

## ANNEX B

### Index of Material on Torture in Lebanon from 1993 - 2009

Annex B is a list compiling key reports which refer to cases or methods of torture in Lebanon. Sources include the United Nations Human Rights Committee, United Nations Human Rights Council, Special Rapporteur on Torture and Working Group on Arbitrary Detention, Amnesty International, Human Rights Watch, Pax Christi, *Alkarama* communications, local NGOs (ALEF) Liban, SOLIDA and Foundation for Human and Humanitarian Rights (Lebanon)) and the United States of America Department of State, Bureau of Democracy.

#### 1. United Nations documents

##### *Special Rapporteur on Torture*

- a) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 1995 (E/CN.4/1995/34) - relevant excerpts, p.89.
- b) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 1999 (E/CN.4/1999/61) - relevant excerpts, pp 96-97.
- c) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 2000 (E/CN.4/2000/9) - relevant excerpts: pp 141-142.
- d) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 2001 (E/CN.4/2001/66) - relevant excerpts: p.138.
- e) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 14 March 2002 (E/CN.4/2002/76/Add.1) - relevant excerpts: pp 164-170.
- f) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 27 February 2003 (E/CN.4/2003/68/Add.1) - relevant excerpts: pp 170-173.
- g) Commission on Human Rights, 60<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 23 March 2004 (E/CN.4/2004/56/Add.1) - relevant excerpts: pp 188-191.
- h) Commission on Human Rights, 62<sup>nd</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the*

*cases transmitted to Governments and replies received'*, 21 March 2006 (E/CN.4/2006/Add.1) - relevant excerpts: pp 120-121.

- i) Human Rights Council, 7<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received'*", 19 February 2008 (E/HRC/7/3/Add.1) - relevant excerpts: pp 154-161.

#### ***Working Group on Arbitrary Detention***

- j) Working Group on Arbitrary Detention, Human Rights Council 7<sup>th</sup> session, *Opinions adopted by the Working Group on Arbitrary Detention*, 16 January 2008, (A/HRC/7/4/Add.1) - relevant excerpts: pgs. 1-2, 81-84)
- k) Working Group on Arbitrary Detention, Human Rights Council, 7<sup>th</sup> session, *Opinions adopted by the Working Group on Arbitrary Detention*, 2 February 2007, (A/HRC/4/40/Add.1), - relevant excerpts: pgs. 1-3, 82-86)

#### ***Human Rights Committee***

- l) Human Rights Committee, 79<sup>th</sup> Session, Concluding Observations of the Human Rights Committee: Lebanon, 5 May 1997 (CCPR/C/79/Add.78).

## **2. Key Human Rights Reports on the practice of torture in Lebanon from 1993 - 2008**

- a) L'Association Libanaise pour l'Education et la Formation (ALEF), "*Lebanon : The Painful Whereabouts of Detention*" (February 2008) and ALEF annual report, *The Human Rights practises in Lebanon – 2002*, 2002 (relevant excerpts p.1, 7-10).
- b) SOLIDA, Lebanese Center for Human Rights, "*Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners*", Paris, France, 5 October 2006.
- c) Foundation for Human and Humanitarian Rights (Lebanon), "*The state of Human Rights in Lebanon*" (2005).
- d) Amnesty International, "*Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of acquiescence*" 22 August 2001 (MDE18/009/2001).
- e) Amnesty International, "*Lebanon: Amnesty International reiterates its concerns on the situation of refugees and asylum-seekers*", 3 May 2002 (MDE 18/005/2002).
- f) Amnesty International, "*Lebanon: Torture and unfair trial of the Dhinniyyah detainees*", May 2003, (MDE 18/005/2003).
- g) Amnesty International, "*Lebanon: Samir Gea'Gea' and Jirjis al-Khoury: Torture and unfair trial*", (2004) (MDE 18/003/2004).
- h) Human Rights Watch, Lebanese Centre for Human Rights (SOLIDA), joint statement: "*Lebanon: Investigate Torture Allegations at the Ministry of Defense*", Beirut, 11 May 2007.
- i) Human Rights Watch, Euro-Mediterranean Human Rights Network, FIDH, OMCT, "Joint letter on the Occasion of the Association Council Between the EU and Lebanon, 19 February 2008," 14 February 2008.
- j) Open Letter to the Lebanese Government From Rights Groups inquiring about Lebanese Prison Conditions, issued by Restart Centre for Rehabilitation of

victims of violence and torture, Association Libanaise our l'Education et la Formation (ALEF), Human Rights Watch, *Alkarama for Human Rights*, Centre Libanais des Droits de l'Homme, Khiam Rehabilitation Center, Frontiers (Ruwad) dated 7 October 2008.

- k) Pax Christi International, "Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organisation in special consultative status," to the UN Human Rights Council, "On Torture in Lebanon, " 25 August 2008, (A/HRC/9/NGO/54).

### **3. Supplementary material on the practice of torture in Lebanon from 1993 - 2008**

#### ***General/Annual Reports***

- a) Amnesty International, "*Annual reports from 1995 - 2009*"
- b) US Department of State, Bureau of Democracy, Human Rights, and Labour "Lebanon. Country reports on Human Rights Practices". From 1999 - 2008 (relevant excerpts: Respect for human rights, (c) Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment).

### **4. Correspondence from Alkarama to the United Nations and Lebanese Government regarding the practice of torture**

- a) *Alkarama for Human Rights*, website communique concerning communication to the Special Rapporteur on Torture, *Lebanon : Torture, mistreatment and prosecution of civilians before Military Courts, 4 September 2007*.
- b) *Alkarama for Human Rights*, website communique concerning communication to the Special Rapporteur on Torture, *Lebanon : Torture, mistreatment and prosecution of civilians before Military Courts, 13 September 2007*.
- c) *Alkarama for Human Rights*, website communique concerning communication to the Special Rapporteur on Torture, *Lebanon: Torture, ill-treatment and prosecution of civilians before military courts, 17 October 2008*
- d) *Alkarama for Human Rights*, website communique concerning communication to the Special Rapporteur on Torture, *Additional information regarding our communication of 12 September 2007 on Mr. Ghassan Sulayman al Sulaiby and eight others (Lebanon), 21 October 2008*
- f) *Alkarama for Human Rights*, Letter to the Special Rapporteur on Torture, *Lebanon : Torture and inhuman and degrading treatment of "Group of 13"* , 19 January 2009
- g) *Alkarama for Human Rights*, website communique concerning communication to the Special Rapporteur on Torture, *Torture, mauvais traitement et detention au secret de M. Fadi Sabunah pendant 35 jours (Liban), 26 January 2009*
- h) *Alkarama for Human Rights*, website communique concerning communication to the Special Rapporteur on Torture, Re: Torture and inhuman and degrading treatment of Mr Najji Hamdan, a US citizen of Lebanese origin (United Arab Emirates and United States of America), 28 January 2009.

**1. United Nations documents**

- a) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, *"Summary of the cases transmitted to Governments and replies received"*, 1995 (E/CN.4/1995/34) - relevant excerpts.p.89.



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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM  
OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER  
CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted  
pursuant to Commission on Human Rights resolution 1992/32

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station. Vitaly Rakitin was also said to have had a gas mask placed over his face with the air supply shut off to prevent him breathing freely. Vitaly Rakitin and Dmitry Frolov, who subsequently withdrew their confessions, were conditionally released pending trial but at the end of April Valery Fyodorov was still in detention. The Ministry of Internal Affairs was reportedly investigating the allegations of ill-treatment.

#### Lebanon

##### Urgent appeals

464. The Special Rapporteur made four urgent appeals to the Government on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

465. Georges Habib Haddad was reportedly arrested on 23 December 1993 at his workplace in the Ministry of Housing in Beirut by armed men in civilian clothes who produced no warrant. He was allegedly detained for 37 days, mostly in solitary confinement, and subjected to torture, resulting in his suffering a broken arm and several other injuries. No medical treatment reportedly was being provided to him (8 March 1994).

466. Fouad Malek, a retired officer and leader of the Lebanese Forces Party, was reportedly arrested in Beirut on 23 March 1994 and charged with financing and organizing a bomb attack on Notre Dame de la Délivrance Church at Youk Mikhael on 20 February 1994. He was being held incommunicado at the Ministry of Defence in Beirut, where according to his lawyer he had been subjected to torture or ill-treatment (7 April 1994).

467. About 20 members of the Lebanese Forces, a political party banned by the Government, were reportedly arrested and held for interrogation in the Ministry of Defence in Yarzeh, some of them in connection with the aforementioned church bombing. Fouad Malek, the subject of the 7 April urgent appeal, was allegedly kept in a very small cell where he could only stand and was subjected to sleep deprivation. Dr. Samir Geagea, the head of the Lebanese Forces political party, was also detained. Fawzi al-Rasi reportedly died in custody on 22 April and Hanna 'Atiq was said to be in intensive care in hospital after spending two weeks under interrogation in the Ministry of Defence. Fears were expressed that they as well as the other detainees had been tortured and that they were at continued risk of torture (28 April 1994).

468. Dr. Samir Geagea, a subject of the 28 April appeal, was arrested around 20 April 1994 and taken to the Ministry of Defence in Beirut for interrogation. When presented before a judge on 24 and 29 April, he reportedly showed signs of exhaustion and loss of weight. He had not been examined by a doctor (13 May 1994).



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TORTURE AND DETENTION

Report of the Special Rapporteur, Sir Nigel S. Rodley, submitted  
pursuant to Commission on Human Rights resolution 1998/38

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in the Jalal-Abad temporary detention centre. These detainees were allegedly being subjected to physical and psychological pressure to coerce them to confess. The detainees are usually fed only once a day and on some occasions have been kept without food the entire day. They are also believed to be held incommunicado in severely overcrowded cells which contain no facilities enabling inmates to observe basic rules of personal hygiene. The cells reportedly lack proper ventilation and the inmates are not allowed to leave the cells to get fresh air.

#### Lao People's Democratic Republic

##### Urgent appeals and replies received

440. On 20 October 1998, the Special Rapporteur sent an urgent appeal on behalf of Latsami Khamphoui and Feng Sakchittaphong, two former government officials who had advocated peaceful political and economic changes in Laos. They were reportedly detained in October 1990 and sentenced to 14 years' imprisonment after an alleged unfair trial in 1992 on several charges, including "propaganda against the Lao People's Democratic Republic". They are both believed to be suffering from serious health problems, for which it appears they have not been provided with adequate medical care. Feng Sakchittaphong reportedly stays lying down, while Latsami Khamphoui is reportedly very weak and has lost a lot of weight. The two above-named persons are reportedly detained in extremely harsh conditions at Prison Camp 7 in a remote area of Houa Phan province, where it is believed there are no medical facilities. In mid-February 1998 one of their friends, Thongsouk Saysangkhi who had been arrested at the same time and in the same circumstances, reportedly died from complications related to diabetes. By letter dated 17 November 1998, the Government responded by indicating that the concerned authorities had provided due care to these individuals while in custody. A permanent medical attendant was appointed to look after their well-being. It further stated that Thongsouk Saysangkhi had regularly been treated for diabetes, but confirmed that he died in February 1998. Concerning the two other prisoners, the authorities concerned had confirmed in October 1998 that they were in good health and were receiving appropriate treatment.

#### Lebanon

##### Regular communications and replies received

441. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

442. Antoinette Yusuf Chahin was reportedly arrested and detained on 9 June 1994 on the alleged accusation that she was involved in the murder of Father Sam'am Boutros al-Khoury on 11 May 1994 in Ajeltoun. She was reportedly kept in solitary confinement for the first month of her detention, during which period she was allegedly tortured by security officers in order to compel her to confess her guilt. A medical report issued one week after her arrest reportedly established that she had bruises on her arms, apparently where she had been suspended from the ceiling, as well as a large bruise on her feet and ankles as a result of a blow from a solid object, and that her feet were swollen from being scalded in hot water. Further, she reported internal bleeding in her uterus as a result of being beaten while suspended from her arms. The forensic report on Antoinette Chahin was reportedly

submitted to an investigating judge on 20 June 1994. On 7 January 1997 she was reportedly sentenced to death, commuted to life imprisonment with hard labour, for participating in the crime. In February 1997, a public prosecutor reportedly issued a press release mentioning that the security officers had denied under oath that the defendant had been tortured. The allegations of ill-treatment have nevertheless not been independently, impartially and publicly investigated. She is reportedly currently detained in the women's prison of Baabda and to have been transferred to hospital several times during her detention.

443. Tareq al-Hassaniyah reportedly died in Beit al-Din prison in March 1994, allegedly from injuries he had sustained when his head was beaten against a wall. Up to seven members of the security forces were reportedly arrested in connection with his death. The results of the investigation into this case are not known.

444. Munir Mtanios reportedly died in custody in February 1996, allegedly as a result of torture. An investigation is said to have been launched into this case, but the outcome was never made public.

#### Urgent appeals and replies received

445. On 17 December 1997, the Special Rapporteur sent an urgent appeal on behalf of a group of demonstrators who were reportedly arrested by Lebanese security forces in East Beirut on 14 December 1997 in front of the MTV television station. Among those arrested are said to be the following persons: Hikmat Dib, Georges Haddad, Tony Harb, Dani Aoun, Rabi' Trabulsi, Patrick Khouri, Wadi' Chukaib Ghurtubawi, Georges 'Attallah, Toni Munayber, Shafiq Sassin, Wasim Sa'b, Toni 'Attiq, Ziyad 'Absi, Elias Nimr Haddad, Elane Germani, Pierre Hayek, George Soma, Rita Kirouz, Bassam Latif, Nazar Khouri, Gilber Chahine, Rahi Sam'an, Michel Kirouz, Husam 'Unaysi. They, and many others, were reportedly protesting against the Government's decision to ban a live MTV interview with former Lebanese army commander General Michel 'Aoun. The police and security forces are said to have used excessive force against the demonstrators, including the use of batons, tear gas and water canons. Several demonstrators reportedly suffered injuries. Some of the protestors were reportedly detained in al-Hulu barracks prison in Beirut.

#### Lesotho

#### Regular communications and replies received

446. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on Rekselisitsoe Nonyana, who was reportedly arrested on 5 March 1998 and held without charge until his release on 9 March. During the time he spent in police custody he was allegedly denied food and when he complained of being hungry police officers slapped him, kicked him and beat him in the stomach with batons. By letter dated 14 November 1998, the Government indicated that he was neither tortured, nor denied food while in detention.

**1 United Nations documents**

- c) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "Summary of the cases transmitted to Governments and replies received", 2000 (E/CN.4/2000/9) - relevant excerpts: pp 141-142



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CIVIL AND POLITICAL RIGHTS INCLUDING QUESTIONS OF TORTURE AND DETENTION

Report of the Special Rapporteur, Sir Nigel Rodley,  
submitted pursuant to Commission on Human  
Rights resolution 1999/32\*

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\* Communications received from Governments between 15 December 1999 and 15 February 2000 regarding allegations transmitted by the Special Rapporteur in 1999 will be reflected in document E/CN.4/2000/CRP.2.

