

Statutory Limitations in the Lebanese Criminal Law

by Dr. Aline Tanielian, Rebecca Harb and Lorenzo Mulazzi

Abstract: Crimes in Lebanon have different statutes of limitations, “statutory limitation refers to the maximum time period during which a prosecutor can file criminal charges”, e.g., in instantaneous crimes, if the statute of limitations for the offence is one year, the authorities have one year to file criminal charges for that crime.

Article 5 of the Lebanese Code of Criminal Procedure (“LCCP”) states that “the initiation of a public prosecution, the purpose of which is to prosecute the perpetrators of offences and the participants therein and to subject them to penalties and preventive measures, lies with the judges of the public prosecution office in accordance with this code. Whereas civil lawsuit for compensation for damages suffered as a result of an offence, can be initiated by every aggrieved party²(...)”.

Consequently, the jurisdiction to initiate public prosecution lies within the public prosecution office. If the public prosecution office has not done so, there is another way to initiate the public prosecution according to article 7 LCCP that mentions “[...] by filing a lawsuit, the aggrieved party initiates the public prosecution if the public prosecution office has not done so³”.

The importance of the public prosecution’s initiation is to interrupt the time limit of the crime and prevent it from going unpunished.

This article will tackle the statute of limitations in Lebanese criminal law and the related case law, highlighting the Lebanese authors’ opinions on the subject matter, before focusing on the application of statutory limitations to specific cases.

We shall therefore discuss about the legal provisions and the rationale behind the statute of limitations, the extinguishment of public prosecution, the interruption and tolling of the time limit, the statute of limitations and international crimes and the criminal rules regarding the statute of limitations.

Keywords: Lebanon; criminal law; statute of limitations; international crimes.

¹ W. Ghayad, *Lectures in the Lebanese code of criminal procedure*, ed. Dar al Mawassem, 2014, p.82.

² Art 5, Lebanese Code of Criminal Procedure, 2001.

³ Art 7, Lebanese Code of Criminal Procedure, 2001.

1. Legal Provisions

Statute of limitations in criminal matters are time limits that set forth the maximum period of time to prosecute a crime that has been committed, after which a prosecution may no longer be brought. It is therefore a time limit related to the prosecution of a crime, as provided for in article 10 LCCP, and differs from the time limits set for carrying out a judgement which start running at a second stage, e.g. once a decision is rendered and a punishment is assigned by the criminal court to the defendant found guilty, as provided for in articles 162 to 168 of the Lebanese Criminal Law.

Pursuant to these articles, the time limit after which a death penalty or a life sentence for felony shall no longer be carried out against the defendant found guilty by the court, shall be 25 years. Whereas the time limit for fixed-term penalties for felonies shall be equal to the double of the judgment imposed by the court without exceeding 20 years nor being less than 10 years. As for any other penalty for a felony, the time limit shall be 10 years, such time limit being also applicable to any penalty imposed for a felony punished as an indictable offence.⁴

Regarding the statute of limitations for the prosecution of a crime, it is provided for in article 10(C) LCCP which states that:

“The public prosecution shall be extinguished for one of the following reasons:

- A. death of the defendant;*
- B. a general amnesty;*
- C. expiry of the statute of limitations’ period of ten years in the case of a felony, three years in the case of an indictable offence and one year in the case of a petty offence;*
- D. extinguishment of the personal civil lawsuit in the cases specified in law...⁵.”*

The controversy surrounding the statute of limitations is related to the cases in which the prosecution can no longer be brought against an offender simply because the time limit to do so has expired. Defenders of the statute of limitations contend that, for viable reasons, it is generally evenhanded to restrict the inception of lawful procedures to a sensible period after the occurrence of the crime. Indeed, over a long time, significant proof might be lost, and the recollections of witnesses can become hazy.

2. Rationale behind the statute of limitations

⁴ Art 162 and following, Lebanese Criminal Law, 1943.

⁵ Art 10, Lebanese Code of Criminal Procedure, 2001.

