture crimes, ensuring that they are not handled by law enforcement agencies and are not referred to any exceptional courts, particularly the military tribunal.

Over the past two decades, Lebanon's military tribunal has significantly expanded its jurisdiction, trying civilians in any case where one of the perpetrators or victims is a military personnel. In this context, the military tribunal has increasingly become a venue for prosecuting protesters demanding their rights. Abolishing the military tribunal or clearly and specifically limiting its jurisdiction so that civilians are no longer subject to its authority is crucial. This step would ensure that individuals can fully enjoy their rights and freedoms under the existing laws and within the jurisdiction of ordinary judicial courts, which are the protectors of rights and freedoms in cases of violations and damages that occur in the exercise of these rights, warranting compensation or penalties.

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