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717. The Special Rapporteur draws attention to and shares the concerns of the Committee against Torture, in its conclusions and recommendations on its review of the country's periodic report under the Convention against Torture, in respect of "the numerous and continuing reports of torture ... and other cruel, inhuman, or degrading treatment or punishment (sometimes including children) by law enforcement personnel" (CAT/C/23/6, para. 5).

Lao People's Democratic Republic

Regular communications and replies received

718. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information on the following case.

719. Khamtanh Phousy, an army captain, has reportedly been detained in a number of prisons since March 1996, in particular in the C-156 prison in Xieng Khouang, in Sam Neua in Houa Phan province, and in Prison Camp No. 7 at Ban Sophao, where guards reportedly told other prisoners not to speak with him. He allegedly had his legs chained together and was locked for 20 days into a wooden stock, so that he could not stand, walk, bathe, eat or use the toilet. He was reportedly released when prisoners broke his chains. Following an escape attempt, his legs were allegedly chained together, and he was reportedly placed in an iron stock.

Lebanon

Urgent appeals and replies received

720. On 26 february 1999, the Special Rapporteur sent an urgent appeal on behalf of Mahmud Ahmad Jallul, a cameraman for the official Lebanese television station, Tele-Liban. He had reportedly been detained incommunicado since 11 February 1999 when he was arrested. At the time of his arrest, he was allegedly beaten and bundled into a car by five unidentified plain-clothes men who showed no arrest warrant. Government sources reportedly confirmed that he was being held by the Lebanese authorities on charges of "collaboration with Israel" and spying for Mossad, the Israeli secret service. Furthermore, he was said to be suffering from high cholesterol and to require regular medication.

Follow-up to previously transmitted communications

721. By letter dated 7 December 1998, the Government responded to a communication sent by the Special Rapporteur on 3 September 1998 (see E/CN.4/1999/61, paras. 441-444). It indicated that the courts diligently safeguard human rights and are extremely eager to ensure that no right is violated.

722. Concerning Antoinette Yusuf Chahin, the Government indicated that the security officers who had allegedly tortured her while she was questioned had denied in court, after taking the oath, that she had been subjected to any form of torture. A medical examination requested by the first examining magistrate is said to have found no anomaly attributable to torture.

723. Concerning the death of Munir Mtanios, the Government indicated that medical reports clearly showed that he had died as a result of a severe heart attack. His body had showed no trace of violence or assault.

724. Concerning the death of Tareq al-Hassaniyah, the Government indicated that during his detention at the Beit ed-Din police station, he beat his head against the walls and iron door of his cell after being found to have committed a number of thefts. According to the Government, this caused a haemorrhage in his head, as a result of which he rapidly died before the staff of the police station could transfer him to the hospital. An investigation confirmed that his death was not caused by torture.

#### Malaysia

##### Regular communications and replies received

725. By letter dated 29 November 1999, the Special Rapporteur advised the Government that he had received information on the two following cases.

726. Dr. Munawar Anees was reportedly arrested on 14 September 1998 under the Internal Security Act (ISA) and was allegedly subjected to severe physical and psychological pressure during incommunicado detention to confess to sexual acts with Anwar Ibrahim on behalf of whom the Special Rapporteur intervened in October 1998 (see E/CN.4/1999/61, para. 458). On 19 September 1998, he was reportedly convicted of "unnatural offences" under section 377D of the Penal Code, after he pleaded guilty. He later reportedly appealed his conviction and sentence, claiming that his confession had been coerced. During his prolonged interrogation, he was shaved bald, verbally insulted and threatened, stripped naked and forced to mimic homosexual acts. He was allegedly held in a tiny windowless cell and deprived of sleep.

727. Sukma Darmawan, the adopted son of Anwar Ibrahim's father, was reportedly arrested on 6 September 1998 and was held in incommunicado detention for 15 days. On 19 September 1998, he was also convicted after he pleaded guilty to "having allowed himself to be sodomized by Anwar Ibrahim". He was then reportedly transferred to Bukit Aman federal police headquarters where he was detained incommunicado. During his prolonged interrogation by police in order to make him confess, he was allegedly subjected to severe psychological and physical pressure, including being stripped naked in a cold room, humiliated, struck, and threatened with indefinite detention under the Internal Security Act (ISA). Police are said to have humiliated him by making him stand naked and by groping his genitals and pinching his nipples while taunting him with humiliating words. He was allegedly placed in a small, damp and cold cell. In May 1999, the High Court is said to have dismissed his appeal against his conviction and sentence, stating that there was no miscarriage of justice because he had admitted to the facts. He reportedly appealed the ruling.

##### Urgent appeals and replies received

728. On 24 February 1999, the Special Rapporteur sent an urgent appeal on behalf of Shaharudin Abdul Kadir. He had reportedly been detained incommunicado under the ISA at his home in the early hours of 19 February 1999. He had reportedly been detained under suspicion of association with the Reformasi movement for social and political reform in Malaysia. By letter dated 19 March 1999, the Government replied that he had been arrested on suspicion that he was

UNITED  
NATIONS

**1 United Nations documents**

- d) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 2001 (E/CN.4/2001/66) - relevant excerpts: p.138

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COMMISSION ON HUMAN RIGHTS  
Fifty-seventh session  
Item 11 (a) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS INCLUDING THE QUESTIONS  
OF TORTURE AND DETENTION**

**Report of the Special Rapporteur, Sir Nigel Rodley, submitted  
pursuant to Commission on Human Rights resolution 2000/43\***

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\* The executive summary of this report is being circulated in all official languages. The report itself is contained in the annex to the executive summary and is being issued in the languages of submission only.

695. By letter dated 31 May 2000, the Government responded that there was no demonstration on 26 October 1999, but a celebration of the Boat Racing Festival. The Lao authorities arrested on that day a group of about 10 people, mostly unemployed, who were paid from abroad to distribute leaflets against the Government and raise the flag of the former Lao regime. These acts breached the Lao Penal Code by undermining national security. These persons are awaiting trial. The timely arrest was fully in line with the government policy to transform the Lao PDR into a State where the rule of law prevailed.

696. On 9 June 2000, the Special Rapporteur sent an urgent appeal on behalf of **a number of persons** who were said to have been arrested since March 2000 following six bomb attacks, all but one in Vientiane. They were all said to be detained incommunicado.

### Lebanon

#### Urgent appeals

697. On 17 November 2000, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights of migrants on behalf of the following Sudanese asylum seekers, **Trabun Ibrahim Laku**, **Gilbert Kwagy**, **Adam Abu Bakr Adam** and **Salah Muhammad 'Abdallah**, who were reportedly held incommunicado at Furn al-Shibak General Security detention centre in Beirut, as well as about 200 Sudanese and Iraqi asylum seekers/migrants held in the same and other detention centres around the country on charges of entering the country illegally. They were allegedly tortured in order to force them to abandon their asylum applications and leave the country. **Gilbert Kwagy** is believed to have sustained a broken arm. **'Awadalla Jum'a Jarkum**, a Sudanese asylum-seeker, was reportedly detained by the Lebanese security forces on 9 October 2000 and to have initially been detained at the Furn al-Shibak General Security detention centre in Beirut, before having been transferred to Rumieh prison in Beirut. He reportedly died in Rumieh prison on 3 November 2000. No autopsy is said to have been carried out. **Trabun Ibrahim Laku** was reportedly arrested on 19 April 2000, although he lodged an asylum application with the Office of the United Nations High Commissioner for Refugees. He was reportedly sentenced to three months' imprisonment by a court for illegally entering Lebanon. He was reportedly transferred from 'Alya Prison to Furn al-Shibak General Security detention centre. When he failed to produce his passport he was reportedly beaten with batons. As a result, he is said to be partially paralysed, to be suffering from severe back pain, with a fracture to the lumbar region of the spine, and is reportedly incontinent. On 14 October 2000, after a further two months of incommunicado detention, he was reportedly released and admitted to Al-Karantina hospital. No investigation into his torture allegations is said to have been carried out.

### Libyan Arab Jamahiriya

698. By letter dated 8 November 2000, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no reply had been received.

**1 United Nations documents**

e) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 14 March 2002 (E/CN.4/2002/76/Add.1) - relevant excerpts: pp 164-170.

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### **Urgent appeals**

891. On 18 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Adymamat Kadyrbekov**, a member of the KCHR, who had reportedly been arrested by members of the Governmental Auto Inspection in Jajal-Abad on 12 June 2001. It is alleged that when he showed his KCHR membership card, one of the militiamen said that he was “sick of all these law defenders”, handcuffed Mr. Kadyrbekov and put him into a car, where he is believed to have been beaten. He was reportedly transferred to the City Department of Internal Affairs and the investigator is said to have opened a criminal case against him for “use of violence in resisting public officials”, for which he could risk up to five years’ imprisonment. He was reportedly released, but he allegedly remains under control of the militia. KCHR members are subjected to permanent acts of harassment in their daily activities.

### **Lebanon**

892. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a informé le Gouvernement qu’il avait reçu des renseignements sur les conditions de détention dans les lieux sous responsabilité policière. Lorsqu’une personne serait détenue sous la responsabilité de la police judiciaire (Dabita al’adliyya), qui est composée d’agents judiciaires travaillant avec la police et la gendarmerie, elle serait complètement dépourvue de son droit à un avocat, à sa famille ou à un médecin. De fait, d’après la loi, il n’existerait pas d’obligation pour la Dabita al’adliyya, le bureau du Procureur (Niyaba), ou la police, garantissant que toute personne détenue soit examinée par un médecin. Il n’y aurait pas non plus de disposition stipulant que la famille du détenu soit informée des faits et lieux de la détention. Par ailleurs, le Code de procédure criminelle (CPC) ne prévoit pas que la personne accusée ait immédiatement accès à son avocat lors de l’arrestation. Le Rapporteur spécial a été informé de l’absence d’une disposition légale qui indiquerait le temps limite durant lequel une personne peut être détenue en détention préventive. Le magistrat compétent dans l’affaire aurait le pouvoir de renouveler la période de détention indéfiniment. De plus, ce magistrat n’aurait pas l’obligation d’ouvrir une enquête lorsque des allégations de torture seraient formulées. Il n’aurait par ailleurs aucune obligation d’ordonner un examen médical dans ces cas-là. Aucun recours contre de telles décisions du magistrat en charge du dossier n’existerait.

893. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur spécial sur la violence contre les femmes, ses causes et ses conséquences, le Rapporteur spécial a informé le Gouvernement qu’il avait reçu des renseignements selon lesquels, lors de leur arrestation et détention, les femmes souffriraient de discriminations particulières dues à leur statut de femmes et seraient souvent soumises aux tortures et autres formes de mauvais traitements, dont les viols et autres abus sexuels. Ces derniers seraient en particulier dus au fait que les membres des forces de l’ordre, en particulier de la police, seraient majoritairement des hommes qui, de plus, n’auraient reçu aucune formation spécifique dans ce domaine. Les femmes accusées d’avoir commis des crimes seraient abandonnées par leur famille, ce qui les rendraient encore plus vulnérables à l’égard des forces de l’ordre. Cela signifierait aussi qu’un certain nombre d’entre elles n’auraient plus alors les moyens financiers nécessaires pour se garantir une aide juridique.

894. Les principales formes de mauvais traitements subis par les femmes seraient les suivantes: viols et tentatives de viols, insertion de divers objets dans le corps, coups et brûlures sur des parties sensibles du corps, mise à nu forcée et dévoilement des parties intimes, et utilisation d'insultes à caractère sexuel. Les gardes masculins envahiraient l'intimité des cellules des femmes de manière arbitraire et les priveraient d'accès aux toilettes qui leur sont spécifiquement destinées. Certaines femmes auraient aussi été obligées d'être les témoins des tortures endurées par des membres de leur famille.

895. Le Rapporteur spécial a transmis des renseignements selon lesquels les conditions de détention dans les prisons pour femmes situées à Ba'abda, Tripoli, Zhale dans la Bequ'a, et à Barbar al-Khazen, à Beirut, seraient cruelles, inhumaines et dégradantes. Les prisonnières de droit commun représenteraient près de 4,7 % de la population carcérale. Dans ces prisons, un nombre important de détenues seraient malades et ne recevraient pas l'attention médicale dont elles auraient besoin. Elles seraient maintenues, comme les autres détenues, dans des conditions inadéquates, en particulier en ce qui concerne l'hygiène, les installations sanitaires et la ventilation. Les dortoirs seraient surpeuplés et humides, ce qui leur ferait courir de sérieux risques pour leur santé. Les dortoirs seraient par ailleurs infestés d'insectes. En outre, les détenues n'auraient pas de lit et dormiraient à même le sol, utilisant des matelas en mousse. Les détenues seraient la plupart du temps enfermées dans leurs cellules et n'auraient pratiquement pas accès à de l'air frais, ni l'opportunité de faire des exercices physiques. D'après les informations reçues, des femmes de tout âge, y compris des mineures, seraient détenues ensemble, dans des lieux sans installations prévues pour les femmes enceintes ou pour les femmes détenues avec leurs enfants. De plus, il n'existerait pas de lieu spécifique de détention provisoire pour les femmes. La société civile aurait dénoncé ces conditions de détention en plusieurs occasions.

896. Le Rapporteur spécial a également transmis des renseignements concernant les cas individuels suivants.

897. **Bassima Huriya**, une jeune fille de nationalité syrienne, aurait été arrêtée le 23 mars 1997 alors qu'elle avait 16 ans, et aurait été accusée d'avoir été impliquée dans le meurtre de son fiancé. Elle aurait été détenue durant 20 jours par la police judiciaire (Dabita al'adliyya) au poste de police de Ba'abda, où elle aurait été détenue dans une cellule avec des adultes. Durant sa détention, elle aurait été interrogée et battue par des policiers en civil. Elle aurait été suspendue à une porte par les poignets, reçu des coups de poing sur les oreilles et aurait été frappée contre une armoire. Elle aurait également été soumise à la méthode dite du "poulet" (farruj), qui consisterait à attacher la victime à une barre en bois, à la suspendre et à la battre à coups de bâton. Les mauvais traitements auraient cessé quatre jours avant qu'elle ne soit présentée devant un magistrat qui, en réponse à son témoignage sur les tortures qu'elle aurait subies, lui aurait répondu que toute personne qui comparait devant lui se plaignait d'avoir été battue. Elle aurait été jugée en 1998 et condamnée, le 2 février 2000, à cinq ans de prison ferme.

898. **Fatima Yunes** aurait été arrêtée par des membres de la sécurité de l'État (Amn al-dawleh) le 26 octobre 1998, en relation avec le meurtre de son mari. Elle aurait été détenue au bureau de la sécurité de l'État de Tyre pendant quatre jours. Durant sa détention elle n'aurait pas eu accès à un avocat ni à aucune visite et aurait été soumise à de mauvais traitements

par huit hommes habillés en civil. En particulier, elle aurait été assise sur une chaise et battue, soumise à la méthode dite du “farruj” et brûlée avec des cigarettes. Elle aurait perdu connaissance et aurait fini par signer une confession. Lorsqu’elle aurait comparu devant le magistrat en charge de son dossier, elle aurait dénoncé avoir été victime de tortures et aurait montré des marques sur son corps et ses jambes. Le magistrat en question aurait ouvert une nouvelle enquête mais n’aurait pas ordonné d’examen médical.