Criminal statutes of limitations serve several purposes, the main one is to protect persons from defending themselves against criminal charges that occurred so long before, that it is burdensome for them to properly defend themselves. According to a Lebanese author's opinion "*statutory limitations exist to help ensure fairness for defendants*⁶". More generally, it is said that the principal purposes of the statute of limitations are to (i) promote repose, *i.e.* allow peace of mind and reduce uncertainty and associated costs, in criminal matters, (ii) minimize deterioration of evidence, (iii) place defendants and plaintiffs on equal footing, (iv) promote diligence and prompt enforcement of the law, and (v) reduce the volume of litigation, among other purposes⁷.

In the same context, decision No. 210/1983 of the Lebanese Court of Cassation clarifies: "*the principle of statutory limitations is related to the public order and can be invoked in all the stages of the trial*⁸".

Statutory limitations in Lebanon are therefore crucial for the public prosecution, since they are deemed related to the public order, although the Lebanese authors and courts did not sufficiently delve into the purpose and the rationale behind it.

3. Statute of limitations and extinguishment of public prosecution

We will first develop (A) the extinguishment of the personal civil lawsuit in the cases specified by law and then (B) the expiry of the time limit.

a) Extinguishment of the personal civil lawsuit in the cases specified by law

The LCCP mentions in article 10 the reasons for the public prosecution's extinguishment and in paragraph (d) the extinguishment of the civil lawsuit in the cases specified by law.

Moreover, according to article 133 of the Lebanese Criminal Law "*the cases where the public prosecution is extinguished as a result of the extinguishment of the civil lawsuit (...) correspond to the following crimes: petty offence committed against individuals or their assets, defamation crimes against individuals other than employees of the public administration (...), crimes of bodily harm that did not lead to an interruption of work or lead to an interruption of work for less than 10 days, indictable offences between family members and a married couple before their legal separation, indictable offences provided for in articles 650, 651, 658, 666, in the first paragraph of article 667, and articles 670, 671 and 673 of the Lebanese Criminal Law...*"

⁶ W. Ghayad, *op. cit.*, p.82

⁷ T. Ochoa and A. Wistrich, *The Puzzling Purposes of Statutes of Limitation*, <https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1107&context=facpubs>

⁸ Decision No. 210, Lebanese Court of Cassation, 28/4/1983.

The Lebanese legislator established a principle regarding the extinguishment of the personal civil lawsuit, as mentioned in article 133 of the Lebanese Criminal Law and added an exception to it in defamation crimes related to a public figure such as the one of the President of the Republic or the Army or employees of the public administration.

Consequently, if the civil case is extinguished in these exceptional cases, it does not affect the public prosecution and the statute of limitations starts from the day of the occurrence of the criminal act. In this context, the Lebanese Court of Cassation decided the 2nd August 2010 that “*the defamation crime begins from the date of publication of the defamatory statement, thus the statutory limitation starts from that date*”.

Furthermore, according to article 20 LCCP “*banking offences arising from breaches of the Code of Money and Credit may be prosecuted only on the basis of a written request from the Governor of the Central Bank, breaches pertaining to customs duties may be prosecuted only on the basis of a written request from the Director-General of Customs, in cases where the competent administration is entitled to reach a settlement with the defendant, the public prosecution shall lapse if the settlement is reached prior the delivery of a judgment.*”⁹.

Consequently, the public prosecution can be extinguished by the actions of the public administration as it is mentioned in article 20 LCCP and such extinguishment of the public prosecution shall in turn extinguish the time limit related thereto.

b) Expiry of the time limit

The legal concept of time limit is designed as a punishment for those who did not exercise their rights in the specific time recognized for it. It is a way to forget the wrongful act and erase it, and statute of limitations represent the forgiveness of the society. As mentioned above, it is important to differentiate between time limits to prosecute the case and time limits for the enforcement of a court decision: the first is related to the time during which the concerned person should file his case before the court, while the second is related to the time bar in relation to the enforcement of the judgments of the courts.

