

# THE DEATH PENALTY IN LAW AND PRACTICE

LEBANON



**EC** **TOGETHER**  
**PM** **AGAINST**  
**THE DEATH**  
**PENALTY**



## IMPLEMENTATION OF THE DEATH PENALTY AND CONDITIONS OF DETENTION FOR DEATH ROW PRISONERS

### SITUATION OF DEATH ROW PRISONERS

Data on the number of people sentenced to death are not published by the authorities. Human rights organisations estimate that dozens of people have been sentenced to death over the last ten years, mostly for terrorism-related crimes.

Research carried out by abolitionist groups estimated that at least 51 people were executed, either by hanging or by firing squad, between the country's independence and 2004. A large majority of those executed - 42 of 51 - were executed for murder. Seven people were executed in 1949 for armed insurrection against the regime. Two people were executed for spying on behalf of Israel, one in 1955 and the other in 1996. The most recent executions were carried out in 2004. The method of execution depends on the status of the court that sentenced the accused: those sentenced by the civil courts are hanged;<sup>4</sup> those sentenced by the military courts are executed by firing squad.<sup>5</sup>

Interviews with death row prisoners, civil society actors and lawyers during ECPM's fact-finding mission to Lebanon in 2019 revealed that criminal justice practices did not respect the fundamental guarantees of the right to a fair trial. In particular, there were reports of torture and of sentences imposed by special courts, including against civilians, that did not permit appeals. These practices, which are contrary to the *Safeguards guaranteeing protection of the rights of those facing the death penalty*, approved by the United Nations Economic and Social Council in 1984, create a major risk of miscarriages of justice, which are irreversible in the case of death sentences. Several cases of ill-treatment and torture were reported by death row prisoners interviewed by the ECPM fact-finding mission.

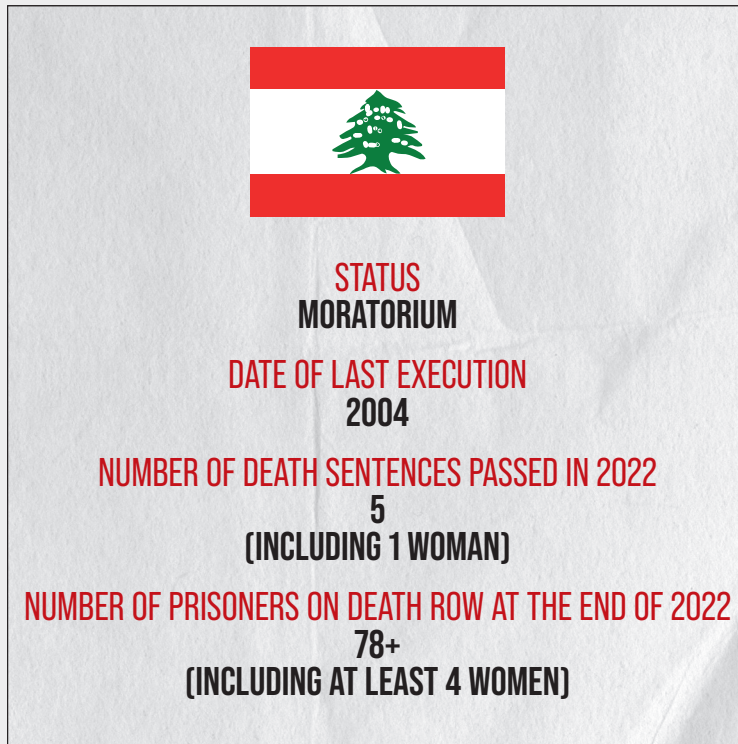
### PARDON

If the accused has been found to have an excuse or mitigating circumstance, such as an intellectual disability or mental illness, in theory the death penalty is commuted. A judge may also commute a death sentence if he or she recognises that the motive was "honourable" or if the offence was of a political nature.