899. **Lebnayniya Abdallah**, âgée de 16 ans au moment des faits, aurait été arrêtée en 1993 et accusée d’incitation au meurtre sur la personne de son beau-fils. Elle aurait été conduite au poste de police de Remeila, à Tripoli, et ensuite à Zgharta où elle aurait été détenue pendant 21 jours, durant lesquels elle aurait été obligée de dormir sur une chaise. Elle aurait été fouettée par six ou sept personnes. Elle aurait été obligée de se dénuder jusqu’à la taille. Elle aurait été soumise à la technique du farruj. Elle n’aurait pourtant jamais avoué avoir commis le crime qu’on lui reprochait. Ses interrogateurs l’auraient menacée de nouvelles tortures si elle se plaignait au magistrat en charge de son dossier. Elle aurait ensuite été transférée dans les prisons pour femmes de Tripoli et Ba’abda. Bien que mineure, elle aurait été détenue avec des adultes. En 1999, elle aurait été condamnée à la peine de mort bien que ses coïnculpés auraient témoigné qu’elle était innocente. La cour de cassation aurait finalement jugé en appel qu’elle était innocente et elle aurait été relâchée.

900. **Heba Ma’sarani** aurait été arrêtée le 14 juin 1997 et accusée de la mort de son mari qui se serait en fait suicidé. Elle aurait été emmenée au poste de police du port de Tripoli (Makhfar al-Mina) où elle aurait été interrogée pendant deux jours. Les agents de police l’auraient déshabillée et auraient tenté de la violer, mais le chef du poste les en aurait empêchés. Celui-ci aurait ordonné le transfert de Heba Ma’sarani au poste de police de Bab al-Ramla, à Tripoli, où elle aurait été amenée devant un magistrat instructeur avant d’être torturée pendant sept jours sans pourtant être interrogée. Elle aurait été violée par des membres de la Dabita al’adliyya de nuit et en l’absence du chef du poste de police. Elle aurait aussi été soumise à la méthode dite du “farruj” ainsi qu’à la méthode dite du “dullab”, qui consisterait à suspendre la victime avec une chambre à air et à la battre. Elle aurait finalement été transférée sur ordre d’un magistrat dans une prison. Son procès aurait débuté neuf mois après son arrestation et se serait prolongé durant 18 mois. Elle aurait par la suite été transférée à l’hôpital-prison de Tripoli ne pesant que 36 kg.

901. Le Rapporteur spécial a aussi transmis des renseignements concernant des femmes accusées de “collaboration” avec Israël qui auraient été torturées dans le but de leur soutirer des confessions. Elles seraient détenues pendant de longues périodes au secret dans des centres de détention où le personnel serait entièrement masculin. Elles seraient en particulier détenues au centre de détention du Ministère de la défense où elles subiraient des interrogatoires musclés. Ces femmes seraient ensuite jugées par des cours militaires. Les Rapporteurs spéciaux ont en particulier transmis des renseignements sur les cas individuels suivants.

902. **Huyam’Ali’Alyan** aurait été arrêtée en mars 2001 par des membres de Al-Mukhabarat al-‘Askariyya, suite à sa visite à des parents emprisonnés à la prison de Rumieh. Les yeux bandés et les mains menottées, elle aurait été emmenée à Sido Barracks, puis au centre de détention du Ministère de la défense, où elle aurait été maintenue au secret pendant 16 jours

durant lesquels elle aurait été battue et menacée par des agents masculins. Elle aurait été frappée sur tout le corps, y compris le dos, le ventre et les parties génitales. Elle n'aurait pas reçu de soins médicaux et n'aurait pas reçu de serviettes hygiéniques pour contenir le sang. Ceci aurait provoqué un prolapsus (glissement) de l'utérus. Durant sa détention au secret, elle aurait été forcée de rester continuellement assise sur une chaise dans un couloir dans le but de l'empêcher de dormir. Elle aurait été obligée d'être témoin des tortures qu'aurait subies son oncle. Un procureur militaire l'aurait fait examiner par un médecin légiste et d'après le rapport de ce dernier, daté du 11 avril 2001, elle aurait eu des contusions aux bras et poignets cohérentes avec ses allégations. Elle aurait comparu devant la Cour militaire de Beirut en juin 2001 et celle-ci l'aurait condamnée pour avoir "collaboré" avec Israël. Elle se trouverait à présent à la prison de Barbar al-Khazen, à Beirut.

903. **Khadija Hussain Marwa** aurait été arrêtée chez elle dans le village de Kafr Hatti au Sud-Liban, en août 1999, par des membres de Al-Mukhabarat al-'Askariyya, et soupçonnée de "collaboration" avec Israël. Elle aurait été détenue au secret au centre de détention du Ministère de la défense où elle aurait été privée des médicaments qu'elle prenait de manière régulière et aurait été contrainte d'avouer avoir "collaboré" avec Israël. Elle aurait été libérée en août 2000 après avoir servi sa peine dans la prison pour femmes de Beyrouth.

904. **Huda Yamin, Lina Ghurayeb et Muna Shkayban** auraient été arrêtées entre le 9 et le 12 septembre 1994 en même temps que d'autres personnes soutenant le général 'Aoun. Elles auraient été accusées d'avoir distribué des tracts critiquant la présence syrienne au Liban. Elles auraient été détenues pendant plus de deux semaines durant lesquelles elles auraient subi des interrogatoires au Ministère de la défense. Lina Ghurayeb et Muna Shkayban auraient été contraintes de se déshabiller devant des officiers masculins et l'une d'elles aurait été frappée sur la poitrine avec un bâton. Elles auraient été tirées par les cheveux et auraient été insultées. Elles auraient été mises en liberté conditionnelle en 1997 avant d'être condamnées à deux semaines d'emprisonnement pour Huda Yamin, et dix jours, pour Lina Ghurayeb et Muna Shkayban.

905. Finalement, le Rapporteur spécial a transmis des renseignements concernant des femmes émigrées qui travaillent souvent comme domestiques. Lorsqu'elles se plaindraient de mauvais traitements de la part de leurs employeurs, elles seraient soumises à des mauvais traitements supplémentaires de la part des forces de l'ordre. Les femmes détenues pour des raisons liées à la drogue et à la prostitution seraient particulièrement vulnérables aux sévices sexuels. Elles seraient détenues dans des lieux différents des femmes libanaises, en particulier au Centre de détention des étrangers des services généraux de sécurité (al-Amn al-'Amm), ce qui les rendrait vulnérables aux mauvais traitements et autres abus du fait qu'elles ne comprennent souvent pas la langue et ne bénéficient pas de la protection des autres femmes détenues d'origine libanaise. Très peu d'émigrées bénéficieraient d'une assistance juridique. Elles auraient souvent été forcées de signer des documents dans une langue qu'elles ne comprenaient pas. Certaines émigrées auraient continué à être détenues après avoir été acquittées ou après avoir terminé leurs peines en raison des pouvoirs discrétionnaires donnés aux services généraux de sécurité en matière d'application de la loi sur la présence des étrangers au Liban. Certaines pourraient ainsi être considérées comme des menaces pour la sécurité de l'État ou devraient attendre jusqu'au moment où elles recevraient les moyens financiers pour se payer leur billet de retour ou les papiers administratifs permettant leur retour au pays. En particulier, les Rapporteurs spéciaux ont transmis des renseignements sur les cas individuels suivants.

906. **Clarissa Colliante et Elda Esquillo**, deux femmes originaires des Philippines, qui auraient été détenues à la prison centrale pour étrangers après avoir refusé de se soumettre à un ordre du Directeur des services généraux de sécurité de retourner auprès de leurs employeurs, qui selon elles, les maltraitaient et refusaient de mettre fin à leur contrat. Elles auraient été détenues au secret sans faire l'objet d'aucune inculpation. Clarissa Colliante aurait par la suite été déportée aux Philippines où, en 1999, elle aurait gagné un procès contre son ancien employeur. Elda Esquillo aurait été contrainte de retourner chez son employeur.

907. **Farhoud Fakadu**, une femme d'origine éthiopienne, aurait été accusée d'avoir tué son nouveau-né. Elle aurait été détenue en 1997. Elle aurait été frappée par un policier et un docteur qui l'auraient forcée à signer un document en arabe qu'elle ne comprenait pas. Elle se serait plainte auprès du magistrat en charge de son dossier. Ce dernier n'aurait pas réagi. Elle aurait finalement été condamnée en 1999 à trois ans d'emprisonnement.

908. By letter dated 26 November 2001, the Government stated that the Public Prosecutor was conducting the necessary investigations into these cases with the authorities concerned with a view to establishing the facts and instituting the requisite proceedings against the perpetrators if the charges against them were supported.

909. By the same letter, the Government also indicated that the Criminal Procedure Act of 2 September 2001, as amended by Law No. 359 of 16 August 2001, which will enter into force as of 7 November 2001, puts the maximum period for remand in custody at 48 hours, renewable for a further 48-hour period subject to the approval of the Department of Public Prosecutions.

### **Urgent appeals**

910. On 4 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **Jawwad Muhammad 'Alyan, Ahmad Muhammad 'Alyan**, his brother, and **Huyam 'Ali 'Alyan**, their niece, who were said to be held on suspicion of having collaborated with Israel. Jawwad Muhammad 'Alyan was reported to be held incommunicado at the Ministry of Defence detention centre in al-Yarze in Beirut, where he is believed to be subjected to torture in an attempt to make him confess. Ahmad Muhammad 'Alyan was reportedly held incommunicado for three weeks at the same detention centre, where he was allegedly forced to sign an incriminating statement which he was not allowed to read. He is believed to have been handcuffed, blindfolded and subjected to techniques referred to as the "German chair" (a metal chair with moving parts, which stretches the spine and causes severe pressure on the victim's neck and legs) and "Ballanco" (hanging by the wrists, which are tied behind the back). He was said to be held in Rumieh prison. Huyam 'Ali 'Alyan was reportedly arrested in Dahr al-Bayyadhah, was said to be detained at the Barbar al-Khazin barracks. It is alleged that she had been handcuffed, blindfolded and beaten. Both Ahmad Muhammad 'Alyan and Huyam 'Ali 'Alyan are believed to have suffered serious injuries as a result of the treatment to which they were allegedly subjected.

911. On 10 August 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of **150 political activists**, among them **Tawfiq al-Hindi**, a leading member of the Lebanese Forces Party, and **Nadim Latif**, a senior member of the Free Patriotic Movement. It was reported that over the last three days, they had been arrested by military intelligence, allegedly at their homes or while they were distributing leaflets or attending party meetings. Ten students were allegedly brought before the Military Court in Beirut on 8 August. They were convicted of distributing leaflets harming the reputation of the Syrian army and defaming the President of the Lebanese Republic and sentenced to various terms of imprisonment. The above-mentioned political activists were reportedly held incommunicado at the Ministry of Defence detention centre in al-Yarze, Beirut.

912. Par une lettre datée du 14 novembre 2001, le Gouvernement a indiqué que ces personnes avaient été arrêtées sur la base d'une décision du procureur général en conformité avec les règles juridiques pertinentes, et sont accusées de crimes punissables par la loi militaire ou le droit pénal. Elles ont été déférées au tribunal et la majorité d'entre elles a été libérée sous caution. Le Gouvernement a précisé que leur procès aura lieu en vertu des lois en vigueur. Aucune pratique inhumaine n'a été exercée à leur encontre.

913. Le 14 septembre 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Fadi al-Shamati, Sa'ud Bu-Shibl, Milad 'Assaf et Dani Gea'gea'**, tous membres du parti des Forces libanaises (FL), interdit d'activités depuis 1994, qui auraient été arrêtés à Beyrouth entre le 7 et le 11 septembre 2001 par les services de renseignements militaires. Ils seraient actuellement détenus au secret au centre de détention du Ministère de la défense à Yarze, Beyrouth. Ils auraient été arrêtés pour avoir distribué des tracts politiques et avoir tenu une réunion politique non autorisée. Leur arrestation ferait suite à une vague d'arrestations de membres des FL qui auraient par la suite été inculpés devant un tribunal militaire de participation à des activités politiques non autorisées et de collaboration avec Israël. La plupart d'entre eux auraient depuis été relâchés.

#### **Follow-up to previously transmitted communications**

914. Concerning the Sudanese asylum-seekers (see E/CN.4/2001/66, para. 697), the Government responded by letter dated 22 December 2000, stating that Yusif Deng Kair, Majok Deng Manjor, Faisal Chol Daniel, Adil Gobara Saad, David Malith and Mario Eliyab were returned to their country by arrangement with its embassy, that Michael Andro Logo was released by decision of the Director-General, Abdallah Adam Alli was released on 30 August 2000, William Joseph Akok on 29 August, and Trapol Ibrahim Lako on 14 October. Mohamad Gibril Elkofi left on 30 September 2000, Yahia Adam on 22 October, Omer Mohamed Abdallah on 28 October, and Suliman Mohamed Tahamed on 1 September. David Jestin Jacoth, Chol Koagy, Akwok Malith, Abdelrahman Achwel, Lames Edward, Simon Bakhit, Abdallah Mohamed Haroun, Chol Kody and Makair Tut were never detained by the Director-General of Public Security.

915. By letter dated 26 November 2001, the Government provided the Special Rapporteur with further information on the 1963 Law on the entry, residency and exit of aliens from Lebanon. The Government reiterated that allegations about human rights violations were totally untrue and unfounded. The Department of the Public Prosecutor, which oversees the judicial police, consistently investigates any complaints which it receives and ensures that justice is done. All the measures applied in respect of the Sudanese nationals were lawful and consistent with their illegal status.

### Liberia

916. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information according to which since mid-2000, more than 100 civilians, including women, have been tortured by the Anti-Terrorist Unit (ATU) and other Liberian security forces. According to the information received, victims of torture are mainly people suspected of backing the armed incursions by Liberian armed opposition groups from Guinea into Lofa County. The security forces are reported to have mostly targeted members of the Mandingo ethnic group whom they allegedly associate with the United Liberation Movement for Democracy in Liberia (ULIMO), a predominantly Mandingo warring faction in the 1989-1996 Liberian civil war, accused by the Liberian Government of being responsible for the armed incursions into Lofa County in 1999. People are said to have been tortured while held incommunicado, especially at the military base in Gbatata and the ATU cells behind the executive mansion in Monrovia. According to the information received, armed opponents detained at the military base in Gbatata are held in holes dug in the ground - some of them filled with dirty water - and are regularly beaten including with gun butts, flogged and kicked. It is reported that some have had plastic melted on their bodies or cigarettes put out on their skin, that others have been forced to roll in the mud, walk on broken glass with their bare feet or eat hot pepper. Suspects are said to be regularly *tabied*, which means that their arms are tied together so tightly behind their backs that their elbows eventually touch. It is alleged that women and young girls have been raped by the security forces. To the Special Rapporteur's knowledge, since the end of the civil war and the holding of elections in 1997, no institutions for protection and promotion of human rights has been established and no training in international human rights standards has been provided to special security units such as the ATU and the Special Operation Division (SOD), which are said to be regularly responsible for torture.

