

LEBANON QUEST TO SUPPORT JUDICIAL INDEPENDENCE

On August 4, 2020, tons of ammonium nitrate that had been neglected at the Beirut port exploded, killing over 200 victims, injuring another 7500 and leaving hundreds of thousands homeless. More than a year later, no one has as yet been held accountable and the investigation has been bogged down in political resistance.

Tarek Bitar, head of the Beirut Criminal Court who is currently tasked with heading the investigation, has encountered significant opposition. In July of 2021, Judge Bitar sought permission to prosecute high level political and security officials, but those efforts have been largely stymied.

According to BBC News, on October 14, 2021, at least six people were killed and 32 others injured by gunfire in the capital of Beirut during a protest outside the Palace of Justice. Earlier that day, the Court had dismissed a legal complaint brought by two former government ministers and AMAL MPs whom Judge Bitar had sought to question on suspicion of negligence in connection with the explosion. Families of the victims had condemned the complaint, which had caused the investigation to be suspended for the second time in two weeks.

The Lebanese Association of Judges, a Member of ANAO, was among the first organizations to publicly support Judge Bitar. When asked, however, whether the Association's efforts would benefit from a statement of support from ANAO, President Faysal Makki replied that he would prefer a statement of support for legislation currently pending before the Parliament to support Judicial Independence.

According to the Tahrir Institute for Middle East Policy, a draft law that would guarantee the independence of the judiciary is awaiting action by Parliament. In its original form, the draft law guarantees financial independence from the Ministry of Justice and restructures the Supreme Judicial Council to be composed of judges and legal experts elected by their peers for only four-year terms. In addition, it also promotes more inclusion from different segments of society, including women. The extent to which this will be modified or diluted by Lebanon's MPs is unclear.

The attached statement calls upon the Lebanese government to adopt the standards of Judicial Independence recognized by the International Association of Judges (IAJ), Minimum Standards of Judicial Independence of the International Bar Association, and the International Standards of Independence of Judges and Lawyers articulated by the United Nations Special Rapporteur.

**STATEMENT CALLING FOR THE ADOPTION OF LEGISLATION
SUPPORTING JUDICIAL INDEPENDENCE IN LEBANON**

RULE OF LAW

SEPARATION OF POWERS

HUMAN RIGHTS

Under well-established standards of international law, judiciaries should be impartial, politically independent, and able to function without fear. The International Association of Judges, based in Rome and founded in Salzburg in 1953, consists of national associations from over ninety countries. Its goal is the promotion of such judicial independence as a guarantee of fundamental human rights.

ANAO, the region of the IAJ of which Lebanon is a member, calls upon the government to adopt these principles as a matter of the highest national priority. To the extent duly appointed judges are carrying out the duties invested in them as a consequence of their office, they must be allowed to do so without fear of personal safety or political reprisal. The stature of the judiciary vis a vis that of other branches of government must be preserved and protected.

It is our understanding that legislation is currently pending before Parliament that would take steps to increase the financial independence of the judiciary as well as giving it a stronger say in matters of its own governance and expand the concept of human rights. Such steps would be in accord with views expressed by many members of the international community in seeking fundamental and principled change. Recent instances of civil unrest in Beirut appear to underscore the need for such action to enhance the transparency and legitimacy of the government.

It is our hope that Lebanon will heed the call for action to enhance the judiciary and support its independence from the political branches of government. We stand ready to assist that endeavor in any way that we can. Thank you for your consideration of this request.