Time limits vary according to the type of the crimes, each crime has its own specifications and conditions. LCCP mentions in article 10 the time limit for each crime, “*...time limit of ten years in the case of a felony, three years in case of indictable offence, and one year in case of a petty offence*”, clarifying that in case of instantaneous offences the time limit starts to run on the date of their occurrence, whereas in case of continuous offences, the time limit shall begin to run on the date on which the criminal situation comes to an end.

⁹ Lebanese Court of Cassation, Decision of 2/8/2010.

¹⁰ Art 20, Lebanese Code of Criminal Procedure, 2001.

Moreover, it is important to mention in this regard the decision No. 230 of the Lebanese Court of Cassation “*the public prosecution shall be extinguished after ten year from the last procedural act in relation to a felony*”¹¹.

Lebanese authors¹² consider that the statute of limitations does not start running on the day of the criminal act, but on the next day, depending however on the nature of the crime. Indeed, regarding instantaneous crimes (e.g. a murder), the time limit starts from the date of the criminal act. As for the time limit for continuing crimes, it starts from the end of the criminal act, (e.g. in case of deprivation of liberty or kidnapping, the time limit starts to run from the day the hostage is set free). In “habitual crimes”, the time limit starts from the day after the completion of the criminal situation. For forgery crimes, some courts consider that the time limit starts running once the forgery is discovered¹³, see in this regard the Court of Appeal’s decision dated 30/4/1998, while for other courts, such as the Lebanese Court of Cassation in the decision dated 21/1/2010, forgery is an instantaneous crime and the time limit starts from the day of the commission the crime.

The statute of limitations in Lebanon is related to a public order and it can be invoked before the court at any time: many decisions were rendered in this regard such as the decisions No. 53/2002¹⁴, No. 55/2002¹⁵ and No. 67/2002¹⁶ of the Lebanese Court of Cassation, clarifying that the statute of limitations may be invoked at any stage of the trial because it is related to a public order.

4. Interruption and tolling of the time limit

There are several reasons that cause the suspension of the time count. The limitation period is for instance paused as long as a preceding judicial decision is necessary for the criminal prosecution to start. In this section, we shall tackle the interruption of the time limit and the tolling of the time limit.

a) Interruption of the time limit

It is important to tackle the effect of the interruption of the statute of limitations on the offence with regard to all the people involved. Indeed, the time limit for the public prosecution starts from the day of commission of the crime and it is not interrupted except by the legal or judicial proceedings that take place against the perpetrator or anyone involved. Therefore, the effect of

¹¹ Decision No. 230, Lebanese Court of Cassation, dated 30/4/2002.

¹² A. A. Ahwaji, *Lebanese Code of Criminal Procedure*, p.291.

¹³ A. Chamsedine, *Al Moussanaf in criminal matters*, 1998, p. 373.

¹⁴ Decision No. 53, Lebanese Court of Cassation, 28/2/2002.

¹⁵ Decision No. 55, Lebanese Court of Cassation, 28/2/2002.

¹⁶ Decision No. 67, Lebanese Court of Cassation, 12/3/2002.

the interruption is extended to anyone, even if not prosecuted, and even if the case was prosecuted against someone unknown¹⁷.

The effect of the interruption is limited to the specific act that was the object of prosecution or investigation, regardless of the criminal description given to it. For instance, if the act was described as fraud and it was investigated under this description, then the investigation interrupts the time limit even if it becomes evident that the act bears other descriptions such as theft or dishonesty¹⁸. Causes for the interruption of the time limit are:

I. every procedure leading to the public prosecution is considered an act of prosecution and leads to the interruption of the time limit for the public prosecution. For example: the public prosecution's claim before the investigating judge or before the single criminal judge or the public prosecution's request to renew the investigation due to the emergence of new evidence, appeals or appeals judgments, etc. As for the complaint submitted to the prosecution, it does not interrupt the time limit unless it is referred to the judicial authority¹⁹;