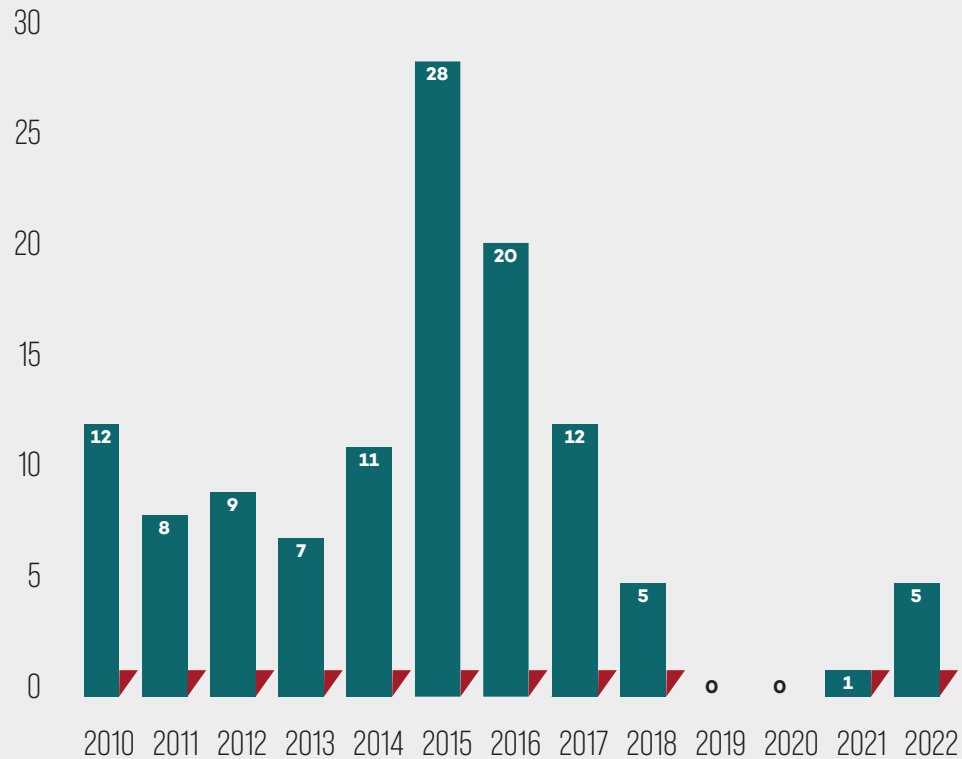
Executions may only be carried out following the opinion of the Pardons Committee and the signature of an implementing decree issued by the executive, signed by the President of the Republic, the President of the Cabinet and the Minister of Justice. Only the President has the power to grant a pardon, but the President of the Cabinet and the Minister of Justice can block execution by refusing to sign the decree implementing the sentence.

<sup>4</sup> Article 43 of the Penal Code

<sup>5</sup> Article 150 of the Code of Military Justice



## EVOLUTION OF THE NUMBER OF DEATH SENTENCES OVER THE LAST 12 YEARS<sup>4</sup>



<sup>4</sup> These data are an attempt to compile the number of death sentences handed down by civil and military courts.

## NATIONAL LEGAL FRAMEWORK

### CONSTITUTION

The Lebanese Constitution enshrines many human rights but does not expressly recognise the right to life. However, its preamble refers to the Universal Declaration of Human Rights, which prohibits any act contrary to the “inherent dignity of all members of the human family”, guarantees the right to life and prohibits torture and cruel, inhuman or degrading treatment or punishment. Lebanon has also stated on several occasions that the international conventions to which it is party have constitutional value and are considered an integral part of its Constitution.

Among the international conventions to which Lebanon has acceded are the International Covenant on Civil and Political Rights (ICCPR), which expressly guarantees the right to life, and the Convention against Torture (CAT), which prohibits torture and inhuman and degrading treatment.

### PENAL CODE

The Lebanese Penal Code, promulgated in 1943, came into force in 1944. It was inspired by French, Swiss and Italian law. From the outset, it provided for the death penalty as a sentence for ordinary crimes.

A wide range of crimes carry the death penalty, including treason against the nation, espionage and intentional homicide. In total, 19 crimes punishable by death are listed in the Penal Code.

Since 2001, the mandatory application of the death penalty for certain crimes has been definitively abolished. However, 41 articles of legislation still provide for the death penalty in respect of around twenty offences: around half of these are set out in the Penal Code, the other half in the Code of Military Justice, and a few offences are set out in special laws.

Several crimes punishable by death in Lebanon do not involve “death as a direct and intentional result”, such as treason, aggression aimed at inciting sedition, attempted homicide committed by an armed gang, desertion, abandoning one’s post in the presence of the enemy or the commission of a second crime by anyone already sentenced to hard labour for life under certain conditions.

There are three types of court that can impose the death penalty: the ordinary courts, the military courts and the Council of Justice. The latter two courts are exceptional courts.

The Penal Code (art. 43) and Criminal Procedure Code (art. 420) stipulate that execution is prohibited on Sundays, Fridays and national or religious holidays.

## CODE OF MILITARY JUSTICE

The military courts are under the authority of the Ministry of Defence and are governed by Act No. 24 of 13 April 1968 on the Code of Military Justice. According to Article 24, the military courts have jurisdiction over the offences provided for in the Code of Military Justice, as well as any offence entailing criminal liability with which a member of the military is directly or indirectly associated. Thus, the jurisdiction of these courts extends to civilians simply by association, even indirect association, with a member of the military, as well for numerous crimes, including crimes punishable by death, such as treason or espionage. This is contrary to the ICCPR and customary international law. The mere fact that military courts have jurisdiction to impose death sentences is contrary to international standards.