917. The Special Rapporteur transmitted information on the following individual cases.

918. **A 15-year-old boy** was reportedly arrested in April 1999 on suspicion of being a dissident and detained incommunicado at the Post Stockade and beaten before being released without charge in May 2000. He reportedly required medical treatment. **Another boy, aged 18**, is reported to have been arrested and detained at the same time and place and in the same conditions.

919. **Kwesi Owusu** was reportedly arrested by six officers of the Anti Terrorist Unit on 12 August 1999 and detained at the ATU base in Gbatata, until 4 September 1999, where he was allegedly flogged daily, made to chew cigarette butts as food and to drink urine. He was reportedly kept in a hole full of water and forced to have anal sex with other inmates.

**1 United Nations documents**

- f) Commission on Human Rights, 58<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 27 February 2003 (E/CN.4/2003/68/Add.1) - relevant excerpts: pp 170-173



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Item 11 (a) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
TORTURE AND DETENTION**

**Report of the Special Rapporteur on the question of torture, Theo van Boven,  
submitted pursuant to Commission resolution 2002/38**

**Addendum**

**Summary of information, including individual cases, transmitted to  
Governments and replies received\***

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\* The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

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Rapporteur of the Working Group on arbitrary detention on behalf of **Azimbek Beknazarov** (see above). On 14 February, he was allegedly beaten by two security officials wearing masks. As a result, he was said to have lost consciousness and was later forced to write a statement indicating that he had not been beaten. Two deputies of Parliament reportedly saw him in bad condition on 19 February.

789. By letter dated 29 April 2002, the Government responded that during the investigations, Japaraly Kamchybevok and his father had recorded statements freely without any coercion and that the latter had neither been detained nor been remanded in custody. It also informed the Special Rapporteur that the preventive measure against Azimbek Beknazarov had been replaced with a pledge not to travel abroad. According to the Procurator-General, he had not been beaten in police custody in Jalal-Abat City Internal Affairs Office, no injections were given to him and no legal action was performed against him. Concerning the demonstrations against his arrest, the Government indicated that the security forces did not arrest and made no threats against the persons who had declared a hunger strike. However, on 14 January 2002, 17 persons were issued with warnings, two were fined and three were placed under administrative detention by the Aksyi district court. Chynybekov Talant was not detained and was not taken to the Internal Affairs offices. For her part, Tolobaeva batiya had not been dismissed.

790. On 7 October 2002, the Special Rapporteur sent an urgent appeal on behalf of five suspected members of Hizb-ut Tahrir who had reportedly been arrested on 26 September 2002 during a special operation launched by officers from the Suzak District Department of Internal Affairs and the Ministry of Internal Affairs: **Abdurahmanov** and **K. Moldosmanov** in the village of Suzak, **N. Nadjiev** in the village of Jyide, **Addukaharov** in the village of Bek-Abbad, and **A. Kadyrov** in the village of Dostuk in Nooken District.

### Lebanon

791. Par une lettre datée du 17 octobre 2002, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas qu'il avait envoyés en 2001, au sujet desquels il n'avait pas reçu de réponse.

### Appels urgents

792. Le 12 juin 2002, le Rapporteur spécial a envoyé un appel urgent en faveur de **Fadi Taybah**, **Umar al-Rifa'i**, **Ahmad al-Darj** et **16 autres personnes** qui auraient commencé une grève de la faim depuis trois semaines à la prison de Rumieh. Ahmad al-Darj aurait une plaie infectée à la jambe droite et aurait été hospitalisé à l'hôpital d'al-Hayat depuis le 9 juin 2002. Fadi Taybah souffrirait de pertes de connaissance, de paralysies dans la main gauche, et souffrirait d'insuffisance cardiaque. Umar al-Rifa'i aurait une tension très basse. Tous auraient été arrêtés pour avoir participé à une violente confrontation entre des activistes armés musulmans sunnites et des membres des forces militaires et de la sécurité, dans la région de Dhinniyya en février 2000. Ils auraient été soumis à des mauvais traitements à la prison de Tripoli, au Ministère de la défense à Beyrouth et après leur transfert à la prison de Rumieh. Ils auraient reçu des coups de pied, auraient été frappés et auraient été soumis à la technique dite «du Ballanco», par laquelle la victime est soulevée du sol grâce à un bâton passé en les

coudes alors que ses poignets sont attachés dans le dos. Ils auraient été détenus au secret pendant près d'un mois. La plupart n'aurait eu accès à leurs avocats et à leurs familles que deux mois après leur arrestation.

793. On 22 August 2002, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Ahmad Abu Ghosh, Masjad Ghayth, Ali al-Hamawi and Fadi Taybah**, who had reportedly been released on bail in June 2002 by order of the Justice Council, and re-arrested on 13 August in connection with a bombing. They were said to be part of the hunger-strikers referred to in the communication sent on 12 June 2002 (see above). They were believed to be held incommunicado at the Ministry of Defence Detention Centre in al-Yarze.

794. Par une lettre datée du 22 juillet 2002, le Gouvernement a assuré qu'aucune des personnes mentionnées dans les deux appels urgents envoyés par le Rapporteur spécial en 2002 n'avait été victime de mauvais traitement ou de torture. Des soins médicaux avaient été dispensés à tous les prisonniers au centre médical de Rumieh (Roumyé) et dans les hôpitaux. Par une lettre datée du 29 juillet 2002, le Gouvernement a confirmé que certains détenus avaient observé une grève de la faim jusqu'au 3 juillet 2002. D'après le Gouvernement, leur condition sanitaire avait fait l'objet d'un suivi et ils avaient eu accès tous les soins médicaux nécessaires. Un médecin a précisé que l'état de santé de Mohammed El-Durj requerrait une opération chirurgicale. Cependant, ce dernier aurait refusé de se faire opérer s'il n'était pas auparavant mis en liberté. Le Gouvernement a également informé le Rapporteur spécial que les détenus en questions avaient été jugés devant le Conseil de justice. Enfin, par une troisième lettre, datée du 22 octobre 2002, le Gouvernement a indiqué que leur traitement continuait à être conforme aux règles et lois en vigueur dans les prisons sans aucune discrimination, qu'ils suivaient un régime alimentaire sain et recevaient régulièrement des visites médicales. Le Gouvernement a aussi précisé que les prisonniers sont autorisés à contacter leurs parents et leurs avocats afin de mieux gérer leurs affaires. Concernant les cinq détenus transférés au Ministère de la défense pour y être interrogés par la direction des renseignements, le Gouvernement a indiqué que ce transfert avait été effectué sur l'ordre du procureur général et qu'ils avaient été renvoyés à la prison de Rumieh deux jours plus tard sans avoir été soumis à un quelconque mauvais traitement. Aucun d'entre eux n'a été soumis à une détention administrative ni n'a été incarcéré à la prison de Yarzé. Enfin, le Gouvernement a précisé que sept d'entre eux ont été libérés.

#### **Suite donnée aux plaintes signalées dans des communications précédentes**

795. Par une lettre datée du 5 décembre 2001, le Gouvernement a transmis des renseignements sur la situation des immigrés irréguliers et les garanties juridiques prévues par la législation libanaise en la matière (E/CN.4/2002/76/Add.1, par. 905).

796. The Government indicated that the new Criminal Procedures Act of 2 September 2001, as amended by Law No. 359 of 16 August 2001, had entered into effect on 7 November 2001 (see E/CN.4/2002/76/Add.1, para. 909). The Act specifies a maximum period for remand in custody of 48 hours, renewable for a further 48-hour period with the approval of the Department of Public Prosecutions. It fully guarantees to any person in custody the right to contact a member of his/her family and a lawyer

of his/her choice. The assistance of a physician is also provided for. The majority of the allegations made, particularly as concerns the arrest of women, are unfounded. Caritas together with other humanitarian organizations periodically monitor and investigate the circumstances in which illegal immigrants are arrested and detained.

797. Par une lettre datée du 25 octobre 2002, le Gouvernement a indiqué que le peu d'empressement des autorités consulaires à fournir aux migrants les documents nécessaires pour leur retour dans leur pays d'origine explique certains retards dans le processus d'expulsion. Le Gouvernement a aussi indiqué que la Direction de la sécurité publique est responsable des inspections des centres dans lesquels sont détenus les migrants. Les allégations selon lesquelles les migrants y sont tenus dans conditions dures ou dégradantes ne sont pas fondées.

798. Par deux lettres datées des 23 et 25 octobre 2002, respectivement, le Gouvernement a transmis des renseignements sur des cas inclus dans une lettre envoyée par le Rapporteur spécial le 30 septembre 2001 (ibid., par. 893 à 907) et rappelés dans sa lettre du 17 octobre 2002.

799. Concernant **Bassima Huriya** (ibid., par. 897), le Gouvernement a indiqué qu'elle avait refusé de porter plainte contre la police judiciaire lorsqu'elle avait été interrogée par le procureur public près la cour de cassation en charge de l'affaire. Après avoir mené une enquête, ce dernier a décidé, le 7 mai 2002, de clore le cas et de ne prendre aucune action contre les agents de la police judiciaire soupçonnés de l'avoir battue, étant donné le manque de preuves et du fait qu'il n'était juridiquement plus possible de prendre des actions concernant des faits ayant eu lieu plus de trois ans auparavant.

800. Concernant **Fatima Yunes** (ibid., par. 898), le Gouvernement a noté que, malgré le fait qu'elle avait comparu devant un magistrat accompagnée de son avocat à plusieurs reprises, elle ne dénonça jamais avoir été victime de mauvais traitements avant la dernière audience. Après avoir interrogé également l'agent accusé de mauvais traitements, le magistrat décida de ne pas accepter la version présentée par la détenue. Le Gouvernement a précisé que rien n'indique qu'elle ou son avocat ait sollicité les services d'un médecin légal et qu'aucune plainte judiciaire n'a été enregistrée contre les agents de la sécurité de l'État.

801. Concernant **Heba Ma'sarani** (ibid., par. 900), le Gouvernement a indiqué que, après avoir mené et conclu une enquête le 30 avril 2002, le procureur près la cour de cassation décida de clore le cas et de ne pas prendre d'action contre les agents de police de Bab al-Ramla, étant donné le manque de preuves les impliquant dans les mauvais traitements dénoncés par la détenue et le fait qu'il n'est légalement pas possible de prendre des actions concernant des faits ayant eu lieu plus de trois ans auparavant.

802. Concernant **Huyam Ali Aylan** (ibid., par. 902), le Gouvernement s'est référé à l'information transmise auparavant dans sa lettre du 20 août 2001. Le Gouvernement a également indiqué que, lors d'une entrevue avec le procureur près la cour de cassation en charge mener l'enquête sur cette affaire, elle aurait affirmé que les allégations concernant les mauvais traitements étaient fausses. Elle déclara également

que sa tante, **Khadija Hussain Marwa** (ibid., par. 903), ne fut pas soumise à des mauvais traitements non plus et qu'elle eut accès aux soins médicaux nécessaires.

803. Concernant **Huda Yamin, Lina Ghurayeb et Mona Shkayban** (ibid., par. 904), le Gouvernement a assuré qu'elles avaient été détenues selon le droit en vigueur et qu'elles n'avaient en aucun cas été victimes de mauvais traitements. Le Gouvernement a également informé qu'elles avaient été envoyées à la prison de Ba'abda et remises en liberté sous caution 12 jours après leur arrestation.

### Liberia

804. By letter dated 2 September 2002, the Special Rapporteur advised the Government that he had received information on the following individual cases.

805. **William Kesseley, Bockarie Musa, Kota Doga and Dennis Samurai**, four staff members of the Liberian Broadcasting Service (LBS), were reportedly arrested on 25 March 2002 by police. The four men were said to have been held in custody for several days in Police headquarters before they were brought to court. In detention, William Kessely was allegedly hung upside down, flogged at different times with a cane and an electric cable by other inmates reportedly acting on the orders of the police. The other staff members were reportedly also flogged in the police cells.

806. **Emmanuel Mondaye**, a reporter from the Inquirer, an independent newspaper, was reportedly arrested in Gbargna by Liberian security forces on 11 May 2002, and taken to the National Police headquarters in Monrovia where he was held for several days. He was reportedly picked up by the Liberian security forces after he saw ATU soldiers looting a United Nations office in Gbarnga. They reportedly arrested him, stripped him naked, and flogged him. He was reportedly released on 23 May 2002.

807. By letter dated 11 September 2002 sent jointly with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur advised the Government that he had received information according to which several women had been raped by the Liberian security forces during fighting between them and forces of the Liberians United for Reconciliation and Democracy (LURD) on 9 May 2002 in Gbargna town.

808. **Fatu Kollie** was reportedly raped by a member of the Liberian security forces behind the Gbarnga Methodist School, in Gbarnga, on 9 May 2002.

809. **Annie Goll** was reportedly gang-raped by four men from a band of government militia fighters, inside the Gboveh High Building in Gbargna town, on 9 May 2002.

810. **Hawa Flomo** was reportedly abducted and held for two days while she was believed to have been repeatedly raped by a member of the Anti terrorist Unit (ATU), near the Cuttington University College, on 9 May 2002.

811. A **23-year-old displaced woman** was reportedly arrested by Government security forces at Sherman Farm, located between Bong Mines and Kakata, Margibi

**UNITED  
NATIONS**

**1 United Nations documents**

- g) Commission on Human Rights, 60<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 23 March 2004 (E/CN.4/2004/56/Add.1) - relevant excerpts: pp 188-191



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COMMISSION ON HUMAN RIGHTS  
Sixtieth session  
Item 11 (a) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
TORTURE AND DETENTION**

**Torture and other cruel, inhuman or degrading treatment or punishment**

**Report of the Special Rapporteur, Theo van Boven**

**Addendum**

**Summary of information, including individual cases, transmitted to  
Governments and replies received\***

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under its early warning and urgent action procedure (CERD/C/63/Dec.1/Rev.1, para. 3). It indicated reports that some members of the Hmong minority, who have taken refuge in remote villages in the provinces of Xieng Khuang, the Saisombun Special Zone, North Vientiane-Vang Vieng, Bolikhamsai and Sainyabuli, have been subjected to severe brutalities, such as the bombing of villages, use of chemical weapons, landmines, extrajudicial killings and torture by the armed forces.

### Lebanon

926. Par une lettre datée du 17 septembre 2003, le Rapporteur spécial a informé le gouvernement qu'il avait reçu des renseignements selon lesquels des prisonniers incarcérés depuis la fin de 1999 ou le début de 2000 en raison de leur implication présumée dans des affrontements armés à Dhinniyah, en décembre 1999, auraient depuis lors été soumis à des actes de torture ou autres formes de mauvais traitement. À cet égard, le Rapporteur spécial avait envoyé deux appels urgents les 12 juin et 22 août 2002, auxquels le gouvernement avait déjà répondu par des lettres datées des 22 et 29 juillet et du 22 octobre 2002 (voir E/CN.4/2003/68/Add.1, par. 792 à 794). Le Rapporteur spécial a indiqué au gouvernement qu'il avait reçu des renseignements nouveaux sur les cas individuels suivants.