II. any procedure of investigation, whether the investigation is in its preliminary stage or in its final stage and is related to the incident covered by the time limit, leads to the interruption of the limitation period on the public prosecution²⁰;

III. the investigation or prosecution work carried out by specialized employees, as recognized in case law and by authors, does not interrupt the time limit, unless it is carried out by officials who are legally entrusted with these tasks, also in case the legal proceedings took place abroad.²¹;

IV. the preparation of an investigation report in a preliminary investigation conducted by the judicial officer is sufficient to interrupt the limitation period. Therefore, if the Public Prosecutor requests the judicial officer to conduct a preliminary investigation into a crime that occurred, and the judicial officer listens to the plaintiff or the defendant or makes an examination or investigation to clarify the circumstances of the crime, then these aspects of the initial investigation constitute a cause to interrupt the time limit²²;

V. renewal of the investigation due to the emergence of new evidence, if requested by the Public Prosecution, interrupts the limitation period;

VI. all appeals and objections, whether issued by the Public Prosecution or the defendant, whether in the form of an objection to a judgment or an appeal

¹⁷ Discrimination, the Sixth Criminal Chamber, No. 150 dated 7/30/1998.

¹⁸ A. Al-Naqib, *Fundamentals of Criminal Trials*, 1993, p. 209.

¹⁹ H. Madi, *Code of Criminal Procedure*, p. 72.

²⁰ H. Madi, *Code of Criminal Procedure*, p.73.

²¹ P. Nasr, *The Principles of Criminal Procedures*, p. 190.

²² A. Al-Naqib, *Principles of Criminal Procedures*, 1993, p.203.

received from the convicted person or the Public Prosecutor, interrupts the limitation period on the public lawsuit²³.

b) Tolling of the time limit

I. Suspensive acts

Suspensive acts are mentioned in article 369 LCCP which states the following cases of suspension of the proceedings, due to the necessity to resolve a preliminary legal matter by the competent court:

- i. *“matters pertaining to immovable property and other real property issues;*
- ii. *matters pertaining to citizenship;*
- iii. *matters pertaining to the personal status except for determination of age;*
- iv. *administrative matters;*
- v. *civil matters which will affect the determination of elements of the alleged offence in case such civil matters were already pending before a civil court before initiating the prosecution;*
- vi. *criminal matters, where the ruling regarding elements of the offence depends on the decision rendered in that regard²⁴”.*

These cases will stop the prosecution proceedings, prevent any judicial decision by the court and suspend the time count until the decision of the concerned court is rendered.

Furthermore, article 10 LCCP provides that the statute of limitations shall be suspended if a case of force majeure makes it impossible to perform any act of prosecution, investigation or trial and it shall be resumed as soon as the impediment is eliminated.

II. Crimes in which the public prosecution office should obtain the prior authorization from the competent body

Lebanese criminal courts have applied the suspension of the statutory limitation whenever the public prosecution encounters an impediment, whether or not of a legal nature.²⁵

Statutory limitation has been therefore deemed suspended in case the prosecution needs the prior authorization of a competent body in order to proceed²⁶, as follows:

a) The parliamentary immunity

The public prosecution office has the main duty to initiate the public prosecution: it may not relinquish or settle in this regard. This authority is

²³ P. Nasr, *The Principles of Criminal Procedures*, p. 192.

²⁴ Art 369, Lebanese Code of Criminal Procedure, 2001.

²⁵ A. A. Ahwaji, *Lebanese code of criminal law procedure*, p. 330.

²⁶ Lebanese Court of Cassation decision No. 308 dated 31/10/1963, quoted by Dr. Samir Alya's Encyclopedia, p. 309.

limited sometimes for a reason related to the title or capacity of the one who committed the criminal act, such as the deputies' immunity.