Decisions by military courts may be appealed to the highest court, but the conditions for doing so are very limited. An appeal is only possible if the case decided does not fall within the jurisdiction of the court, if certain procedures have not been followed, or if there is an error of interpretation of the law. Torture, for example, is not a valid ground for appeal. According to human rights organisations, appeals are very rarely successful. The Code of Military Justice contains 19 articles providing for the death penalty.

Despite these serious violations of fundamental guarantees of the rights of defendants, military courts frequently impose the death penalty. At least 16% of death sentences documented between 2015 and 2019 were handed down by military courts.

## ACT NO. 673 OF 16 MARCH 1998 ON NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR CHEMICALS

One article of this law provides for the death penalty for acts of aggression perpetrated against law enforcement officers.

## ACT NO. 64 OF 12 AUGUST 1988 ON THE PROTECTION OF THE ENVIRONMENT AGAINST POLLUTION CAUSED BY HAZARDOUS WASTE AND NOXIOUS SUBSTANCES

Two articles of this law provide for the death penalty for importing, possessing or transferring nuclear or radioactive waste, or waste containing toxic products or products dangerous to public health, or discharging harmful substances into rivers, the sea or other waterways.

**In total, 41 legislative provisions provide for the application of the death penalty.**

## LIST OF LEGISLATIVE PROVISIONS ON THE DEATH PENALTY

### PENAL CODE

#### BOOK II – CHAPTER I

- |     |  |
|-----|--|
| 273 | Any Lebanese national who take up arms against Lebanon in enemy ranks shall be punished by death. Any Lebanese national who, without being a member of an enemy army, commits acts of hostility against Lebanon in time of war shall be liable to hard labour for life.<br>Any Lebanese national enlisted in any capacity whatsoever in an enemy army who does not leave it before any act of hostility against Lebanon, even if they have acquired foreign nationality by the time of their enlistment, shall be sentenced to fixed-term hard labour. |
| 274 | Any Lebanese national who engages in manoeuvres or passes intelligence to a foreign power with a view to inciting it to undertake hostilities against Lebanon, or provides it with the means to do so, shall be punished by hard labour for life. The penalty shall be death if the act has effect.  |
| 275 | Any Lebanese national who engages in manoeuvres or passes intelligence to the enemy in order to assist its military success in any way shall be punished by death.   |
| 276 | Any Lebanese national who, with the intention of paralysing national defence, causes damage by any means whatsoever to any structure, factory, vessel, aircraft, device, munition, supplies, means of communication and generally to any object of a military nature or intended for the use of the army or the forces dependent on it, shall be punished by hard labour for life.<br>The penalty shall be death if the act takes place in time of war or threat of war, or results in the death of a person.  |
| 282 | Anyone who removes or obtains objects, documents or information of the nature indicated in the preceding article shall be punished by fixed-term hard labour.<br>If the crime is committed in the interest of a foreign power, the penalty shall be hard labour for life.  |
| 284 | Where the offences provided for in this paragraph are committed in the interests of an enemy state, the penalties shall be increased in accordance with the provisions of Article 257.   |
| 257 | If the law does not specify the effect of an aggravating factor, it shall entail the following increases in penalties:<br>The death penalty shall replace hard labour for life; any fixed-term penalty shall be increased by one third to one half; and any fine shall be doubled.   |
| 258 | – As amended by Article 26 of the Act of 5 February 1948: Any person sentenced to hard labour for life by a final judgement who commits another crime carrying   |

the same penalty shall be sentenced to death. Any person sentenced to fixed-term hard labour or fixed-term imprisonment by a final judgment who, within 15 years of having served their sentence or it being prescribed, commits another crime carrying the same penalty, shall be sentenced to the due penalty with the addition of an equivalent term. The maximum term of the penalty may, if necessary, be doubled, i.e. to 30 years.

If the second offence is punishable with banishment, compulsory residence or loss of civil rights, the penalty shall be that ranked one degree higher in accordance with Article 38.

308 An attack shall be punishable by hard labour for life if its aim is either to incite civil war or inter-faith strife by arming or encouraging Lebanese nationals to take up arms against one another, or to provoke massacre and pillage in one or more localities.  
The death penalty shall be imposed if the attack has been carried out.

309 Any person who, in order to invade a town or population centre or property belonging to the public domain or to a group of inhabitants, or in order to attack or resist the law enforcement authorities acting against the perpetrators of these crimes, leads armed gangs, or exercises any function or command whatsoever in such armed gangs, shall be punished with hard labour for life.

310 Persons who take part in armed gangs formed with a view to committing any of the crimes referred to in Articles 308 and 309 shall be punished by fixed-term hard labour.

#### IV: TERRORISM

315 Conspiracy to commit one or more acts of terrorism shall be punishable by fixed-term hard labour.

Any terrorist act shall carry a penalty of hard labour of at least five years. It shall carry a penalty of hard labour for life if it results in destruction, or partial destruction, of a public building, industrial plant, vessel or other facility or in impediments to means of telecommunications, communications or transport. The death penalty shall be imposed if the act leads to the death of a person or to the complete or partial destruction of a building in which one or more persons are present.

### BOOK II – CHAPTER I – SECTION III

#### SECTION I: CRIMINAL ASSOCIATION

336 Members of a group of three or more persons operating on public highways and in rural areas as an armed gang with a view to robbing passers-by, attacking persons or property, or committing any other act of robbery, shall be liable to fixed-term hard labour for a minimum term of seven years.

They shall be sentenced to hard labour for life if they commit any of the above-mentioned acts.

The death penalty shall be imposed on any member who, in executing a crime, kills or attempts to kill the victims, or subjects them to torture or acts of barbarity.

### CHAPTER VIII – SECTION I SUBSECTION I: INTENTIONAL HOMICIDE

549 *As amended by Articles 3 and 4 of the Act of 24 May 1949; Article 1 of the Act of 9 January 1951 modified Article 4 of the Act of 24 May 1949; the Act of 1949 amended paragraph 2 and added paragraph 4.*

Intentional homicide shall be punished by death when it is committed in the following circumstances: 1. With premeditation;

2. To prepare for, facilitate or execute a crime or misdemeanour, to facilitate the escape of instigators or perpetrators of, or accomplices to, such a crime or to preclude their punishment;

3. Against an ascendant or descendant of the offender;

4. The offender committed acts of physical violence or cruelty against persons; *The following paragraph was added by Legislative Decree No. 110 of 30 September 1983.*

5. Against a public official in the course of or in connection with the performance of their duties;

*The following paragraphs were added by Legislative Decree No. 112 of 16 June 1977:*

6. Against a person on account of their religious affiliation or as an act of revenge for a crime committed by another member of their religious community, their relatives or members of their party;

7. Using explosive materials;

8. To conceal the commission of a crime or misdemeanour or evidence thereof.

591 If the fire results in the death of a person, the offender shall be punished by death in the cases provided for under Articles 587 and 588 and to hard labour for life in the cases provided for under Articles 589 and 590. The penalties laid down in the above-mentioned articles shall be increased by half if a victim suffers a permanent disability.

599 The penalties set out in the preceding articles will be increased by half if a victim has suffered a permanent disability.  
The penalty shall be death if the act results in the victim's death.

640 Any theft committed at night by two or more persons wearing masks, or one of whom is carrying a visible or concealed weapon, or by a single armed person in a dwelling, shall be punished by the same penalty.

642 Theft committed in any of the following circumstances shall be punished by imprisonment with compulsory work for at least one year and a fine of between fifty and three hundred pounds:

At night by two or more persons: or in only one of these circumstances, in a place used as a dwelling or in a religious building;

By a person wearing a mask or carrying a visible or concealed weapon;

By a hired servant to the detriment of their master, or to the detriment of any other person in their master's house or in any house where they were accompanying their master; or by an employee, worker or apprentice in their master's workshops or warehouses or in their usual place of work;

By a member of the armed forces or a person treated as military personnel, to the detriment of the inhabitant.

643 Any theft by pickpocketing or swindling and any theft committed on railways, vessels, aircraft, trams and public transport vehicles, as well as in railway stations, aerodromes, customs premises or on docks, shall be punished by the same penalty

## CODE OF MILITARY JUSTICE<sup>4</sup>

- 110 Any soldier who commits the crime of desertion to the enemy shall be punished by death with punitive discharge.
- 112 If desertion occurs during wartime, the death penalty shall be imposed along with military disarmament for:  
- the soldier who flees with a conspiracy against the enemy.  
- the leader of the conspiracy if the escape is abroad.
- 120 Any soldier who temporarily or permanently renders themselves unfit for service in order to evade their military duties in the presence of the enemy shall be punished by death.
- 124 Any soldier from the land, naval or air forces shall be punished by death if they:  
a) Incite desertion or prevent combat against the enemy; b) Without orders from their superiors, incite cessation of hostilities, failure to take part in combat or joining the enemy; c) Intentionally cause the enemy to seize the equipment of war placed under their command; d) Develop relations with the enemy in order to facilitate the latter's actions.
- 125 The death penalty shall be imposed if the conspiracy takes place during time of war, in an area declared to be under siege or in any circumstances threatening the security of military property.
- 128 Any prisoner who has been recaptured and who has violated the undertaking and carried a weapon against Lebanon will be punished by death.
- 129 Any soldier who 1) enters a military site, military post, military facility or any other place belonging to the army in order to obtain documents or information that benefit the enemy or harm the integrity of these structures; 2) gives the enemy documents or information likely to affect military actions; 3) hides alone or through others while aware of orders from enemy spies, shall be considered as an enemy spy and punished by death.
- 130 Any soldier who delivers to the enemy the soldiers under their command or the site they are responsible for defending, or delivers to the enemy military supplies, maps of military sites, factories, ports or docks, or reveals to them passwords or any secrets relating to military actions, shall be punished by death.
- 132 Any military or non-military person who, in an area of military operations, steals from a wounded, sick, drowned or deceased person shall be punished by fixed-term detention. The death penalty shall be imposed if the offender, in order to facilitate the theft, uses violence that aggravates the victim's state of health.
- 135 If the act referred to in the previous article is committed with intent, the penalty shall be hard labour for life, and if the act causes the death of a person or serious damage to national defence, the penalty shall be death.
- 152 Any soldier who refuses to obey where an attack has been ordered against the enemy or to carry out any other action ordered by their superior in the presence of the enemy shall be punished by death and punitive discharge.