927. **Muhammad Khaled** se serait rendu dans un bureau des forces de sécurité en compagnie de son frère et d'un autre de ses proches le 24 janvier 2000, suite à des appels téléphoniques anonymes lui indiquant qu'il était recherché par les forces de sécurité. Il aurait alors été renvoyé au Ministère de la défense où on l'aurait obligé à se déshabiller entièrement. Tous ses effets personnels auraient été confisqués. On lui aurait bandé les yeux et attaché les mains dans le dos avec des menottes. Il aurait été contraint de rester debout pendant sept heures, le visage contre le mur et les jambes écartées, et il aurait été privé de nourriture et d'eau. Il n'aurait pas été autorisé à parler et il aurait été battu à plusieurs reprises, notamment pendant les interrogatoires, qui se seraient prolongés pendant plusieurs heures et qui n'auraient été interrompus que lorsqu'il n'était plus en état de parler. Les coups auraient cessé après que sa jambe et son bras gauches auraient gravement enflé. Au bout de six jours environ d'interrogatoire, il aurait été forcé de signer un document qu'il n'aurait pas été autorisé à lire, sous la menace de viol contre sa femme. Suite aux interrogatoires, il aurait été maintenu en isolement et au secret avant d'être transféré dans un bâtiment voisin. Il aurait été présenté à un juge d'instruction le 12 février 2000. Ce dernier aurait été accompagné de deux membres des services de renseignement en civil et d'un greffier. Le détenu aurait informé le juge qu'il avait été contraint de signer des documents et lui aurait rapporté le traitement reçu pendant les interrogatoires.

928. **Umar Miqati** aurait été arrêté en avril 2000 à l'aéroport de Beyrouth. Au cours des interrogatoires, des agents de police auraient tenté de le forcer à admettre qu'il faisait partie d'un groupe de Dhinniyah qui aurait préparé une opération militaire. Il aurait été suspendu par les poignets attachés dans le dos pendant environ une heure et demie, et alors qu'il aurait été dans cette position, il aurait reçu des coups sur la plante des pieds avec des bâtons et des câbles, cela sous la direction d'un colonel. Il serait resté sans manger pendant 24 heures, privé de sommeil et maintenu enfermé les yeux bandés dans une pièce sombre. Il aurait reçu des menaces contre lui et les membres de sa famille. Il aurait perdu connaissance à deux reprises. Il aurait été forcé de signer des documents dont il aurait ignoré le contenu. Sept jours après son

arrestation, il aurait été transféré au centre de détention du Ministère de la défense à Yarzé, où il aurait subi d'autres mauvais traitements.

929. **Fadi Taybah**, dont le cas figure dans l'appel urgent envoyé par le Rapporteur spécial le 12 juin 2002 cité ci-dessus, aurait été remis en liberté sous caution le 29 juillet 2002. Il aurait été arrêté une seconde fois le 12 août 2002 à Tripoli. Détenu dans un premier temps dans les locaux des services de renseignement de l'armée dans le quartier d'Al Suwayqa, à Tripoli, il aurait ensuite été emmené à Baabda, les yeux bandés et les mains attachées dans le dos avec des menottes, avant d'être transféré au centre de détention du Ministère de la défense à Yarzé. Il aurait été violemment frappé à coups de câble sur la tête, les mains et le ventre et insulté. Il aurait également été soumis à des chocs électriques, tout en étant privé de nourriture et d'eau pendant trois jours. Des membres des services de renseignement lui auraient donné des coups de câble sur la plante des pieds après les avoir mouillées, pendant que d'autres individus – qui pourraient être des membres des services de renseignements syriens – l'auraient interrogé au sujet de l'attentat contre le domicile de George Aquri. Le 14 août 2002, il aurait été transféré au centre de détention du Ministère de la défense, où il serait resté jusqu'au 20 août 2002, date à laquelle on l'aurait emmené dans les locaux des services de renseignement de l'armée dans le quartier d'Al Qubba, à Tripoli. Il aurait été remis en liberté dans l'après-midi sans inculpation.

930. **Khaled Minawi**, un militant islamiste de 18 ans, aurait été arrêté en octobre 2002 par les services de renseignement de l'armée à l'occasion d'une vague d'interpellations de militants islamistes sunnites accusés de liens avec Al-Qaida. Il aurait été renvoyé devant le tribunal militaire pour appartenance à une organisation «terroriste». Lui et deux autres hommes arrêtés dans les mêmes circonstances, **Muhammad Ramiz Sultan** et **Ihab Hussain Dafa** auraient été maintenus au secret avant d'être inculpés de délits relatifs au terrorisme. Au cours de sa détention au secret au centre de détention du Ministère de la défense, Khaled Minawi aurait été suspendu par les poignets attachés dans le dos. Dans cette position, il aurait reçu des coups sur la plante des pieds avec des bâtons et des câbles. Il aurait également reçu des coups violents au visage et au ventre et aurait été privé de nourriture. Les deux autres hommes auraient également été soumis à des mauvais traitements.

931. D'après les renseignements reçus par le Rapporteur spécial, les personnes détenues suite aux incidents de Dhinniyah auraient pour la plupart été transférées aux prisons de Qasr Nura et de Rumieh. À Qasr Nura, des prisonniers auraient été maintenus pendant huit mois dans des cellules minuscules où six à huit personnes auraient été entassées. Ils auraient été privés de lits, de matelas et de couvertures et n'auraient eu qu'un drap léger qu'ils devaient étendre sur le sol pour dormir, ce qui ne les aurait pas protégé du froid. Les cellules auraient été mal ventilées et les prisonniers privés de la lumière du jour, d'air frais et d'exercice. Par ailleurs, les détenus n'auraient eu le droit de prendre une douche qu'une fois par semaine, voire une fois tous les 15 jours. La nourriture serait insuffisante et peu salubre et plusieurs prisonniers seraient tombés malades. En particulier, **Ihab al Banna** et **Said Minawi** auraient contracté la gale. Après avoir passé plusieurs mois à Qasr Nura, les prisonniers de Dhinniyah auraient été transférés à Rumieh, où ils auraient continué à subir des mauvais traitements. Ils auraient eu les yeux bandés pendant leur transfert au tribunal. Le 26 octobre 2002, **Khaled Akkawi** aurait été battu par les gardiens parce

qu'il leur avait dit qu'en raison de douleurs dorsales il ne pouvait pas se baisser pour qu'ils puissent lui mettre son bandeau. Il aurait par la suite signalé cet incident au Conseil de justice. Le procureur se serait saisi de l'affaire et, après avoir interrogé Khaled Akkawi ainsi que les gardiens qui l'avaient transféré, il aurait conclu que cet homme avait été battu. Aucune sanction n'aurait été prise contre les gardiens mis en cause.

932. Le Rapporteur spécial a également informé le gouvernement qu'il avait reçu des renseignements selon lesquels, le 17 janvier 2003, 17 des prisonniers de Dhinniyah auraient boycotté une audience de leur procès devant le Conseil de justice. Lors de l'audience précédente, ils auraient informé le Conseil de leur intention de boycotter le procès pour protester contre les mauvais traitements qui leur étaient infligés et réclamer leur mise en liberté jusqu'au jugement. Les forces de sécurité auraient réagi par un usage excessif de la force, en frappant les détenus à coups de matraque et en utilisant du gaz lacrymogène pour les contraindre à mettre un terme au boycottage du procès. Le Département de la sécurité intérieure aurait déclaré que les détenus auraient utilisé contre les policiers des instruments tranchants «de leur fabrication». De très nombreux membres des forces de sécurité et des services de renseignement de l'armée auraient pénétré dans la prison et attaqué les détenus alors que des négociations étaient en cours pour les persuader d'assister à l'audience. Plus de 10 prisonniers et cinq membres des forces de sécurité auraient été blessés à cette occasion. Suite à cet incident, les prisonniers de Dhinniyah auraient été battus et placés en isolement. D'autres détenus de la prison de Rumieh auraient également été battus, apparemment à titre de punition collective, par des membres des forces de sécurité pour avoir manifesté leur solidarité avec les prisonniers de Dhinniyah. Une dizaine de prisonniers auraient été blessés, dont certains grièvement. Deux d'entre eux, Ihab al Banna et Said Minawi, auraient été admis à l'hôpital Dhahr al Bashiq; à leur retour en prison, ils auraient été maintenus au secret pendant plus d'une semaine et privés de tout contact avec leur avocat et leurs proches. Les détenus auraient été placés en isolement dans des cellules sans lumière naturelle et privés de nourriture pendant deux jours. Des membres des forces de sécurité leur auraient rasé la barbe, qui a pour eux un caractère d'obligation religieuse, et auraient «profané», notamment en les piétinant, des livres et autres écrits religieux leur appartenant, vraisemblablement pour les punir. Aucune enquête indépendante n'aurait été menée sur ces faits.

### Appels urgents

933. Le 22 janvier 2003, le Rapporteur spécial a envoyé un appel urgent concernant **Tareq Souid**, tunisien, qui risquait, d'après les renseignements reçus, d'être refoulé vers la Tunisie dans les jours suivants. Toutes les tentatives de relocation dans un pays tiers selon les procédures d'urgence du Haut-Commissariat des Nations Unies pour les réfugiés auraient pour l'instant échoué et les autorités concernées auraient fixé le 27 janvier 2003 comme date limite avant son renvoi en Tunisie. Il aurait quitté la Tunisie en 1993 car il serait sympathisant du parti d'opposition Ennahda (Renaissance), déclaré illégal par les autorités tunisiennes. Des craintes avaient été exprimées quant au fait qu'il risquerait d'être soumis à des mauvais traitements s'il était renvoyé de force en Tunisie.

### Suite donnée aux plaintes signalées dans des communications précédentes

934. Par une lettre datée du 18 décembre 2002, le gouvernement a répondu aux cas transmis par le Rapporteur spécial par deux lettres datées du 30 septembre 2001. Le gouvernement avait déjà répondu à certains de ces cas (E/CN.4/2002/76/Add.1, par. 892 à 909 et E/CN.4/2003/68/Add.1, par. 798 à 803).

935. Concernant **Clarissa Colliante** (f) et **Elda Esquillo** (f) (E/CN.4/2002/76/Add.1, par. 906), le gouvernement a informé que les allégations contenues dans la lettre du Rapporteur spécial étaient fausses.

936. Concernant **Farhoud Fakadu** (f) (ibid., par. 907), le gouvernement a informé qu'elle avait confessé un crime sans avoir été soumise à aucune forme de pression. Elle avait été soumise à un examen judiciaire en accord avec le droit en vigueur. Les allégations à son égard contenues dans la lettre du Rapporteur spécial étaient fausses.

### Observations

937. Le Rapporteur spécial voudrait attirer l'attention sur certaines préoccupations exprimées par le Comité des droits de l'enfant (CRC/C/15/Add.169, par. 34, 38 et 60) concernant des allégations selon lesquelles des enfants de 15 ans seulement ont été soumis à la torture et à des mauvais traitements alors qu'ils étaient détenus au secret. Le Comité a également déploré qu'il soit culturellement et légalement acceptable dans l'État partie de recourir à la violence comme moyen de discipline dans la famille comme à l'école. Le Comité s'est inquiété de ce que, malgré l'interdiction des châtiments corporels par une décision ministérielle, ceux-ci soient encore pratiqués dans les écoles. Le Comité est préoccupé en outre par le fait que les mineurs, en particulier les filles, qui ont maille à partir avec la justice ne sont pas séparés des adultes et qu'ils sont souvent détenus dans des prisons pour adultes.

### Liberia

938. By letter dated 8 October 2003, the Special Rapporteur reminded the Government of a number of cases transmitted in 2001 and 2002 for which no responses had been received.

### Urgent appeals

939. On 29 April 2003, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the right to freedom of opinion and expression, the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on the independence of judges and lawyers concerning **Sheikh K.M. Sackor**, the Executive Director of Humanist Watch, a non-governmental human rights organization. He was reportedly arrested on 25 July 2002 in Monrovia. A joint urgent appeal was previously sent concerning his case on 30 September 2002 (E/CN.4/2003/68/Add.1, para. 817). To date, no response had been received. On 23 October 2002 it was reported that the Minister of National Defence announced that a military tribunal had concluded that he was a prisoner of war. It is alleged that despite the government announcement on 28 October 2002 that he would be released under certain conditions, Sheikh K.M. Sackor is reportedly still held in

**UNITED  
NATIONS**

**1 United Nations documents**

- h) Commission on Human Rights, 62<sup>nd</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 21 March 2006 (E/CN.4/2006/Add.1) - relevant excerpts: pp 120-121

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COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Agenda item 11 (a)

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF  
TORTURE AND DETENTION**

**Torture and other cruel, inhuman or degrading treatment or punishment**

**Report of the Special Rapporteur, Manfred Nowak**

**Addendum**

**Summary of information, including individual cases, transmitted to Governments  
and replies received\***

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					whose identities are not known have been at the Osh pre-trial detention facility (SIZO). The 15 Uzbek detainees, who were scheduled to be evacuated by UNHCR on 28 July, but were not permitted to do so by Kyrgyz authorities, might be handed over to the Uzbek side.
137	Lebanon	29/04/05	JUA	WGAD; IJL; SUMX; TOR;	<p><b>Nehmeh Naim El Haj</b>, résident du quartier Al Basatine à Ain Saadeh, arrêté le 25 novembre 1998 à la frontière libano-syrienne par les services de renseignements syriens et condamné à mort par le tribunal libanais de Baabda. M. El Haj aurait été détenu au secret pendant plus d'un mois par les services de renseignements syriens dans un centre d'interrogatoire illégal situé à Anjar (au Liban). Accusé du meurtre de deux personnes au Liban, il y aurait régulièrement subi des tortures avant d'être remis aux autorités libanaises à Zahleh et transféré par la suite à Jounieh. N'ayant aucun contact avec l'extérieur, M. El Haj n'aurait pas pu bénéficier de l'assistance d'un avocat tout au long de son interrogatoire. Le 1<sup>er</sup> juillet 2004, le tribunal pénal libanais de Baabda aurait entériné les conclusions des services secrets syriens alors que ceux-ci n'étaient pas habilités à mener l'enquête et a condamné à mort M. El Haj. Il nous a été signalé que, pour ce faire, le tribunal de Baabda n'aurait aucunement tenu compte du fait que les familles des victimes avaient entre-temps retiré leur plainte et a maintenu son jugement. Dans l'hypothèse où le pourvoi en cassation de M. El Haj était rejeté, celui-ci pourrait être exécuté dans les jours à venir.</p>