According to article 39 of the Lebanese Constitution “*no member of the parliament may be prosecuted because of the ideas and opinion expressed during the period of his mandate*”²⁷, this immunity gives the deputies a guarantee that no one is able to file a lawsuit against them based on their ideas and opinions mentioned during their mandate. However, the deputies cannot benefit from this immunity for crimes or criminal acts that are not related to the expression of their own opinion, such as receiving a bribe or a murder.

Moreover, according to article 40 of the Constitution “*no member of the Chamber may, during the sessions, be prosecuted or arrested for a criminal offense without the permission of the Chamber, except when caught in the act*”²⁸. This immunity is a restriction to the judges of the public prosecution preventing them to take any action against deputies of the parliament without the permission of the Chamber, and this permission request addressed to the parliament suspends the statute of limitations.

b) Banking offences arising from breaches of the code of money and credit

Article 20 LCCP mentions that banking offences arising from breaches of the code of money and credit may be prosecuted only by a written request from the Governor of the Central Bank.²⁹

c) Prosecution request to the concerned department

The legislative decree no 112/1959 mentions in article 61 that prosecution against a public servant needs the prior approval of the concerned department.

d) Lawyers' immunity

The law regulating the profession of lawyers mentions in article 79 states that “*no proceeding can be undertaken against a lawyer for an action resulting from the practice of his profession or in the course of it save by the council of the Bar authorizing the proceedings and the council of the Bar shall assess whether the action resulted from the practice of the profession or occurred in the course of it*”³⁰.

5. Statute of limitation and international crimes

²⁷ Art 39, Lebanese Constitution, 1990.

²⁸ Art 40, Lebanese Constitution, 1990.

²⁹ Article 20, Lebanese Code of Criminal Procedure.

³⁰ Law regulating the profession of lawyers (amended by law no 18/78 dated 18/12/1978).

Lebanon is one of the 51 founding members of the United Nations and the Preamble of the Lebanese Constitution in section “C” establishes Lebanon as a parliamentary democratic republic.

International treaties are ratified by the Lebanese parliament to become part of the legal system and according to article 2 of the Civil Procedure Law “*treaties are superior to national parliamentary laws, nevertheless, this principle of superiority of international treaties requires the fulfillment of two conditions:*

- 1) *International treaty must be ratified (...)*
- 2) *The principle of reciprocity must be respected.³¹”*

Lebanon has ratified several treaties related to international crimes, particularly the Convention on the Prevention and Punishment of Genocide of 1948 and the Convention Against Torture of 1984. These conventions became part of the Lebanese legal system and the courts must apply them.

All crimes in Lebanon are subject to a time limit for their prosecution except crimes under the Military Tribunal Law, regulated by the Military Law No. 24 dated 13 of April 1968.

Pursuant to article 5 of the abovementioned law “*the Military Tribunal in Lebanon is an exceptional court that has wide authorities, there is a Military Cassation court located in Beirut, composed of 4 officers³²”*. Moreover, according to article 115 of Military Law, the crimes of escaping into an enemy country in war time suspends the time limit of the public prosecution.

In a recent decision, the Military Tribunal in Lebanon released Mr. Amer Fakhoury who was the supervisor of the prison of Khiam in South Lebanon, where inmates were routinely tortured and held outside any legal framework. Mr. Fakhoury was released by order of the Military Tribunal under the decision No. 515/2020, which considered that his case must be dropped after 20 years from the criminal act³³. The public prosecutor at the Court of Cassation appealed against the decision of the Military Tribunal and ordered to arrest Mr. Fakhoury.

The Military Tribunal’s decision was based on the fact that Lebanon did not ratify the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968, which mentions in article 1 that “*no statutory limitation shall apply to the following crimes, irrespective of the date of their commission:*

- (a) *War crimes;*

³¹ Art 2, Lebanese Civil Procedure Law, 1983.

³² Article 5 of the Military Law No. 24/1968.

³³ Decision No. 515/2020, the Military Tribunal.

(b) *Crimes against humanity whether committed in time of war or in time of peace*³⁴.