<sup>4</sup> Unofficial translation of the provisions of the Code of Military Justice

- 163 Any sentry or observer who, in the presence of the enemy, leaves their post before fulfilling the task entrusted to them, shall be punished by death.
- 165 Any soldier who leaves their positions in the presence of the enemy shall be sentenced to death.
- 167 Any member of the navy or any other person on board a naval vessel or military vehicle or a vehicle intended for military operations who intentionally causes the loss of such vessel or vehicle or its seizure by the enemy shall be punished by death.
- 168 Any commander of a naval vessel who is aware that their vessel is sinking and intentionally leaves it before the last person on board will be punished by death.
- 171 Is punishable by death: 1. Any commander of a naval force who surrenders to the enemy or orders the cessation of hostilities without having exhausted all the means of warfare in his power and who has fulfilled all the dictates of duty and honor. 2. Any sailor who, by any means whatsoever and without an order from the captain of the ship, causes the cessation of hostilities.

## ACT NO. 673 OF 16 MARCH 1998 ON NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR CHEMICALS<sup>5</sup>

- 140 Any person who assaults a public official responsible for the application of this Act or resists them by force or violence in the exercise or on account of the exercise of the latter's duties, shall be punished by fixed-term hard labour. The penalty shall be hard labour for life if the assault results in permanent disability or serious irreparable disfigurement, or if the offender is a person in authority. The penalty shall be death if the assault results in the death of a person. The death penalty shall also be imposed on any person who deliberately kills a public official responsible for the application of this Act, in the exercise or on account of the exercise of the latter's duties.

## ACT NO. 64 OF 12 AUGUST 1988 ON THE PROTECTION OF THE ENVIRONMENT AGAINST POLLUTION CAUSED BY HAZARDOUS WASTE AND NOXIOUS SUBSTANCES<sup>6</sup>

- 10 Anyone who fails to comply with the provisions of Article 3 of this Act shall be punished with a term of three months to three years of imprisonment and a fine of five to nine thousand pounds. Anyone who fails to comply with the regulations shall be punished with a fine of five hundred thousand pounds. If the act leads to the spread of an epidemic disease in a way that could have been expected, the perpetrator shall be punished with fixed term hard labour. If the act results in the death of one or more persons, the offender shall be sentenced to hard labour for life. If it is established that the perpetrator intended the criminal result, the death penalty shall be imposed.
- 11 Anyone who contravenes the provisions of Article 6 shall be punished with fixed-term hard labour and a fine of between one hundred thousand and one million pounds. If the act results in the spread of an epidemic disease or the death of one or more persons, hard labour for life shall be imposed. If it is established that the perpetrator intended the criminal result, the death penalty shall be imposed.

<sup>5</sup> Unofficial translation of the provisions of the Code of Military Justice

<sup>6</sup> Source: <https://moe.gov.lb/الوزارة/القوانين-واللائحة/القوانين/قانون-رقم-64-صادر-في-12-8-1988-المحافظة-على-.aspx>



