

Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

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(Please use this reference in your reply)

29 January 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolution 53/4.

In this connection, I am writing to sincerely welcome the ongoing legislative discussions aimed at abolishing the death penalty in Lebanese law and, in particular, the draft proposal entitled “Proposal of a law aiming to abolish the death penalty in Lebanon”, currently under consideration by Parliament. I take the opportunity to respectfully share observations and offer some recommendations on the proposed draft, which I hope you will find useful, including for ensuring its full compliance with Lebanon’s obligations under international law in relation to the protection of the right to life and human dignity. These comments are also provided in follow-up to the constructive discussions held with representatives of your Excellency’s Government in the context of my country visit to Lebanon (29 September-10 October 2025).

Background

Lebanon retains the death penalty in its legislative framework. Capital punishment is provided for under the Penal Code and other legislation, including the Code of Military Justice and certain special laws. Reportedly, 19 crimes punishable by death are listed in the Penal Code and, across the legal framework more than 41 legislative provisions provide for the death penalty in respect of around twenty offences, with provisions distributed between the Penal Code and the Code of Military Justice, and a small number in special laws, including one provision in Act No. 673 of 16 March 1998 on narcotic drugs, psychotropic substances and precursor chemicals, and two provisions in Act No. 64 of 12 August 1988 on the protection of the environment against pollution caused by hazardous waste and noxious substances.

While the mandatory imposition of the death penalty for certain offences was abolished in 2001, the death penalty remains available as a sentence under the Lebanese law.

The scope of capital offences appears to extend beyond crimes involving “death as a direct and intentional result”. In the Penal Code, death-eligible offences reportedly include certain forms of treason and related acts against the State, including taking up arms against Lebanon in enemy ranks (art. 273), manoeuvres or transmission of intelligence intended to incite hostilities against Lebanon, where the act has effect (art. 274), and transmission of intelligence intended to assist an enemy’s military success (art. 275). The death penalty is also reportedly provided for certain offences against State security and public order, including attacks aimed at inciting civil war or inter-faith strife, where the death penalty applies if the attack has been carried out

(art. 308), and for conduct connected to armed gangs formed with a view to committing the crimes referred to in articles 308 and 309 (arts. 309-310).

Furthermore, the Code of Military Justice (Act No. 24 of 13 April 1968) includes death-eligible offences that do not necessarily entail intentional killing, including desertion to the enemy (arts. 110 and 112), self-inflicted unfitness for service to evade duties in the presence of the enemy (art. 120), acts undermining combat operations or facilitating enemy action (art. 124), and leaving one's post or position in the presence of the enemy (arts. 163 and 165), among other provisions.

It is noteworthy that Lebanon has observed a *de facto* moratorium on executions for more than two decades, with the last executions reportedly carried out in 2004. However, at the same time, courts continued to impose death sentences, including before military jurisdiction. According to reports, at least 16 per cent of death sentences documented between 2015 and 2019 were handed down by military courts, with the remainder imposed by ordinary courts and the Council of Justice. During his visit to Lebanon, the Special Rapporteur was informed by the Lebanese authorities that 63 prisoners remained on death row.

Lebanon does not operate a distinct "death row" regime. Persons sentenced to death are held within the ordinary prison system, including predominantly in Roumieh prison, and may share cells with other prisoners.

Draft legislation to abolish the death penalty

According to information received, the draft law currently under Parliamentary consideration contains three articles.

- Article 1: would abolish the death penalty wherever it appears in Lebanese law and replaces it with "the most severe penalty that follows it";
- Article 2: would provide that persons sentenced to death prior to the entry into force of the law would benefit from its effects, including the possibility to benefit from Law No. 463/2002 on the enforcement of penalties, as amended by Law No. 183/2011; and
- Article 3: would provide for the law to enter into force upon publication in the Official Gazette.

Comments and recommendations from the perspective of international human rights law

The Special Rapporteur welcomes the proposed abolition of the death penalty. If adopted, this reform would constitute an important step towards strengthening the protection of the right to life, would align Lebanon with the growing global trend towards abolition and set Lebanon as an example for countries worldwide. The Special Rapporteur therefore sincerely commends the current Government and the legislature for their engagement with legislative reforms aimed at advancing human rights, in particular the protection of the right to life.

The Special Rapporteur notes the understanding that abolition would apply comprehensively across all laws and jurisdictions, including military jurisdiction and special laws. Such comprehensive application would be essential to ensure legal certainty, coherence across the legal framework, and equal application of the law.

At the same time, the Special Rapporteur emphasizes that the manner in which the death penalty is replaced, and the way in which existing death sentences are addressed, will be critical to ensuring compliance with the principles of legality, proportionality and individualized sentencing under international law. In particular, replacing the death penalty automatically with a single fixed sanction – by reference to the “next harshest” penalty – may raise concerns where the offences currently subject to the death penalty vary significantly in gravity. Such an approach may also operate, in practice, as a form of mandatory sentencing, thereby unduly limiting the discretion of the judiciary to impose a penalty that is commensurate with the gravity of the offence and tailored to the individual circumstances of the offender.

