

Summary of HRC Side Event “Protection of Human Rights Defenders in Light of Threats and Killings committed by Non-State Actors – Lessons Learned from Colombia and Lebanon”

On October 5, 2022, UMAM Documentation and Research (UMAM D&R) along with its partners the Lokman Slim Foundation, Dar al-Jadeed, and the Centre on Conflict, Development & Peacebuilding hosted a side event to the 51st Session of the United Nations Human Rights Council at the Geneva Graduate Institute. The event was co-sponsored and supported by the German, French, and Australian Permanent Missions in Geneva. The motivations behind organizing such an event developed over the past year, beginning with the political assassination of Lokman Slim, a prominent political commentator, human rights defender, and the co-founder and co-director of UMAM D&R, in southern Lebanon on February 3, 2021. Subsequent conversations with international human rights activists and lawyers noted the importance of addressing impunity in the case of threats against and killings of human rights defenders, an issue that is under-addressed in the international sphere on its own, and even more so when such targeted violence is undertaken by non-state actors. Subsequent conversations highlighted the similarities and patterns between the cases of Lebanon and Colombia, and the possible lessons, best practices, and experiences the former case could take from the latter. The connection to the United Nations Human Rights Council was an important one to stress, as to the larger attention and work being done in research and practice on non-state armed groups. The event had over 80 participants, equally split between in-person attendees and online viewers. The composition of the event participants included members of the United Nations in Geneva, representatives of government missions to Geneva, members of international non-governmental organizations, prominent international and legal academics, and human rights defenders.

The side event “Protection of Human Rights Defenders in Light of Threats and Killings committed by Non-State Actors - Lessons Learned from Colombia and Lebanon” was composed of a panel of international experts across various fields and expertise. Dr. Annyssa Bellal, Senior Researcher at the Centre on Conflict, Development, and Peacebuilding and international lawyer, offered words of welcome and set the scene for the discussion, while Fritz Streiff moderated the discussion. Addressing the case of Colombia was Juan Pappier, Human Rights Watch Americas Senior Researcher and author of the HRW report “Left Undefended: Killings of Rights Defenders in Colombia’s Remote Communities,” and Shoshana Levy, UNHCR-Appointed Judge at the French Appeal Court for Asylum and Former Legal and Field Officer at the United Nations Mission of Verification in Colombia. Nadim Shehadi, former Executive Director of Lebanese American University’s New York Headquarters & Academic Center and an Associate Fellow at Chatham House, provided insights into the situation in Lebanon. Dr. Morris Tidball-Binz, UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, offered his perspectives as a long-time practitioner in the interconnected fields of forensic science, human rights, and humanitarian action, while Dr. Erica Harper offered reflections on the recounted experiences and their common themes within a global and historical context.

Discussions during the side event which was held by the Chatham house rule, evoked important elements for consideration and discussion on the topic of human rights defenders, their importance, and their targeting by non-state armed groups. The event highlighted the complications of the term “non-state actors,” as it encompasses a wide range of types of actors and is not defined in international laws nor policies, which complicate the understanding of and approach to these types of actors, including justice and accountability responses. In light of the associated complications with approaching the term under research and practice, the event’s composition of both policy practitioners and researchers was stressed as a value-added, as the benefit of a combined approach allows for knowledge exchanges between the two fields, one which was noted to be needed going forward. The varied background of the panelists themselves drew attention to the multifaceted, complex, and overlapping nature of addressing this topic.

In discussing the case of Colombia, it was presented as a valuable case study that at present moment provides insight into possible successes and challenges to addressing threats and targeting of human rights defenders by non-state actors. It was noted that Colombia has the highest number of human rights defenders killed in Latin America, and is one of the countries with the highest rates globally. The presentation on the country provided context into the recent years in Colombia, tracing patterns and dynamics since the Colombian government and The Revolutionary Armed Forces of Colombia–People’s Army (FARC) signed a peace deal in 2016. Since the peace deal, 500

human rights defenders have been killed in the country. Upon the relinquishing of control of areas by the FARC, contestation over drug trafficking and illegal mining has continued to result in human rights defenders being targeted, in part because due to the fact the government has not been able to successfully exercise control over such areas, human rights defenders have taken on the role of government responsibilities, and therefore have been targeted. The connection between the non-state actor and the government in Colombia was also highlighted as a controversial relationship that should any human rights defenders expose, they in turn are targeted.

Successful elements of the Colombian attempts to protect human rights defenders were discussed. One topic of discussion was the complex and broad range of policies the government has taken to try to ensure the protection of these individuals, ranging from physical safety mechanisms, such as providing cell phones and bodyguards, to wide-spread approaches, such as a focus on communal protection, not just individuals. While this approach was heralded as being innovative and comprehensive, a weakness was noted in its implementation and the large number of mechanisms has meant the approach has been diffused among responsible branches. The transitional justice system in Colombia was addressed, noting its strengths and weaknesses. In terms of strengths, the appointments of individuals involved have been transparent and the qualifications and recruitment process is all open-access, and the process included the involvement of United Nation bodies as well as international organizations, such as the International Center for Transitional Justice. The process also involved a search for missing persons, and the truth commission interviewed 30,000 individuals to uncover patterns of violence and recommendations for non-repetition of this violence. One of the noted important discoveries of patterns of violence was that of "false positives," which was a systemic state crime of killing civilians and then presenting them as fighters as a justification and to cover up their killing.