## INTERNATIONAL LEGAL FRAMEWORK

### MAIN INTERNATIONAL INSTRUMENTS ON THE ABOLITION OF THE DEATH PENALTY

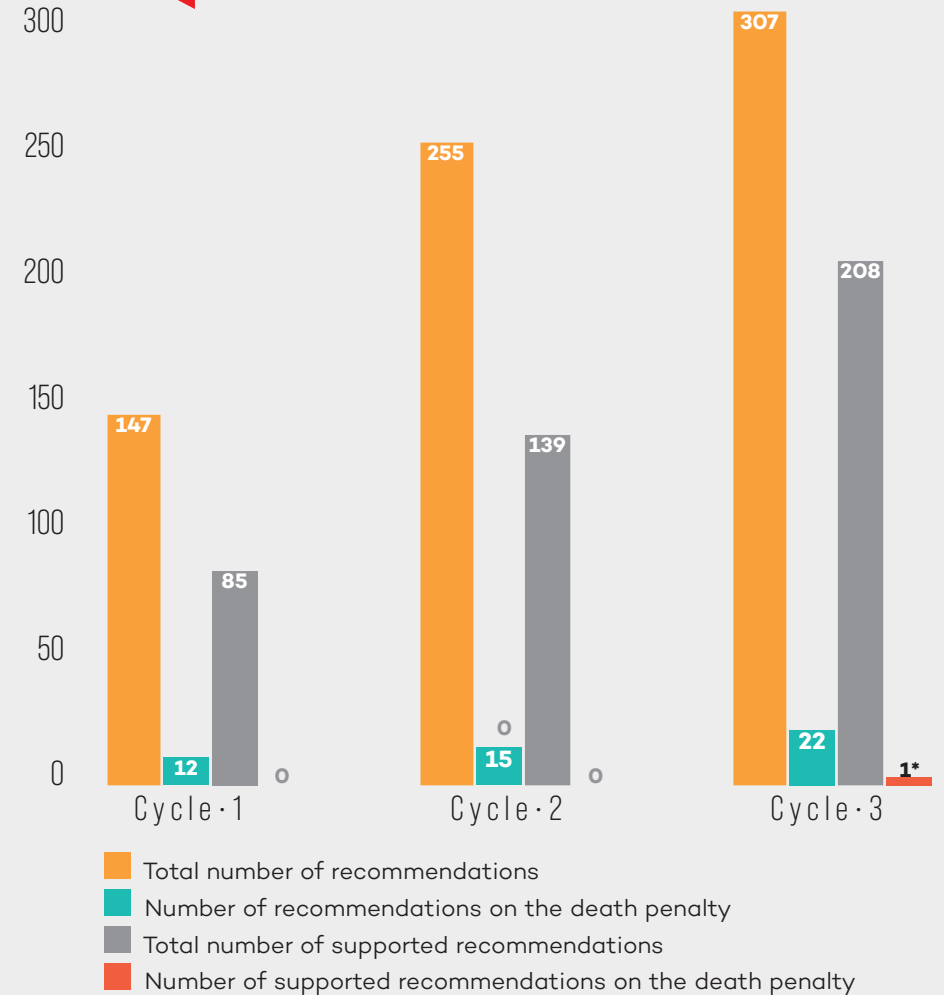
INSTRUMENT	DATE OF RATIFICATION OR ACCESSION
International Covenant on Civil and Political Rights, 1966	1972
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989	X
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	2000
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	2008
International Convention on the Rights of the Child, 1989	1991

### VOTE ON THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



Until 2018, Lebanon systematically abstained at the vote on the UN General Assembly resolution calling for a universal moratorium on the use of the death penalty. In 2020, Lebanon voted in favour of the text during the vote in the 3rd Committee, raising hopes of a positive development.

## UNIVERSAL PERIODIC REVIEWS



During the second UPR cycle, Lebanon supported 137 recommendations and partially supported 2 recommendations. None of the recommendations relating to the death penalty were supported. During the third cycle in 2021, Lebanon partially supported one recommendation related to the death penalty, but only noted the part referring to OP2. The next UPR review of Lebanon is scheduled for October 2025.

## RECOMMENDATIONS ON THE DEATH PENALTY MADE TO LEBANON IN 2021

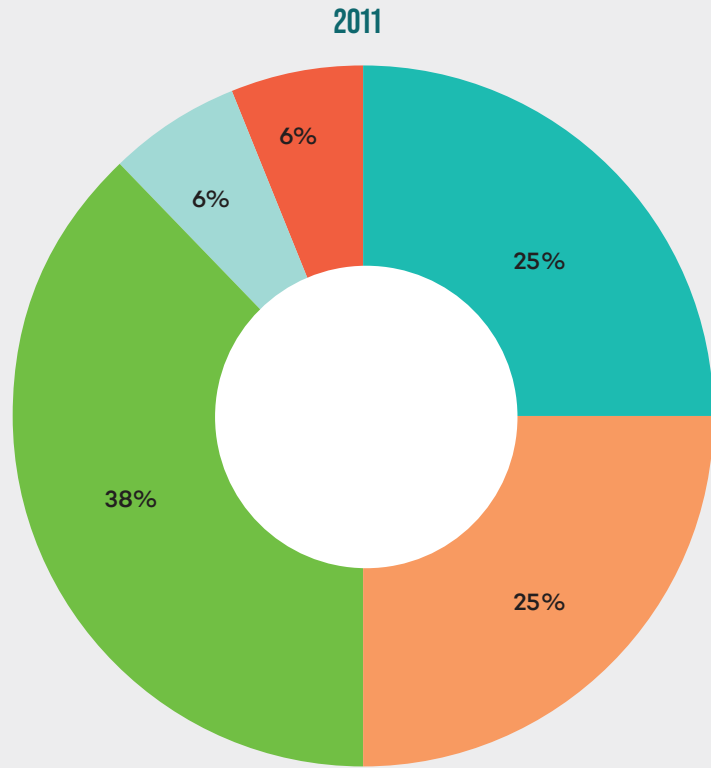
No.	RECOMMENDATION	Number	Supported	Noted
150.1	Ratify the two Optional Protocols to the International Covenant on Civil and Political Rights (Slovenia)	1		1
150.3	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Honduras) (Iceland) (Italy)	3		3
150.9	Advance the ratification of international instruments, and in particular, the adoption of the two Optional Protocols to the International Covenant on Civil and Political Rights (Chile)	1		1
150.18	Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and formally abolish the death penalty (Australia)	1		1
150.28	Ratify the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, the first and Second Optional Protocols to the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Ukraine)	1	1*	
150.107	Establish a legal moratorium on the death penalty and commute the sentences still in force, with a view to their definitive abolition (Uruguay)	1		1
150.108	Continue efforts to uphold the moratorium on the death penalty and work for its abolition (Burkina Faso)	1		1
150.109	Eliminate the death penalty as a sanction applicable under national law, commuting the sentences of those already convicted to other alternative penalties (Chile)	1		1
150.110	Maintain the moratorium on executions and consider abolishing the death penalty (Côte d'Ivoire)	1		1
150.111	Establish an official moratorium on executions (Cyprus)	1		1
150.112	Maintain the current moratorium on executions and take positive steps to abolish the death penalty (Fiji)	1		1