138		29/04/2005	JUA	WGAD; HLTH; TOR;	<p><b>Gergès Toufic Al-Khoury</b>, 36 ans, résident de Moukhayem Dbaih, membre du Parti des Forces Libanaises, informaticien, détenu dans le Centre de détention du Ministère de la Défense à Beirout. Depuis 1994 M. Al Khoury serait détenu en isolement dans une cellule de 1,3m sur 2,4m, au sous-sol, sans aération ni lumière naturelle, et ne bénéficierait que de très courtes périodes de promenades, menotté à un gardien. Son état de santé serait très préoccupant et, en dépit de nombreuses demandes d'examen médical, il ne bénéficierait pas de soins médicaux appropriés. M. Al Khoury, aurait été arrêté en le 5 mars 1994 après s'être présenté à la suite d'une convocation comme témoin par les services de renseignements libanais. Au début de sa détention, il aurait été détenu pendant six semaines au secret, et soumis à des interrogatoires avec torture. M. Al Khoury aurait été jugé et condamné à la réclusion à perpétuité par la Cour de Justice, un tribunal d'exception où les décisions ne seraient pas susceptibles d'appel.</p>	<p>Par lettre datée du 31/05/2005, le gouvernement a informé que M. Al-Khoury avait bénéficié de tous les droits garantis par la loi en ce qui concerne les visites, l'exercice physique et la nourriture et qu'il était libre de consulter un médecin ou un spécialiste s'il le souhaitait. Le gouvernement a confirmé qu'il avait été examiné par un ostéopathe qui avait déterminé qu'il était en bonne santé. Par lettre datée du 23 juin 2005, le gouvernement a expliqué qu'il avait reçu une peine d'emprisonnement à vie pour sa participation au bombardement d'une église. Le gouvernement a également dit qu'il avait été régulièrement examiné par un médecin et qu'il reste en contact permanent avec sa famille et ses représentants légaux.</p>
139	Libyan Arab Jamahiriya	23/03/05	JUA	EID; TOR;	<p><b>Hatem Al Fathi Al Marghani</b>, aged 25, Aggar, Ash Chati. Since 28 December 2004, he has been detained and held in an unknown location, following a visit to the National Security Directorate's headquarters in Brak (Ash Chati). He went there in the company of his father but did not return home. His relatives went there the next day and were told that he had been arrested "at the request of Tripoli" and transferred to the capital the previous night. He was not the subject of any warrant. The relatives later went to Tripoli and inquired about Mr. Al Marghani's whereabouts at the central headquarters of the National Security Directorate, as well as at different courts and</p>	<p>By letter dated 28/06/05, the Government informed that he is at home with his family and is leading a normal life.</p>

**UNITED  
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**1 United Nations documents**

- i) Human Rights Council, 7<sup>th</sup> Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "*Summary of the cases transmitted to Governments and replies received*", 19 February 2008 (E/HRC/7/3/Add.1) - relevant excerpts: pp 154-161



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Human Rights Council  
Seventh session  
Agenda Item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on torture and other cruel, inhuman or  
degrading treatment or punishment, Manfred Nowak**

**Addendum**

**Summary of information, including individual cases, transmitted  
to Governments and replies received\***

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\* The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

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Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						because citizens withdrew their original statements. Criminal proceedings were instituted in connection with the remaining 16 incidents. The results of investigations of nine incidents were referred to the courts (in five cases, the courts handed down the verdict of guilty, four cases are still being heard). In two criminal cases, the investigation was suspended in connection with the search for the accused persons. Five criminal cases are being investigated. For the period under consideration, no criminal cases have been terminated and no defendants have been acquitted by the courts.
128.	Latvia	15/03/07	JUA	HLTH; TOR	<b>Vasily Grilyanov</b> , in preliminary detention at Riga Central Prison since December 2006. Mr. Grilyanov is alleged to be suffering from severe spinal atrophy and has been officially recognised as a "1st group invalid". In spite of his illness, he has not been receiving any special assistance in the prison, which means that he can go to the toilet and wash himself only occasionally. Guards or other members of staff do not come to his cell for several days in a row, and therefore he does not receive food and water regularly. Mr. Grilyanov has not received medical treatment or any medication for his condition, which causes it to deteriorate further and exacerbate his pain. He has filed complaints with the prison administration, prison doctors and the prosecutor's office, but has not received any replies.	By letter dated 30 April 2007, the Government replied that it was unable to identify the person who was the subject of the Special Rapporteur's communications.
129.	Lebanon	31/05/07	JUA	WGAD; TOR	<b>Mudhar Abdulkareem al-Khirbit</b> , de nationalité Irakienne, âgé de 51 ans. Il est actuellement détenu à l'hôpital de la prison Al-Hayat à Ain	Par une lettre datée du 31/07/07, le Gouvernement a répondu que le 20 juin 2007 le dénommé Mudhar Abdulkareem Al – Khirbit, né

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Remaneh, Beirut. M. Al-Khirbit se serait enfui d'Iraq avec quelques membres de sa famille en 2004 après une attaque aérienne sur sa maison à Ramadi en avril 2003, qui aurait tué 21 membres de sa famille. Il aurait été arrêté le 19 janvier 2007 par des policiers libanais près de Masnaa alors qu'il était en train de traverser la frontière entre la Syrie et le Liban. Cette arrestation était basée sur un mandat d'arrêt d'INTERPOL. Bien que le Liban n'ait pas ratifié la Convention relative au statut des réfugiés de 1951, M. Al-Khirbit aurait fait une demande d'asile. Le Gouvernement de l'Iraq aurait demandé son extradition en mai 2007. M. Al-Khirbit serait un homme d'affaires et le chef sunnite de la tribu Dulame à l'Ouest de l'Iraq. Il serait soupçonné d'avoir financé et de soutenir des activités terroristes en Iraq. M. Al-Khirbit risquerait d'être renvoyé en Iraq.	en 1956, de nationalité iraquienne, a été conduit à l'hôpital Al - Hayat pour y obtenir des soins. L'intéressé a été gardé à l'hôpital à la demande de la brigade de Baadba (ordre télégraphique n° 5976 en date du 13 mars 2007). Il a été placé dans une chambre individuelle et a eu la possibilité d'utiliser le téléphone pendant une demi-heure chaque jour. Le 14 mai 2007, un mandat d'arrêt émanant du Procureur général près la cour d'appel, M. Saïd Mirza, a été expédié contre le dénommé Mudhar Abdulkareem Al – Khirbit. Le 7 juin 2007, l'administration de l'hôpital Al – Hayat a présenté un rapport médical établi par le médecin qui avait soigné l'intéressé depuis le 25 janvier 2007, indiquant qu'en raison de son état de santé, ce dernier avait besoin d'un suivi constant.
130.		04/07/07	UA	TOR	M. <b>Yehya Mohammad Aziz Alajaf</b> , âgé de 26 ans, citoyen irakien. Reconnu réfugié sous la Convention relative au statut du réfugié de 1951, M. Alajaf serait actuellement détenu par le service de la Sûreté Générale à Beyrouth. Sa déportation en Iraq serait imminente. Début octobre 2006, il aurait été informé par un voisin que trois hommes armés étaient venus à bord d'une Opel Vectra et avaient posé des questions sur lui. Trois jours plus tard, cette même voiture aurait suivi M. Alajaf, mais il aurait pu s'enfuir. Il aurait aussi reçu une lettre d'un groupe armé inconnu le menaçant d'être tué s'il refusait de payer 20.000\$. Suite à ces menaces, M. Alajaf aurait quitté l'Iraq pour aller au Liban, où il serait arrivé en octobre.	Par une lettre datée du 27/08/07, le Gouvernement a répondu que la Direction Générale des Forces de Sécurité Intérieure n'a pas de renseignement au sujet du dénommé Yehy Mohammed Aziz Alajaf.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					Auparavant, M. Alajaf s'était enfui au Liban en 1999 où il avait été reconnu réfugié, mais aurait ensuite été déporté en Syrie, puis en Iraq. Vraisemblablement on l'aurait ciblé parce que, ayant des relations aux Etats-Unis et d'origine ethnique kurde, il serait perçu comme sympathisant de l'invasion de l'Iraq et de la présence militaire internationale en Iraq.	
131.		03/10/07	JUA	IJL; TOR	<b>Ghassam Sulayman al-Sulaiby</b> , âgé de 46 ans, comptable, demeurant à Baabda, Sibani-Al Ouarouar, <b>Mohamed Ghassan al-Saulaiby</b> , âgé de 21 ans, collégien, son fils, demeurant à Baabda également, <b>Ibrahim Sulayman al-Sulaiby</b> , âgé de 37 ans, demeurant à Baabda, <b>Siradj Eddine Mounir Sulayman al-Sulaiby</b> , âgé de 25 ans, pâtissier, demeurant à Baabdi, <b>Zyad Tarek Yamout</b> , âgé de 27 ans, comptable, demeurant Corniche Al Mazraa, <b>Youcef Mounir Koubrously</b> , âgé de 23 ans, demeurant avenue principale, Camp de Sabra, <b>Safy Ibrahim al-Arab</b> , âgé de 26 ans, chauffeur de camion, demeurant Corniche Al Mazraa, Route neuve, <b>Ahmed Issam Rachid</b> , âgé de 23 ans, palestinien, demeurant au Camp de Sabra, Carrefour du centre pour les personnes âgées et <b>Ali Amine Khaled</b> , âgé de 21 ans, demeurant Ard Jelloul, Camp de Chatila. Ghassam Sulayman Al Sulaiby, Mohamed Ghassan Al Saulaiby et Ibrahim Sulayman Al Sulaiby auraient été arrêtés à leur résidence par les services de renseignement militaire le 31 mars 2006 vers 21h00. Siradj Eddine Mounir Sulayman Al Sulaiby et Zyad Tarek Yamout auraient été arrêtés par les	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>services de renseignement militaire le 2 avril 2006 au domicile de M. Ghassan Sulayman Al Sulaiby. Safy Ibrahim Al Arab et Ahmed Issam Rachid auraient été arrêtés le 3 avril 2006 à leurs domiciles respectifs. Ali Amine Khaled aurait été convoqué au siège du ministère de la défense, où il se serait rendu le jour même et où il aurait été arrêté immédiatement. Toutes ces arrestations auraient eu lieu sans mandat de justice et sans que les motifs ne soient notifiés. Toutes les personnes mentionnées ci-dessus auraient été emmenées au siège du ministère de la défense à Beyrouth où elles auraient été détenues au secret. Au bout de 15 jours, elles auraient été transférées à la prison civile de Roumié. Au cours de leur détention au secret au ministère de la défense, ces personnes auraient été battues à coups de poing et de pied sur toutes les parties du corps et fait l'objet d'insultes et de menaces. Elles auraient aussi été contraintes de rester debout contre un mur durant de longues périodes ou assises parfois pendant plusieurs jours sur un petit tabouret. Elles auraient aussi été privées de sommeil. Le but de ces traitements aurait été de leur faire faire des aveux ou des témoignages. Ghassan Sulayman Al Sulaiby aurait fait l'objet de chocs électriques, des électrodes étant branchées sur ses parties génitales pendant 15 jours, en présence de son fils. Il aurait aussi été forcé d'assister aux « séances » de mauvais traitements pratiqués sur son fils. Ils n'auraient pas eu accès aux soins médicaux pendant leur détention à la prison et le juge d'instruction aurait</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					refusé de déférer à leur demande de désignation d'un expert médical pour les examiner et constater les traces de mauvais traitements qu'ils auraient subis. Mohamed Ghassan Al Sulaiby aurait été libéré au mois d'août 2006. Leurs procès seraient actuellement en cours devant le tribunal militaire de Beyrouth, en dépit du fait que les personnes mentionnées ci-dessus ne seraient pas militaires et que les charges ne constitueraient pas des infractions à caractère militaire.	
132.		04/10/07	JUA	IJL; TOR	<b>Houssam Issam Dallal</b> , âgé de 21 ans, étudiant à l'Université de Beyrouth, demeurant à Tripoli, arrêté le 1er avril 2007 à son domicile par les services de renseignement militaire, <b>Naif Salem al-Baqqar</b> , âgé de 23 ans, étudiant à l'Université de Sidon (Tripoli), convoqué le 23 mars 2007 par les services de renseignement militaire et arrêté lorsqu'il s'est présenté à cette convocation, <b>Mahmoud Ahmed Abdelkader</b> , âgé de 29 ans, mécanicien auto, arrêté le 31 mars 2007 près de son domicile à Al Qubba (Tripoli), <b>Ahmed Fayçal Arradj</b> , âgé de 24 ans, fonctionnaire, arrêté le 31 mars 2007 à 12 heures sur le lieu de son travail à Akkar (Tripoli), <b>Billal Ahmed al-Badwi Assayed</b> , âgé de 30 ans, comptable, arrêté à son domicile le 4 mars 2007, <b>Assad Mohamed al-Nadjar</b> , palestinien, né au Liban âgé de 32 ans, employé dans une entreprise de construction, arrêté à son domicile à son retour du travail le 2 avril 2007, <b>Omar Azzedine al-Ali</b> , âgé de 33 ans, chauffeur de taxi, arrêté à son domicile le 23 mars 2007, <b>Omar Mohamed Ghenoum</b> , âgé de 28 ans,	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>comptable, arrêté le 31 mars 2007 sur son lieu de travail, <b>Ahmed Mohamed Ghazi al-Rati</b>, âgé de 34 ans, arrêté à son domicile le 31 mars 2007 et <b>Tarek Mamdouh al-Hadjamine</b>, âgé de 24 ans, menuisier, arrêté à son domicile le 31 mars 2007. Ils demeurent tous à Tripoli. Toutes les personnes précitées auraient été arrêtées par les services de renseignement militaire dans le courant du mois de mars et au début du mois d'avril à Tripoli sans mandat de justice et sans que les motifs ne soient notifiés aux prévenus. Tous les individus auraient été détenus d'abord au siège régional des services de renseignement de l'armée de Tripoli et transférés quelques jours plus tard au siège du ministère de la défense à Beyrouth où leur détention au secret se serait poursuivie pendant une période allant jusqu'à une quinzaine de jours. Au cours de ces détentions au secret, ils auraient tous été battus soit à l'aide de bâtons soit avec un tuyau en caoutchouc sur toutes les parties de leurs corps. Tous auraient été privés de sommeil durant parfois plusieurs jours de suite ainsi que de se rendre aux toilettes pour leurs besoins naturels. Egalement ils auraient été contraints à rester debout contre un mur durant de longues périodes ou assis plusieurs jours sur un tabouret. Ainsi Naïf Salem Al Baqqar aurait été obligé de rester assis sur un tabouret pendant six jours ininterrompus. Il aurait été violemment battu dès qu'il aurait montré un signe de faiblesse ou de fatigue. Il aurait ensuite été pendu au plafond par les poignets durant plusieurs heures et menacé par les militaires de faire venir son épouse pour la</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>violer. Omar Azzedine Al Ali aurait également, malgré son état de santé déficient, été contraint de rester debout durant 48 heures, puis assis sur un tabouret durant trois jours consécutifs et enfin pendu par les poignets lorsqu'il serait tombé évanoui sur le sol. Il aurait également été menacé de viol ainsi que son épouse. Certains auraient reçu des coups de bâtons sur la plante des pieds. A l'issue de leur détention au siège du ministère de la défense, ils auraient été présentés devant un magistrat militaire qui les aurait inculpés de tentative de constitution de groupe armé et d'atteinte à la sûreté de l'état. Ils auraient ensuite été transférés dans une division spéciale de la prison de Roumié où ils se trouvent actuellement. Ils auraient été privés de soins en dépit des blessures subis. Le juge d'instruction militaire sollicité par plusieurs d'entre eux pour désigner un expert médical à l'effet d'établir les mauvais traitements dont ils auraient fait l'objet, aurait refusé leur requête. Toutes les personnes précitées font actuellement l'objet de poursuites pénales devant le tribunal militaire de Beyrouth en dépit du fait qu'ils soient tous civils et que les faits qui semblent leur être reprochés par la juridiction militaire ne constituent pas des infractions à caractère militaire.</p>	
133.		17/10/07	JUA	IJL; TOR	<p><b>Mahmoud Abou Rafeh</b>, âgé de 60 ans. Le 7 juin 2006, aux environs de 5 heures, plusieurs hommes en civil auraient percuté la voiture de M. Mahmoud Abou Rafeh. Ils l'auraient emmené en laissant la voiture sur le lieu de l'accident. M. Mahmoud Abou Rafeh aurait été conduit au</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					centre de détention du Ministère de la Défense à Beirut, où il aurait été détenu pendant plusieurs jours sans que cette situation n'ait été notifiée à sa famille. On lui aurait dit ensuite qu'il avait été arrêté par les services de sécurité de l'armée car on le soupçonnait d'être membre d'un réseau libanais agissant dans l'intérêt des services de sécurité israéliens. Sa famille aurait pu effectuer des visites sous surveillance entre juillet 2006 et mai 2007, mais depuis mai 2007 les autorités, en se référant aux besoins sécuritaires, leur auraient refusé toute visite. L'avocat de M. Mahmoud Abou Rafeh n'aurait jamais pu obtenir de permission pour rencontrer son client. Il aurait eu plusieurs audiences devant une cour militaire sans la présence de son avocat.	
134.	Liberia	30/07/07	JAL	IJL; LIB; SUMX; TOR	Ms. <b>Oldlady Parker Geieh</b> , aged 85, Ms. <b>Kargonal Jargue</b> , aged 75, Ms. <b>Tuakarseh Gborgan</b> , aged 70, Ms. <b>Martha Suomie</b> , aged 49 and Mr. <b>Zaye Bonkre</b> , aged 75, resident in Boutou, Nimba county. In September 2006, the Boutou Town Chief, the Zone Chief, and the Youth Leader demanded money from various members of the community to cover the fees of a trial by ordeal practitioner, payment of which would save the victims from being subjected to the trial. Thirty four women and three men, who were unable to pay the fee, were detained by local authorities in Boutou. A team of witchdoctors from Cote d'Ivoire, was hired to perform the trial by ordeal. The town authorities later claimed that the persons to be subjected to the trial by ordeal had committed witchcraft and were responsible for causing a lack	