6. Criminal rules regarding statute of limitations

In order to determine the statute of limitations, the type of crime should be qualified according to article 179 of the Lebanese Criminal Law which provides: “*The legal qualification is determined by the maximum level of the heaviest penalty imposed by law*³⁵”.

Consequently, legal qualification of the crime is on a case- by- case basis and it is determined by the maximum level of the heaviest penalty, as per the Lebanese Court of Cassation’s decision No. 168/1996³⁶.

Some of the salient examples under Lebanese law in this regard are:

a. The statute of limitations applicable to the crime of preventing the drawee from paying the value of the cheque. Regarding the crime of preventing the drawee from paying the value of the cheque, it is considered to have occurred at the time when the prohibition to pay reaches the drawee's knowledge. If the cheque’s drawer issues an order to the drawee not to pay verbally, even by telephone, then the crime is fulfilled on the date of issuance of the order. Indeed, this date is the same as the date on which the order reached the drawee’s knowledge, and from which runs the calculation of the period necessary for the public action to lapse³⁷.

b. The drawer issues an order not to pay after 3 years of drawing the cheque. If the cheque’s drawer has made a provision, the beneficiary does not come forward to collect the value of the cheque from the drawee for a period of three years, and the drawer issues an order to the bank not to pay, then he has committed a new crime, which is the third criminal form mentioned in article 666 of the Lebanese Criminal Law³⁸. The Court of Cassation decided that the prescription period shall begin to run on the date of placing the cheque into circulation.³⁹

c. The statute of limitations for the breach of trust (crimes of dishonesty). It is decided that the time limit for breach of trust runs from the date the entrusted asset is disposed of/embezzled, and if this date is fixed and evidenced, it is considered as the beginning of the statute of limitations. But if the evidence of the embezzlement was revealed by sending a notice, which

³⁴ Art 1, The Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 1968.

³⁵ Art 179, Lebanese Criminal Law, 1943.

³⁶ Decision No 168, Lebanese Court of Cassation, 8/10/1996.

³⁷ H. Hamdan, *Cheque Crimes*, p. 289.

³⁸ G. Silwan, *Cheque Crimes*, 1982, p.72.

³⁹ Court of Cassation, Decision dated 16/2/2010.

remained unanswered, then the time limit will start to run from the date of the notice, because such notice will establish the defendant's refusal to return what he had received or the impossibility of returning it given that it was disposed, destroyed or embezzled.

If the breach of trust occurs with sequential acts by the one entrusted with managing or preserving the money delivered to him, then the time limit begins from the date of the last act⁴⁰.

As mentioned in the decision of the Lebanese Court of Cassation dated 2/11/2010, since the crime of breach of trust starts from the day of notification, thus the statutory limitation on such crime starts from the day of notification to the defendant⁴¹.

d. The statute of limitations in press offences. The time limit for such offences begins from the day of publication, because on this day the offence materializes and it is not deemed renewed by the re-offering for sale or publication⁴².

e. The time limit in the crime of slander. The beginning of the time limit shall be from the date of the occurrence of the false complaint or false news, and not from the date on which the false complaint or news is proven⁴³.

f. The commencement of the statute of limitations in the crime of forgery. As mentioned above, there are two different opinions in this regard: one says that the time limit begins from the date the forgery was effectively committed and the second opinion considers that it starts when the forgery or the suspicion of forgery is revealed. In fact, a period of time may elapse between the occurrence of the forgery and its confirmation. It is the second opinion that naturally prevails, because it is not easy for the average person to verify that the forgery has occurred, especially if the counterfeiter is skilled and has been able to conceal his act for a long time. Indeed, it will be unfair to reward him for his skill in his criminal activity and for his attempt to hide the features of his crime by letting the time limit run in his favor, simply because the plaintiff was not aware of his elaborate forgery and he did not discover it until the expiry of the time limit from its occurrence or the last time the defendant used the forged document⁴⁴. This opinion is confirmed by many decisions of the Court of Cassation, such as decisions No. 462/2002⁴⁵ and No. 52/2000⁴⁶.