150.113	Consider establishing an official moratorium on executions with a view to abolishing the death penalty (Argentina)	1		1
150.114	Abolish de jure the death penalty (France)	1		1
150.115	Take further steps towards the legal abolition of the death penalty (Georgia)	1		1
150.116	Maintain the moratorium on executions, working towards the legal and permanent abolition of the death penalty (Holy See)	1		1
150.118	Complete the process of abolition of the death penalty (Mozambique)	1		1
150.119	Take steps towards the complete abolition of the death penalty, including through establishing a moratorium on executions and by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand)	1		1
150.120	Abolish the death penalty in all cases and circumstances (Portugal)	1		1
150.121	Continue advancing towards the complete abolition of the death penalty (Romania)	1		1
150.122	Abolish the death penalty (Spain)	1		1
<b>Total</b>		<b>22</b>	<b>1*</b>	<b>21</b>

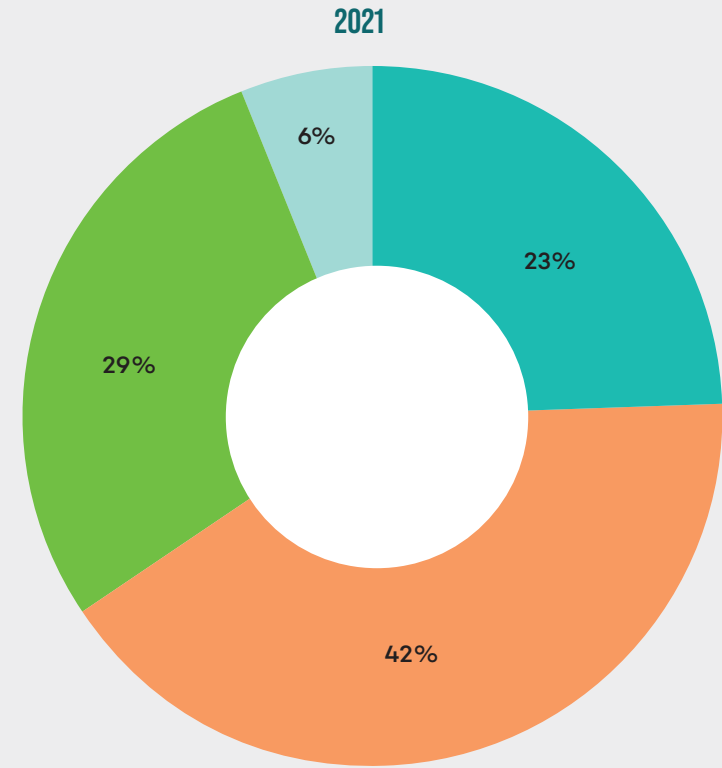
\*Partially supported recommendation.



