

August 7, 2020

Lebanon: Establish a special, independent mechanism to probe Beirut blast

The ICJ deplores the explosion at Beirut's port district on 4 August 2020 that caused a large number of fatalities and casualties and calls for the prompt establishment of a special, independent, impartial and transparent mechanism to investigate the devastating blast with a view to ensuring accountability and redress for the victims.

The shockwave from the blast rippled across Lebanon's capital, killing at least 157 people and injuring some 5,000 others, [according to latest figures](#). The death toll is expected to rise as emergency services continue to search for [dozens of missing persons](#) under the debris of destroyed buildings. The Governor of Beirut estimates that the widespread destruction caused by the explosion has left [some 300,000 people without shelter after their homes were rendered uninhabitable](#).

"Tuesday's explosion has immeasurably compounded the suffering of a society already reeling from political unrest, prolonged economic mismanagement and a surge in COVID-19 cases", said Said Benarbia, Director of the ICJ's Middle East and North Africa Programme. "Given the Lebanese legal system's politicization and lack of independence and accountability, Lebanon should work with the United Nations to establish a special, independent mechanism to carry out the investigation in line with international law and standards with a view to establishing the facts, making recommendations for appropriate accountability measures, including criminal prosecutions if warranted, and for preventing such a catastrophe from happening again."

According to international human rights law and standards, and specifically the Minnesota Protocol on the Investigation of Potentially Unlawful Death, the probe into the explosion must be prompt, thorough, independent, impartial and transparent.

While the Lebanese authorities have [pledged](#) to conduct a "transparent investigation" into the blast and mete out "severe punishment" to those responsible, given the Lebanese justice system's systemic flaws and shortcomings, the persistent allegations of corruption, and a long-entrenched culture of impunity and *de facto* immunity of the country's political leadership, the ICJ considers that the Lebanese authorities would not be capable of conducting such an investigation in a manner compatible with international human rights law and standards. The organization has extensively documented how improper executive influence and interference have continued to undermine the independence of the [Office of the Public Prosecutor and of Lebanon's judiciary](#). As a result, allegations of political corruption, chronic mismanagement and systematic abuses of power have not been investigated and have therefore gone unpunished over the years, eventually fuelling the 2019-2020 popular uprising against the government and the political system.

[The ICJ](#) has [called on](#) the Lebanese authorities to introduce and implement extensive legal and policy reforms to strengthen judicial independence and accountability in the country. None of these reforms have materialized.

"The independent mechanism should have a mandate to establish the truth, provide adequate, effective and prompt redress and reparation to the victims for the harm suffered, including through the award of compensation, and by ensuring that those responsible are held to account", Benarbia concluded.

The ICJ further calls on the international community to support the establishment of such a mechanism.

The international community should also provide humanitarian aid and facilitate its delivery within the country ensuring that it reaches first the most in need and vulnerable among the population as they struggle to access healthcare, shelter, food and water.

The Lebanese authorities must be transparent and ensure the right of each individual to receive the necessary information on the potential health risks in the aftermath of the explosion, including as result of exposure to toxic fumes. Consistent with their obligations under international human rights law and standards to guarantee the rights to life and health, the Lebanese authorities must also take all necessary measures to prevent people from suffering additional harm.

Thus far, a number of Beirut port officials have been [placed under house](#) arrest pending the Lebanese authorities' investigation into the explosion. With respect to this, the ICJ calls on the authorities to ensure due process and fair trial guarantees to persons deprived of their liberty who may eventually be charged with criminal offences.

Background information

President Michel Aoun and Prime Minister Hassan Diab have [linked the blast](#) to a stockpile of approximately 2,750 tons of ammonium nitrate, which had been stored in a waterfront warehouse at Beirut's Port district for at least six years. The circumstances surrounding the ignition of the highly combustible material, however, remain unclear.

Furthermore, reports indicate that customs officials overseeing the ammonium nitrate's storage at the warehouse [contacted Lebanese officials, including members of the judiciary](#), on multiple occasions to alert them to the danger posed by such storage and to seek guidance on how to deal with it, but their repeated calls were ignored.

The explosion strikes Lebanon as it grapples with multiple crises, including the COVID-19 pandemic, and against the backdrop of an ongoing popular protest movement against rampant corruption, dysfunctional institutions and sectarian power structures, in addition to an acute State-induced socio-economic crisis that has eroded living standards and left many destitute and literally hunger-stricken. Successive governments and legislative authorities have consistently failed to effectively address these hardships and institute comprehensive and necessary reforms.

Said Benarbia, Director of the ICJ Middle East and North Africa Programme, t: +41 22 979 38 17; e: [said.benarbia\(a\)icj.org](mailto:said.benarbia(a)icj.org).