⁴⁰ A. Al-Naqib, *Fundamentals of Criminal Trials*, 1993, p.197.

⁴¹ Lebanese Court of Cassation, decision dated 2/11/2010.

⁴² A. Al-Naqib, *Fundamentals of Criminal Trials*, 1993, p1.

⁴³ A. Al-Naqib, *Fundamentals of Criminal Trials*, 1993, p.199.

⁴⁴ A. Al-Naqib, *Fundamentals of Criminal Trials*, 1993, p. 200.

⁴⁵ Decision No. 462, Lebanese Court of Cassation, 27/11/2002.

⁴⁶ Decision No. 52, Lebanese Court of Cassation, 2/3/2000.

g. Corporate financial crimes. According to article 253 of the Lebanese Commercial Law as amended in 2019 by the Law No. 126: “*are punished by imprisonment (3 months to 3 years) and/or penalty (25-50 times the legal minimum wage), the chairman, board members, directors and external auditors who intentionally publish false financial statements. External auditors are punished similarly if they intentionally hide said violations from their reports. The statute of limitations is of 3 years for the above violations, from the date of their occurrence if they are apparent or their discovery if they were hidden*”⁴⁷. Since this article 253 is recent, one can well notice that it took into consideration the previous controversy in relation to the starting date of the time limit for hidden crimes (as described in the preceding paragraph (f)) by explicitly clarifying that the statute of limitations starts from the date of the discovery of the violation if it was hidden.

7. Conclusions

After examining the statutory limitations in the Lebanese legal system, it is important to draw a few conclusions.

The statutory limitations are considered a legal system by themselves⁴⁸. This article has clarified the maximum period to prosecute a crime, emphasizing that the statute of limitations is related to the public order and can be invoked at all the stages of the trial.

Moreover, the statute of limitations represents the right for the defendant not to be punished by actions committed in the distant past; however, it also protects the society’s interest by suspending the time limit in certain circumstances described above.

Under Lebanese law, there are several suspension cases for statutory limitations, since there are several crimes in which the public prosecution office should obtain the prior consent from specific authorities and this matter is recently under the spotlights in Lebanon in light of the numerous requests addressed to the authorities to lift immunities to prosecute individuals implicated in the Beirut Port explosion of 4 August 2020.

The Lebanese criminal procedure law of 1948 included several issues and ambiguous texts, and as a result, on August 7th 2001, the new criminal law of procedure created a revolution in this matter by simplifying and clarifying many of these issues.

Since Lebanon considers that the treaties are superior to the domestic laws, we believe that it is time for Lebanon to ratify the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity of 1968, and the Lebanese Parliament can add a text that eliminates

⁴⁷ Art 253, Lebanese Commercial Law as amended by law no. 126/2019.

⁴⁸ W. Ghayad, *Lectures in the Lebanese code of criminal procedure*, legallaw.ul.edu.lb

statutory limitations regarding war crimes, in order to prevent cases similar to Amer Fakhoury's who was released as a result of the mentioned reason and under political pressure.

Although the statute of limitations is a way to forget the wrongful act, it is also a punishment for those who did not exercise their rights within the time limit set for it. That being said, articles 7 and 8 of the French code of criminal procedure were amended and the statute of limitations for the prosecution of crimes (felonies) is now twenty years (as opposed to ten years previously) while the statute of limitations for misdemeanors is now six years (as opposed to three years previously), hence, it is important to adopt similar amendments in Lebanon in order to extend the statutory limitations and hence prevent crimes and protect the public order by sanctioning perpetrators.

Dr. Aline Tanielian, Saint-Joseph University (Eptalex Aziz Torbey Law Firm, Beirut)
Rebecca Harb (Eptalex Aziz Torbey Law Firm, Beirut)
Lorenzo Mulazzi (Eptalex Garzia Gasperi & Partners, Milan)