EVOLUTION OF THEMES OF RECOMMENDATIONS MADE TO LEBANON BETWEEN 2011 AND 2021



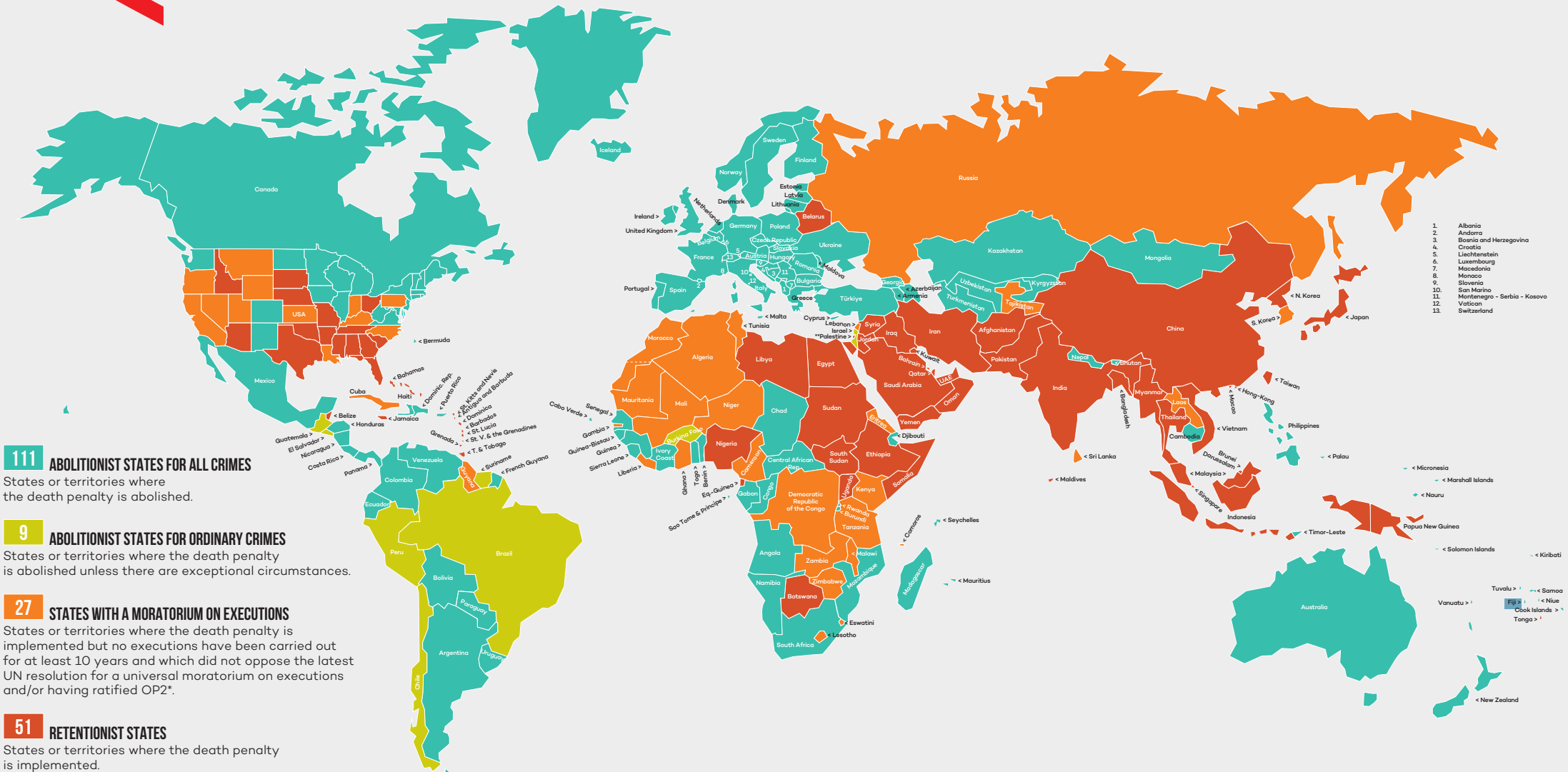
- OP2
- Moratorium
- Abolition
- Commutations
- UNGA Resolution



- OP2
- Moratorium
- Abolition
- Commutations

Since 2011, the main recommendations addressed to Lebanon during the UPR process have concerned the abolition of the death penalty, the introduction of a moratorium and the ratification of OP2.

# THE DEATH PENALTY WORLDWIDE - 2022



**111** ABOLITIONIST STATES FOR ALL CRIMES  
States or territories where the death penalty is abolished.

**9** ABOLITIONIST STATES FOR ORDINARY CRIMES  
States or territories where the death penalty is abolished unless there are exceptional circumstances.


**27** STATES WITH A MORATORIUM ON EXECUTIONS  
States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2\*.

**51** RETENTIONIST STATES  
States or territories where the death penalty is implemented.

1. Albania
2. Andorra
3. Bosnia and Herzegovina
4. Croatia
5. Liechtenstein
6. Luxembourg
7. Macedonia
8. Monaco
9. Slovenia
10. San Marino
11. Montenegro - Serbia - Kosovo
12. Vatican
13. Switzerland

\* Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.  
\*\* Palestine is a particular case: it cannot vote the moratorium resolution, has ratified OP2, but the death penalty is still applied in Gaza (last documented executions in 2022).

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**ABOLITION**  
**NOW** 



Norwegian Ministry  
of Foreign Affairs