Another side of the Colombian approach that was discussed was the efforts to increase accountability for the killing of human rights defenders. An element of this that was praised was a policy change that considers any killing of a human rights defender to be due to their work. Additionally, legal elements were implemented to order investigations to be undertaken, and if they are not, there can be convictions for non-compliance with judicial orders. While these approaches were heralded, the obstacles to justice and accountability for these killings are still impeded in the country by a lack of judicial capacities and a lack of security in the areas in which these killings often take place. The lack of physical security in accessing parts of the country was highlighted extensively as a significant impediment to accountability and justice, as conditions on the ground often prevent investigations in and access to the areas most at risk.

The case of Lebanon was also discussed in various complexities and dynamics. One notable element of the condition in Lebanon is the fact that non-state actor Hezbollah is connected and operating as a state actor, not only in certain ways in Lebanon but also in Iraq and Iran. Thus the boundaries between state and non-state actors and groups are further blurred in this case, presenting complicated links and patterns to be accounted for. The connection between the targeting and threatening of human rights defenders in Lebanon and Iraq was further addressed in regards to specific assassination, such as case of Lokman Slim, a prominent political commentator and human rights defender who was assassinated in southern Lebanon on February 3, 2021. The result was an increased atmosphere of fear in Lebanon, and has impacted in changing behavior in the country in two ways: one has been a silencing effect among other human rights defenders and individuals who speak out against Hezbollah in Lebanon, as well as a distancing effect of donors and non-governmental organizations supporting local movements or organizations in Lebanon. The latter has also been due to an overall pattern of accusations of local movements and organizations being co-opted into foreign agendas and priorities, and thus targeted for this alliance. Corruption as a tool of control was also addressed, as it renders systems and individuals hostage or susceptible to manipulated powers and wills. Lastly, the lack of accountability and legal frameworks in Lebanon was addressed, with specific attention to the Special Tribunal for Lebanon, whose work, results, and impact have been curtailed from their full potential.

As the conversation opened to a more global, practitioner focus, several important topics were highlighted. First, the fact that states have a duty to protect the right to life, and there is a responsibility of states to investigate any violation of this right; should there be a failure of the state to do so, this is itself a breach of the right to life. This echoed some of the successes put forward from the case of Colombia in theory, despite the weakness in application and practice in the country. The important message of this is that states are responsible for the wrongful conduct of non-state actors, and can be held responsible for the neglect of due diligence for accountability. Frameworks such as the Minnesota Protocol were evoked as litmus tests for activists and investigators into a state's actions, and further frameworks such as functioning medical and forensic institutions that can be used to actively investigate and collect evidence needed for accountability were put forward. The targeting and killing of human rights defenders was presented as a rapid erosion of social trust within a context, one which was connected to the current international environment of macro-level erosion of trust between states and in the international system. The discussion turned into the responsibility of the state and the international community to improve their approaches to strengthen this social trust and accountability for actions that violate human rights and target human rights defenders.

The questions from and discussion with the audience focused on the lack of international legal and human rights frameworks reference to non-state actors, as the existing system is heavily state-focused. It was also noted that conversations around these issues need to be grounded in the definition of who is a human rights defender, which varies throughout different cases. There were also comments on the responsibility of the international community to be promoting and legitimizing the work of human rights defenders. Other comments in the audience touched upon reports on human rights issues in Lebanon that resulted in pushback and how to move past these negative reactions and rejection of human rights findings in these types of contexts. Issues of the mixed nature of some non-state actors and groups that are involved in the government or with other organizations additionally complicate the delineation of non-state actors.

After the event concluded, panelists continued their conversations and provided some summary points and key areas for further work. The example of Colombia as undergoing a transformation that, at the current moment, is not happening in Lebanon, puts it in a position of possible guidance and lessons learned. Several successes from Colombia could be considered as possible successful strategies for Lebanon, including the fact that the peace negotiations in Colombia took a significant amount of time to develop and implement. A second reason for success in Colombia was the unanimous support of the international community for the peace process in the country, and a third reason was the military, ideological, and legitimacy weakening of the non-state group in Colombia. Overall recommendations for situations in which human rights defenders are targeted by non-state actors include the immediate and urgent efforts to ensure an effective investigative capacity that conforms to international human rights standards and forensic best practices. In the case of Lebanon, one suggestion that aimed to increase accountability was put forward to consider the targeted killing of human rights defenders under universal jurisdiction, in the absence of accountability and justice being achievable in Lebanon in the current conditions. However, other participants noted the urgent need to organize in the coming year a national workshop in Lebanon on this topic to design a plan for setting up a national medico-legal system to ensure that all investigations into potentially unlawful deaths in the country are carried out in line with the highest standards of forensic best practice.