**1 United Nations documents**

- j) Working Group on Arbitrary Detention, Human Rights Council 7<sup>th</sup> session, *Opinions adopted by the Working Group on Arbitrary Detention*, 16 January 2008, (A/HRC/7/4/Add.1) - relevant excerpts: pgs. 1-2, 81-84)



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HUMAN RIGHTS COUNCIL  
Seventh session  
Item 3 of the provisional agenda

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Opinions adopted by the Working Group on Arbitrary Detention**

The present document contains the opinions adopted by the Working Group on Arbitrary Detention at its forty-seventh and forty-eighth sessions, held in November 2006 and May 2007, respectively. A table listing all the opinions adopted by the Working Group and statistical data concerning these opinions are included in the report of the Working Group to the Human Rights Council at its seventh session (A/HRC/7/4).

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18. In the Working Group's view, the current deprivation of liberty of the above-mentioned seven persons amounts to arbitrary detention. Their detention violates the guarantees afforded by the Universal Declaration of Human Rights with respect to the right not to be arbitrarily deprived of liberty.

19. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Hussain Khaled Albuluw, Abdullah b. Slimane Al Sabih, Sultan b. Slimane Al Sabih, Salah Hamid Amr Al Saidi, Ahmed Abdo Ali Gubran, Manna Mohamed Al Ahmed Al Ghamidi and Jasser b. Mohamed Al Khanfari Al Qahtani is arbitrary, being in contravention of articles 9, 10 and 11 of the Universal Declaration of Human Rights, and falls within category I of the categories applicable to the consideration of cases submitted to the Working Group.

20. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights, and to study the possibility of ratifying the International Covenant on Civil and Political Rights.

Adopted on 10 May 2007.

#### **OPINION No. 10/2007 (LEBANON)**

**Communication: addressed to the Government on 30 November 2006.**

**Concerning: Youssef Mahmoud Chaabane.**

**The State is a party to the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of Opinion No. 32/2006.)
2. The Working Group conveys its appreciation to the Government for having provided the requested information in a timely manner.
3. (Same text as paragraph 3 of Opinion No. 32/2006.)
4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. It has transmitted the Government's reply to the source, and has received the source's comments on it. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made, the Government's reply and the source's comments.
5. The case mentioned below was reported to the Working Group on Arbitrary Detention as follows: Youssef Mahmoud Chaabane, a Palestinian born in 1965, a chauffeur, domiciled at the Bourj Barajneh camp in Beirut, was arrested on 5 February 1994 in Beirut, by members of the Syrian intelligence services, and was taken to Beau Rivage, a Syrian intelligence interrogation centre. After 10 days, he was handed over to the Furn El Chebbak - Dabta Adlieh gendarmerie in Beirut, where he was held incommunicado for one month. Mr. Chaabane was later brought to

Roumieh central prison, where he is currently being held. Mr. Chaabane was accused of murdering a Jordanian diplomat, Naëb Omran al-Maaitha, first secretary of the Jordanian Embassy in Beirut, and received a death sentence, which was commuted to life imprisonment on 19 October 1994.

6. According to the source, Mr. Chaabane was convicted by the Justice Council solely on the basis of confessions obtained under torture by the Syrian intelligence services in Lebanon. His arrest and trial took place in breach of Lebanon's international commitments, in particular the International Covenant on Civil and Political Rights, which Lebanon has ratified.

7. The source adds that the actual perpetrators of Mr. al-Maaitha's murder were convicted and executed in Jordan. Mr. Chaabane is still being held in detention, despite the fact that his innocence has been recognized. According to the source, the Lebanese courts are unable to retry Mr. Chaabane, as verdicts handed down by the Justice Council are not subject to appeal, which is a violation of article 14 of the International Covenant on Civil and Political Rights.

8. The source considers that Mr. Chaabane's detention is arbitrary and illegal. He was arrested without a warrant and was held in detention for 40 days without being brought before an examining magistrate or a procurator. His trial reportedly fell far short of the minimum requirements for a fair and just trial. Mr. Chaabane was convicted solely on the basis of confessions obtained under torture. The source concludes that Mr. Chaabane's continued detention after his innocence was confirmed by the arrest of the actual perpetrators, coupled with the Lebanese judicial system's inability to retry him, means that his detention is of an arbitrary nature.

9. In its reply, the Government explains that the judicial body known as the Justice Council is chaired by the president of the court of cassation, and is composed of four judges of that court, who serve as its members. It is a special court established by the legislature to consider serious cases, in particular those involving the internal and external security of the State, in accordance with articles 270 and 336 of the Criminal Code.

10. In accordance with Decree No. 4807 of 25 February 1994, the case of the murder in Beirut on 29 January 1994 of the first secretary of the Jordanian Embassy in Lebanon, Naëb Omran al-Maaitha, was referred to the Justice Council because it involved an attack against the internal security of the State.

11. On 19 October 1994, the Justice Council found Youssef Mahmoud Chaabane guilty, in accordance with article 549, paragraph 1, of the Criminal Code, and imposed the death sentence, which was subsequently commuted to life imprisonment with forced labour, in accordance with article 253 of the Criminal Code. Mr. Chaabane was also found guilty under article 72 of the Criminal Code of the serious offence of possessing weapons. The sentences are being served concurrently, the most severe being the sentence of life imprisonment with forced labour. These sentences were imposed on Mr. Chaabane for his participation, together with Tha'ir Mohammed Ali, in the premeditated murder of Naëb al-Maaitha, first secretary of the Jordanian Embassy in Lebanon.

12. On 2 December 2005, Mahmoud Chaabane filed an appeal against the verdict handed down on 19 October 2004, and requested a retrial. His appeal was based on a judgement reached

on 3 December 2001 by the State Security Court of Jordan. According to the judgement, Yasir Mohammed Ahmad Salamah Abu Shinar, also known as Tha'ir Mohammed Ali, and others were found guilty of belonging to an illegal association, the Revolutionary Council, which had been formed with the aim of carrying out military operations against the security of certain States, including the murder of the first secretary of the Jordanian Embassy in Lebanon, Naëb al-Maaita. The judgement supposedly proved that Mr. Chaabane was innocent, since it contradicted the verdict handed down by Lebanon's Justice Council.

13. On 21 March 2006, the Justice Council issued a decision formally accepting the request for a retrial, but rejecting it in substance. The Justice Council upheld the decision under appeal, as the conditions for a retrial set out in article 328 of the Lebanese Code of Criminal Procedure had not been met, in particular paragraph (b), which reads as follows: "A retrial may be allowed if the individual has been found guilty of a serious or major crime and another individual has subsequently been found guilty of the same crime in the same capacity, provided that there is evidence to acquit the person found guilty."

14. The judgement cited as a basis for a retrial was issued by a Jordanian court and not by a Lebanese court, while article 328, paragraph (b), states that the two judgements must be rendered by Lebanese courts. Furthermore, since there is no contradiction between the Lebanese and the Jordanian judgements, the latter does not prove that Youssef Mahmoud Chaabane is innocent of the charges brought against him. The evidence adduced for Mr. Chaabane's appeal was considered insufficient to reopen the case.

15. Having reconsidered the legal procedures and the judgements in the case of the murder of the first secretary of the Jordanian Embassy in Lebanon, the Government contends that Youssef Mahmoud Chaabane is serving a prison sentence imposed on him in accordance with a verdict issued by the highest court in Lebanon, and following a trial that was properly conducted in Lebanon. The denial of the application for a retrial was based on Lebanese law.

16. In its comments on the Government's reply, the source emphasizes that the Government has not replied to the allegations concerning the conditions of Mr. Chaabane's arrest. It reiterates that the Syrian intelligence services arrested him and held him incommunicado for 10 days, notwithstanding the fact that they were not authorized to do so, and that his confessions were extracted under torture. Mr. Chaabane had no access to his family, a lawyer or a doctor, and he was completely deprived of the protection of Lebanese law. To obtain his confession, the Syrian intelligence services in Beirut tortured him. The source repeats that Mr. Chaabane was tried by a special court, which relied solely on confessions extracted under torture.

17. The source adds that Mr. Chaabane was unable to appeal against his conviction because judgements issued by the Justice Council were, at the time, irrevocable and not subject to any appeal. In December 2005, the law was amended to allow persons convicted by this court to request a review of their conviction. Mr. Chaabane's appeal was lodged in accordance with this amendment, but it was denied. The source emphasizes that some of the judges who had convicted Mr. Chaabane were among those who considered his appeal. They would be reluctant to challenge verdicts that they themselves had handed down. According to the source, this review is therefore not an effective remedy.

18. Lastly, regarding the Government's contention in its reply that there is no contradiction between the judgements handed down by the Jordanian and Lebanese courts, the source points out that the judgement of the Jordanian court never mentions the alleged involvement of Mr. Chaabane in this case and that, in any event, according to the Jordanian and Lebanese forensic medical examiners, there was only one gunman, even though two people - in this case, Youssef Mahmoud Chaabane and the person convicted in Jordan - both signed confessions stating that they had shot the diplomat.

19. Based on the foregoing, the Working Group notes that the Government has not challenged the allegations concerning the circumstances of Mr. Chaabane's arrest, detention and interrogation by the Syrian services. Mr. Chaabane was allegedly held incommunicado for 10 days on the premises of the Syrian services in Beirut, and confessions were allegedly extracted under torture - confessions that served as a basis for his being sentenced to death. Nor has the Government contested the fact that Mr. Chaabane was unable to have his conviction reviewed by a higher tribunal in accordance with the requirements of article 14, paragraph 5, of the International Covenant on Civil and Political Rights, to which Lebanon is a party. In its case law, the Human Rights Committee has on several occasions stated that the right to appeal established under article 14, paragraph 5, of the International Covenant on Civil and Political Rights imposes on States parties a duty substantially to review conviction and sentence, both as to sufficiency of the evidence and of the law.<sup>16</sup>

20. The Working Group considers that to be sentenced to capital punishment, when the Government has not provided evidence that the individual had the ability to have his guilty finding and conviction examined by a higher jurisdiction, is itself a very egregious breach of the standards of a fair trial. A fortiori, when the convicted person contends that his confessions were extracted under torture and when new evidence supports that contention.

21. The Working Group considers that, in the light of the circumstances, the violation of article 14, paragraph 5, of the International Covenant on Civil and Political Rights is of such gravity as to confer on the detention and sentencing of Mr. Chaabane an arbitrary character.

22. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Youssef Mahmoud Chaabane is arbitrary, being in contravention of the provisions of article 14 of the International Covenant on Civil and Political Rights, and falls within category III of the categories applicable to the consideration of the cases submitted to the Working Group.

23. The Working Group, having rendered this opinion, requests the Government to take the necessary steps to remedy the situation of Mr. Chaabane, in conformity with the standards and principles set forth in the International Covenant on Civil and Political Rights.

Adopted on 11 May 2006.

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<sup>16</sup> Communications No. 1100/2002, *Bandajevsky v. Belarus* and No. 802/1998, *Rogerston v. Australia*.

**1 United Nations documents**

- k) Working Group on Arbitrary Detention, Human Rights Council, 7<sup>th</sup> session, *Opinions adopted by the Working Group on Arbitrary Detention*, 2 February 2007, (A/HRC/4/40/Add.1), - relevant excerpts: pgs. 1-3, 82-86)



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HUMAN RIGHTS COUNCIL  
Fourth regular session  
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"**

**Opinions adopted by the Working Group on Arbitrary Detention**

The present document contains the Opinions adopted by the Working Group on Arbitrary Detention at its forty-fourth, forty-fifth and forty-sixth sessions, held in November 2005, May 2006 and August 2006, respectively. A table listing all the opinions adopted by the Working Group and statistical data concerning these opinions is included in the report of the Working Group to the Human Rights Council at its fourth regular session (A/HRC/4/40).

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declares that the procedures of the Supreme State Security Court are incompatible with the provisions of article 14, paragraphs 1, 3 and 5, of the Covenant. Thus, the gravity of the violation of the right to a fair trial is such as to confer on the deprivation of liberty of the above-mentioned five persons an arbitrary character.

29. In these circumstances, the Working Group would like to stress that countries which forcibly return individuals who are in danger of being subjected to torture and other ill-treatment and/or being tried without enjoying legal due process and guarantees are in breach of their obligations under international law, particularly the International Convention against Torture and the International Covenant on Civil and Political Rights.