In this regard, the Special Rapporteur refers to article 2, paragraph 1, of the International Covenant on Civil and Political Rights (ICCPR) stipulating that States are required to respect and ensure the rights recognized in the Covenant. Furthermore, the Human Rights Committee has emphasized that any measures that limit Covenant rights must be necessary and proportionate to the legitimate aim pursued (general comment No. 31). In relation to the right to liberty under article 9 of the ICCPR, the Human Rights Committee has clarified that “arbitrariness” is not to be equated with “against the law”, but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, alongside elements of reasonableness, necessity and proportionality (general comment No. 35, para. 12). Any term of imprisonment must therefore be necessary, proportionate and reasonable, requiring an assessment of factors such as the seriousness of the conduct, the personal circumstances of the offender, the impact on victims, mitigating and aggravating factors, and prospects of rehabilitation. Against this background, the automatic replacement of the death penalty with a standardized custodial penalty for a broad category of offences risks resulting in custodial sentences that are not demonstrably necessary in the individual case and may be disproportionate to the gravity of the offence and the individual circumstances, thereby raising concerns under article 9(1) of the ICCPR.

In addition, the Special Rapporteur recalls the requirements of the right to a fair trial under article 14 of the ICCPR. The imposition in law of a standardized sentence for specified offences may deprive domestic courts of the discretion to take account of mitigating circumstances and to determine the appropriate punishment in light of the particular facts and personal circumstances of the offender, raising concerns under article 14(1), including as regards the role of an independent and impartial tribunal in determining both matters of law and the appropriate penalty. The Special Rapporteur further underlines that the right to have a conviction and sentence reviewed by a higher tribunal under article 14(5) requires a substantive review of both conviction and sentence; review that is limited to formal or legal aspects, without due consideration of the nature of the case, is not sufficient (general comment No. 32, para. 48). Where sentencing follows automatically from a mandatory rule, appellate review may, in practice, be reduced to formal scrutiny of whether the mandatory penalty was applied,

rather than enabling meaningful review of the appropriateness and proportionality of the sentence in the individual case.

The Special Rapporteur therefore recommends that the authorities consider refining the replacement formula so that abolition is implemented through an alternative sentencing framework that preserves judicial discretion and enables the competent court to determine, on a case-by-case basis, an alternative sentence that is proportionate to the offence and consistent with an individualized judicial assessment. This could be reflected, for example, by providing that the death penalty shall be replaced by an alternative sentence determined by the competent judicial authority within the applicable legal framework, taking into account the nature and seriousness of the offence and the circumstances of the offender, rather than by an automatic substitution with a single fixed custodial penalty across offences of differing gravity.

The Special Rapporteur further recommends the establishment of a clear, accessible and transparent mechanism to review the situation of persons currently under sentence of death, with a view to ensuring that commutation and/or re-sentencing is carried out through a procedure that provides appropriate judicial oversight and full respect for due process and fair-trial guarantees. Such a mechanism should be capable of ensuring that death sentences are removed in practice without delay and that any substitute sentence ultimately imposed is lawful, reasoned and proportionate. Where necessary to ensure the legality and fairness of convictions and sentences, the framework should allow for the reopening of proceedings and, where appropriate, retrial.

Finally, the Special Rapporteur encourages Parliament to give favourable consideration to the draft law, to adopt it without undue delay, and to take into account the recommendations set out in the present communication. He further encourages the authorities to continue taking steps to consolidate abolition, including by maintaining the de facto moratorium pending the entry into force of the law and by considering accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

The Special Rapporteur remains available to provide technical assistance and advice on this issue and other areas falling under his mandate, in the context of ongoing constructive engagement and dialogue with the Lebanese authorities.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please provide information on the status of the draft law and the expected timeline for its consideration and, if applicable, adoption.
3. Please clarify how article 1 would operate in practice, including which alternative penalties would apply to offences currently punishable by

death and whether the revised framework would preserve judicial discretion to ensure proportionality and individualised sentencing.

4. Please provide detailed information on the number of persons currently on death row, and the categories of offences concerned as well as the measures taken or foreseen to review the cases of persons currently under a sentence of death, including the competent institution(s), procedural safeguards, access to legal assistance, and whether the framework would allow for re-sentencing and, where appropriate, the reopening of proceedings and/or retrial to ensure that any alternative sentence is lawful and proportionate.
5. Please provide information on measures taken or foreseen to ensure that all relevant legislation, regulations and operational practices are brought into line with the abolition of the death penalty.
6. Please also indicate whether measures are in place to maintain the de facto moratorium pending entry into force and to ensure that no execution is carried out in the interim.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions