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**Policy Brief**

**The Role of Military and Security Institutions in Ensuring Respect for Human Rights and for the International Humanitarian Law During Times of Crisis**

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**Background: Forum Discussion**

Massive protest movements have flooded the streets of the many cities in Lebanon since 2019 as a direct consequence of a growing economic and political collapses. LAF and security agencies have attempted to protect the protesters as well as public and private property. Most encounters between LAF/Security Forces and protesters were peaceful, but others let to confrontations and arrests. Civil society organizations were mostly concerned about the rights of protesters for peaceful assembly and expression and were engaged in defending most of those arrested. Hence emerged the need to examine and discuss ways and means where LAF/Security Forces can perform their roles without infringing on civilian rights to public protest. These issues became increasingly urgent to address during economic turbulent environment, where the human and civil rights may be undermined. Because human rights are among key pillars of human security and because civil-military cooperation can prove critical to protect the role of the state security apparatus and those of peaceful protest, it becomes urgent to bring together key stakeholders to explore ways where civil rights can be secured.

On Thursday November 18, 2021 Konrad Adenauer Foundation (KAS) and the National Human Security Forum (NHSF), organized, in collaboration with the Lebanese Armed Forces (LAF) - Directorate of International Humanitarian Law and Human Rights, a hybrid roundtable discussion, held both in-person and via Zoom, addressing “the role of military and security institutions in ensuring respect for human rights and for the international humanitarian law during times of crisis.” The event, which took place at the Lancaster Plaza Hotel in Beirut, was attended by representatives of United Nations organizations, Lebanese Armed Forces and Internal Security Forces (ISF) officers, members of the UNIFIL, as well as specialists in the field of human rights and international law. The discussion was moderated by Dr. Elie Mikhael.

Key speakers, namely LAF representative C**olonel Ziad Rizkallah**, touched upon military experiences related to international law and human rights, freedom of expression, domestic and international protection of citizens, improving the performance of security institutions in facing crises, and cooperation between security institutions and civil society organizations to ensure respect for human rights.

Konrad-Adenauer-Stiftung Resident Representative to Lebanon **Michael Bauer**,who shed light on the latest workshops and meetings addressing the role of the international community and military and security institutions in responding to the crisis in Lebanon. These workshops and meetings culminated in recommendations resulting from cooperation among various actors in the civil society, security forces, the international community, and academia. Bauer stressed the importance of the topic addressed in the roundtable discussion and emphasized that it should not be sidelined, overlooked, or tackled in a politicized manner marred by political discourse feuds, especially as regards the role of military and security institutions in crises such as that witnessed by Lebanon.

NHSF Director and human security expert Dr. **Imad Salamey** considered that Lebanese citizens invest great confidence in the LSF and ISF which are in no way comparable to other collapsing state institutions. In addition, Salamey explained that there is a gap between Lebanese citizens and their state, which generates fear, as citizens do not have access to their most basic daily necessities in light of the increasing poverty rates in the country.

Furthermore, Salamey emphasized that Lebanese security institutions are facing crucial challenges at present, especially given the widespread popular discontent with the situation and horizontal and vertical divisions and fragmentations within all societal groups. As such, achieving human security has become a priority.

Salamey also stressed the important role carried out by military institutions in protecting human beings in times of crisis. However, he recalled as well that in military regimes, military institutions are used to suppress and terrorize citizens, and prisons are turned into torture centers in which all human rights charters are violated. This leads to greater extremism and violence.

Still, Salamey explained that, in Lebanon, that is not the case, as citizens rely on the military institution to protect civil rights and resolve disputes and confrontations that often take a sectarian, communal, or regional character. Today, more than ever, the military institution is entrusted with preserving the security of Lebanese citizens and protecting their public and private properties. He additionally noted that the ability of the LAF to protect rights lies in integration, complementarity, and cooperation with the civil society.

In his contribution to the discussion, Colonel **Ziad Rizkallah**, representative of the LAF, clarified that human rights are an integral right and need for every citizen, similar to the need for water and food. It is thus not an option but a necessity, and the violation of its rules and system yields recurrent and successive crises.

Rizkallah mentioned: “Despite the generally fragile and volatile situation in Lebanon, and even at times when the country was heading towards stability and social peace, crises never ceased to emerge and undermine stability, leading to the last two years and what they brought along from economic crises, force majeure, and natural and man-made disasters. The military institution thus employed all its capabilities in order to face the challenges, and its role has become prominent in all stages of the crisis from initial response to relief, first-aid, and mitigating the impact of the crisis, not to mention its role in maintaining security on the Lebanese territories for the past three decades and counting.”

Rizkallah added: “Given the importance of the powers exercised by LAF members and their direct impact on the individual and the country as a whole, LAF leadership adopted systematic steps to achieve a balance between security and human rights. To that effect, the Directorate of International Humanitarian Law and Human Rights was established in 2015. One of its main tasks is to receive complaints regarding rights violations and work on addressing them, as well as ensuring liaison and communication with relevant governmental and non-governmental organizations to promote these rights and safeguard them in LAF practices.”

He also pointed out that the Army Command issued a code of conduct related to the use of force and firearms during law enforcement operations. This code of conduct, prepared in cooperation with Office of the High Commissioner for Human Rights (OHCHR) is to serve as a permanent reference document that consecrates LAF vision and values as an institution committed to national and international laws and standards. LAF also follows strict instructions related to minimizing the use of force, and those who violate these instructions are subject to disciplinary measures.

Rizkallah further discussed the role the LAF played in accompanying the popular movement. The LAF sought to strike a balance between the citizen’s right to protest and peaceful assembly and the rights of other citizens. Despite all the attacks it faced, the LAF put great effort into securing the formation of peaceful gatherings.

The regional representative of the Office of the High Commissioner for Human Rights (OHCHR), **Roueida El Hage**, gave examples of her experience in locations facing difficult circumstances and major conflicts. She also mentioned her experience in Lebanon which is suffering from aggravating problems, especially given the severity of the economic and social crisis. El Hage stated that she had a constructive relationship with the Lebanese authorities, particularly the military and security institutions in the country.

El Hage considered the work of the military police to be different from the job of the soldier in the battlefield. Regardless of the different functions of their members, security forces remain frontliners in protecting human rights. For this reason, they must be capable of understanding, respecting, and protecting the rights of the people they serve.

She indicated that the LAF is not a Lebanese law enforcement authority, but it nevertheless plays this role within the Lebanese borders. Regardless of whether its mandate is legal or military, preserving human rights and implementing the international law stipulated in international conventions are required of the LAF in both times of peace and times of war.

El Hage provided several examples of what she witnessed in Iraq, Yemen, and Afghanistan thus stressing the need to abide by international humanitarian laws and standards that aim to protect all individuals from political, social, legal, and other violations and safeguard human rights for all.

She continued: “It is the duty of the military to respect these rights and remain informed about the human rights framework. Lebanon has ratified all major international conventions except two, which it has signed but not ratified.” She recalled the United Nations Code of Conduct and human rights standards and reiterated the importance of jurisprudence in the field of human rights.

Civil activist **Suzanne Jabbour**, UN-SPT (Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment) Vice-President and Executive Director of the Restart Center, declared that the dysfunctional Lebanese state itself poses serious humanitarian threats to civil-military relations.

She considered, however, that “although Lebanon is an unstable and troubled country, and in spite of the suffering of Lebanese citizens on economic and social levels, cooperation between security institutions and the civil society remains possible in several areas, most notably as regards mutual trust and successful partnerships between the two parties.”

Jabbour announced that a memorandum of understanding has been concluded with the ISF and another is being negotiated with the LAF. She commended Colonel Rizkallah’s efforts to allow civil society organizations to access information from detention centers and prisons, as this point is one that is to be included in the memorandum of understanding with the LAF.

She explained that cooperation with the army and other security institutions branches into multiple broad areas, the most prominent of which is the issue of prisons and detention centers. Cooperation with security institutions takes place daily, and the presence of civil society actors and organizations within security institutions increases transparency and reassures individuals in custody and behind bars that their human rights are safeguarded.

Jabbour concluded by a call to strengthen internal and external oversight in military and security institutions with a view to increase citizen trust in them and allow the civil society to transcend its role as a partner in filling the gaps of state services to performing monitoring and oversight in places of limited freedom.

The interventions were followed by a roundtable discussion joining all participants.

**Policy Recommendation**

Based on this forum’s presentations discussion various policy recommendations can be formulated to strengthen human rights conditions in relations to the conduct of the military and security forces during times of crises:

1. Engage the National Human Rights Institute (NHRI) with the LAF and security forces.
2. Civil Society and International Organizations and in collaboration with ISF-Human Rights Unit, LAF-Human Rights and International Humanitarian Law Directorate (HRIHL), and LAF-CIMIC to continue collaboration in building the capacity of the armed and security forces in human rights (awareness sessions, guest speaking, capacity building workshops).
3. Civil Society, international organizations, and experts to help mainstream human rights in LAF/ISF curricula and their codes of conduct.
4. Civil society and international organizations to provide the military and security forces with ongoing consultation and updates on human rights treaties and laws that govern the conduct of the military and security forces.
5. Expand the cooperation between the military and the civil society on various levels including those pertaining to the human rights protection of civilians during peaceful protests, arrests, detentions, interrogations to insure compliance with codes of conduct.
6. Strengthen the transparency and accountability performance in monitoring and oversight of the military and security forces and in collaboration and support of civil society organizations, this should include for instance transparent documentation of arrest and access to legal defense provided to arrestees as well as sensitivities and considerations given to refugees, women, teenagers, and vulnerable groups.
7. Civil society and international organizations need to maintain access to detentions and prisons and its engagement with the military and security forces should be enhanced. Support every aspect of human rights protection in prisons, including access to legal consultation, space, visits, health, meals, communication, and psychological support among others.
8. Reporting and engagement with the media as to keep the civilian population informed and confident about the transparent conduct of the military and security forces.
9. The role of the military court needs to be revisited as to examine ways to insure that trials of civilian and military defendants comply with human rights laws.

**Action Plan for NHSF**

1. Hold consultation meetings with the NHRI’s 5 appointed members of the Committee Against Torture (CAT). This meeting should be oriented toward addressing ongoing priorities when it comes to the role of LAF/ISF in the protection of human rights.
2. Based on these recommendations and in close discussion with the UNOCHR, KAS and NHSF can highlight priorities toward an engagement plan with LAF-HRIHL Directorate, LAF-CIMIC, and ISF-Human Rights Unit.
3. NHSF will organize roundtable discussion between main stakeholders (international donors, civil society, experts, military, and security forces) in order to address these priorities and explore ways to support them.
4. NHSF will draft an action plan based on each roundtable’s recommendations and provide it to the army and ISF in order to support their funding requests as well as their activities around identified priorities.