30. In the light of the foregoing, the Working Group renders the following Opinion:

(a) The deprivation of liberty of Ahmet Muhammad Ibrahim from 25 March 2005 until his release on 3 November 2005 and of Muhammad Fa'iq Mustafa, from 22 November 2002 until his release on 22 January 2006 was arbitrary, being in contravention of articles 9 and 14 of the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is party, and falls within category III of the categories applicable to the consideration of the cases submitted to the Working Group;

(b) The deprivation of liberty of Muhammed Osama Sayes, Nabil al-Marabh and 'Abd al-Rahman al-Musa, who are still in detention, is arbitrary, being in contravention of articles 9 and 14 of the International Covenant on Civil and Political Rights, to which the Syrian Arab Republic is party, and falls within category III of the categories applicable to the consideration of the cases submitted to the Working Group.

31. Consequent upon the opinion rendered, the Working Group requests the Government to remedy the situation of the three persons who are still deprived of their liberty, in order to bring it into conformity with the norms and principles set forth in the Universal Declaration of Human Right and in the International Covenant on Civil and Political Rights.

Adopted on 12 May 2006.

**OPINION No. 17/2006 (LEBANON)**

**Communication: addressed to the Government on 3 May 2005.**

**Concerning: Mr. Nehmet Naim El Haj.**

**The State is a party to the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group conveys its appreciation to the Government for having provided the requested information in good time.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)

4. In the light of the allegations made, the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source, which made comments on it. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case, in the context of the allegations made and the response of the Government thereto.
5. According to the information received, Mr. Nehmeh Naim El Haj, born in 1963, of Lebanese nationality, interior decorator, resident in the Al Basatin neighbourhood, Ain Saadeh, Lebanon, and currently detained in the Roumieh central prison in Lebanon, was arrested at the Lebanese-Syrian border on 25 November 1998. The arrest was made, without an arrest warrant, by Syrian intelligence service agents, who placed Mr. El Haj in an illegal Syrian interrogation centre at Anjar in the Bekaa Valley region of Lebanon for a month. While he was there, his family was told neither that he had been arrested nor where he was and he had no access to a lawyer. According to the information received, he was tortured during interrogation sessions conducted by members of the Syrian intelligence services. A month after his arrest, he was handed over to the Lebanese authorities at Zahleh and then transferred to Jounieh before being detained in the Roumieh prison, where he has been ever since.
6. He was charged with having murdered two people in Lebanon and was not tried until July 2004. The Lebanese authorities did not question him about the alleged murders. According to the source, his conviction was based solely on the interrogations conducted by members of the Syrian intelligence services. He is currently awaiting judicial review of his case.
7. According to the source, almost six years elapsed between Mr. El Haj's arrest and his trial. In addition, his conviction was based solely on the interrogations conducted by members of the Syrian intelligence services during his first month in custody. Those services were not competent to conduct a judicial investigation or to collect evidence, and while being interrogated Mr. El Haj was tortured.
8. The source further states that the families of the two people Mr. El Haj was charged with, and convicted of murdering withdrew their claims against him for criminal indemnification once his lawyer explained his situation to them. Despite that, Mr. El Haj was sentenced to death.
9. The Government of Lebanon states in its response that the documents and official records in Mr. El Haj's case file show that he was arrested by the intelligence services on 22 November 1998 in Syria, where he had fled because he was wanted by the Lebanese authorities for the murders of two Syrian workers. The examining magistrate in the case had issued a warrant for his arrest. The Syrian intelligence services questioned him at the Anjar station without informing the Lebanese authorities, to whom they handed him over at Zahleh on 25 November 1998. On 26 November 1998 he was passed on to the judicial authorities in Jounieh, which were competent *ratione loci* and which in turn delivered him the same day to the prosecutor of the Court of Cassation in Mount Lebanon. Later that day he was brought before the examining magistrate, who decided to apply the arrest warrant issued against him by default on 18 November 1998.

10. The Government further states that Mr. El Haj admitted to the examining magistrate 35 days after having committed the murders that he had made a plan to drug and strangle the two Syrian workers and burn their bodies. It is apparent from the records in the case file that his questioning by the Syrian intelligence services lasted only three days, since he was arrested by the Syrian authorities on 22 November 1998 and handed over at Zahleh on 25 November 1998. As the Lebanese authorities did not ask the Syrian authorities to make the arrest and did not take part in it, they can neither confirm nor refute his assertions that he was tortured. Consequently, none of what happened before his handover to the Lebanese authorities concerns Lebanon. Furthermore, the Criminal Court made no mention of the record of the inquiries carried out by the Syrian intelligence services among the grounds for its judgement. It should also be noted that Mr. El Haj himself chose to flee to Syria, even though his victims were of Syrian nationality.

11. The preliminary inquiry carried out by the Lebanese authorities lasted no more than 48 hours from the time when Mr. El Haj was brought to the Zahleh station on 25 November 1998, transferred to the Jounieh station and then taken to the office of the Procurator-General at the Court of Cassation at Mount Lebanon, who in turn referred him on 26 November 1998 to the examining magistrate. Those 48 hours constitute the legal time limit provided for in article 48 of the Code of Criminal Procedure. Mr. El Haj was heard on 26 November 1998 by the examining magistrate. The latter is not a military officer serving in a barracks. He is a civil servant whose office is located in the Law Courts. As it is the right of the accused to ask to be assisted by a lawyer before being heard, the examining magistrate offered Mr. El Haj such assistance but he agreed to be questioned in the absence of a lawyer and signed a document to that effect. At no moment was Mr. El Haj subjected to torture, maltreatment or psychological pressure before the examining magistrate. He unambiguously admitted the crime of which he had been accused and his statements were consistent on all points with the account of his accomplice, Sami Rebeh, who had confessed to the examining magistrate without the Syrian authorities having questioned him. Mr. El Haj personally recognized before the Criminal Court that he had never been badly treated in the office of the examining magistrate or in police premises, affirming only that he had been tortured by the Syrian police.

12. Mr. El Haj was tried for intentional, premeditated homicide under article 549, paragraphs 1, 4 and 8, of the Criminal Code, an offence which carries the death penalty. The judgement was pronounced by the Criminal Court composed of three eminent judges known for their competence, integrity and experience. The proceedings before this body are conducted in public in the presence of lawyers so as to guarantee the accused a fair and impartial trial. As regards the affirmation that the plaintiffs decided not to proceed against Mr. El Haj, such decisions have no effect on public prosecutions and apply only to personal rights, i.e. action for damages. The Court of Cassation declared the appeal filed by Mr. El Haj admissible on 11 April 2005 under article 396 of the Code of Criminal Procedure, by virtue of which all death sentences are subject to appeal on the merits and the form, which makes it possible for the Court of Cassation to re-examine the case. Mr. El Haj's place of detention is a prison governed by the provisions of decree No. 14310 of 11 February 1949 and the amendments thereto relating to the organization of prisons. Those provisions lay down the procedures for the application of the laws and regulations concerning detainees, define the obligations and powers of prison directors, contain the rules governing the management of prisoners inside prisons and their transfer to the courts, and provide for the submission to the competent authorities of periodic reports on prisoners' conditions of detention.

13. The Government further observes that: the Criminal Court established, after examining in public the probative and indicative evidence and facts of the case, that Mr. El Haj committed a horrible crime whose victims were two innocent workers; Mr. El Haj was tried by an independent regular criminal court observing the legal rules in force in Lebanon, which are applicable to all citizens without distinction and which are consistent with the international norms and principles in force in such matters. Mr. El Haj is currently serving a prison sentence in a place of detention governed by the law, under entirely humane conditions and respecting reasonable standards of security and good management of places of detention as set forth in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

14. The allegations that Mr. El Haj was arrested arbitrarily and was the victim during his pretrial detention of violations by the security services of legal safeguards are merely tendentious affirmations coming from suspect persons who have no hesitation in making gross accusations, without providing the slightest proof, in order to tarnish the image of the Lebanese authorities. It should not be forgotten that the Procurator-General at the Court of Cassation, who is the highest authority in the department of public prosecutions, personally supervises all the judicial police services and oversees the application of the provisions of criminal law designed to ensure the protection of citizens against any arbitrary measure or injustice.

15. In reply, the source asserts that, contrary to what is said in the Government's response, Mr. El Haj has officially been in detention in Lebanon since 25 November 1998, when the Syrian intelligence services handed him over to the Lebanese authorities. The fact that the Government says that "the Syrian intelligence services questioned [Mr. El Haj] at the Anjar station without informing the Lebanese authorities" means that it is relying on information from the Syrian intelligence services when it states that those authorities only held him for three days.

16. The source asserts that Mr. El Haj's detention by the Syrian authorities was illegal because the place of detention was not an official one, the persons who arrested and interrogated Mr. El Haj were not competent to do so, and Mr. El Haj was held without the knowledge of the Lebanese authorities, meaning that during that period of incommunicado detention he was deprived of the protection of the relevant laws.

17. The source points out that the Government contradicts itself when it says on the one hand that Mr. El Haj was arrested by the Syrian intelligence services under a warrant issued by the examining magistrate because of his default and on the other that the arrest took place without any official request by and without the supervision of the Lebanese authorities. The source believes that Mr. El Haj was arrested in violation of the lawful procedure.

18. The source observes that, although the Government contends that Mr. El Haj's arrest by the Syrian intelligence services did not concern Lebanon, it was sanctioned by the Lebanese judicial authorities, since they did not contest it for having been made in an unlawful manner.

19. The source asserts that the verdict against Mr. El Haj was founded on a confession he signed while under torture at the hands of the Syrian intelligence services. The Government claims to be unable to confirm or refute the allegations that Mr. El Haj was tortured because the examining magistrate did not include a record of the intelligence services' questioning of him in the case file. According to the source, however, Mr. El Haj's lawyer, Mr. Elias Bou Ghosn,

reported that the file does contain such a record, dated 24 November 1998 and drawn up by the Syrian intelligence services. The source also disputes the Government's assertions that Mr. El Haj was questioned by a civilian judicial officer in a civilian prison and that he agreed in writing to be questioned without the presence of a lawyer. In fact, Mr. El Haj claims that he was tortured for a month before being handed over to the Lebanese authorities, that he was immediately brought before the examining magistrate and that, under mental pressure from that magistrate, he simply signed papers without reading them.

20. The Working Group notes that the Government of Lebanon neither confirms nor refutes the allegations that Mr. El Haj was arrested at the Lebanese-Syrian border, that he was detained and tortured for a month in an interrogation centre and that it was under torture that he made a confession. The Government admits that Mr. El Haj was questioned by the examining magistrate without the assistance of a lawyer and claims that the examining magistrate reported in the record of the hearing that he offered Mr. El Haj such assistance and that Mr. El Haj agreed to do without it.

21. The Working Group considers that, when someone is accused of an offence punishable by death, the presence of a lawyer is not simply a right that the accused person may renounce, but an absolute necessity for the sake of justice. The Working Group wishes to draw attention in this regard to article 14, paragraph 3 (d), of the International Covenant on Civil and Political Rights, an instrument to which Lebanon is a party. That paragraph provides that everyone charged with a criminal offence has the right to legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.

22. In view of the circumstances of the case in question, the Working Group considers the violation of the above provision to be so serious as to confer on Mr. El Haj's detention and conviction an arbitrary character.

23. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Mr. Naim El Haj is arbitrary, being in contravention of article 14 of the International Covenant on Civil and Political Rights, and falls under category III of the categories applicable to the consideration of cases submitted to the Working Group.

24. Having rendered this Opinion, the Working Group requests the Government to take the necessary steps to remedy the situation of Mr. Naim El Haj in conformity with the norms and principles set forth in the International Covenant on Civil and Political Rights. In view of the special circumstances of the case, the most appropriate remedy would be to obtain his exemption from capital punishment.

25. Such a generous measure would, the Working Group believes, be broadly welcomed and highly appreciated by the international community.

Adopted on 12 May 2006.

**1 United Nations documents**

- l) Human Rights Committee, 79<sup>th</sup> Session, Concluding Observations of the Human Rights Committee: Lebanon, 5 May 1997 (CCPR/C/79/Add.78)

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NATIONS

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International covenant  
on civil and  
political rights

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HUMAN RIGHTS COMMITTEE

Consideration of reports submitted by States parties  
under article 40 of the Covenant

Concluding observations of the Human Rights Committee

LEBANON

1. The Committee examined the second periodic report of Lebanon (CCPR/C/42/Add.14) at its 1578th and 1579th meetings on 7 April 1997 and subsequently adopted\* the following comments:

Introduction

2. The Committee welcomes the second periodic report submitted by the State party, although after a long delay, and appreciates the delegation's readiness to resume its dialogue with the Committee. The Committee regrets, however, that while the report provided some useful information on the general legislative framework of Lebanon, it did not deal consistently with the actual state of implementation of the Covenant, and only to a limited extent with the difficulties encountered in the course of its implementation. The Committee also considers that the report is too brief to provide a comprehensive overview of the implementation of Covenant guarantees by the State party. The Committee appreciated the presence of the delegation, which provided some helpful clarifications in responding to several of the Committee's questions.

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\* At the 1585th meeting (fifty-ninth session), held on 10 April 1997.

3. The Committee hopes that the present comments will assist the State party in the preparation of the third periodic report under article 40 of the Covenant, which should include substantive and thorough information on the issues identified as being of concern to the Committee in the following paragraphs.

Factors and difficulties affecting the implementation of the Covenant

4. The Committee notes that the conflict in Lebanon from 1975 to 1990 destroyed much of the country's infrastructure and caused considerable human suffering, as well as severe economic disruption and difficulties, which continue to restrict resources allocated to human rights. The Committee appreciates that the State party is not in a position to ensure that the provisions of the Covenant are effectively applied and respected throughout the territory, since the authorities have no access to the southern part of the country, which remains under Israeli occupation.

5. The Committee also notes that the process of national reconstruction remains handicapped by a number of factors, *inter alia*, by the fact that non-Lebanese military forces control parts of the State party's territory, which contributes to undermining the control of the central Government and may prevent the application of the State party's laws and the Covenant in the areas not under the Government's control.

Positive aspects

6. The Committee welcomes the State party's recent adoption of legislation designed to a certain extent to bring its legal system into line with Lebanon's obligations under international human rights instruments, in particular legislation designed to ensure the equality of rights and obligations between men and women.

7. The Committee appreciates the Government's readiness to reform the country's prison system, which, the delegation conceded, displays serious shortcomings, and welcomes the budgetary appropriations decided upon by the Government to this effect. It expresses the hope that the prison reform and renovation programme will be effected in as expeditious a manner as possible, so as to enable the State party to comply with articles 7 and 10 of the Covenant.

8. The Committee notes with appreciation the establishment of the Commission on Rules of Procedure and Human Rights (*Commission du reglement interieur et des droits de l'homme*), which examines certain legislative proposals in the light of their human rights implications and for their compatibility with human rights standards. The Committee also welcomes the establishment of a Constitutional Court (art. 19 of the Constitution).

Subjects of concern and the Committee's recommendations

9. The Committee considers that some aspects of the State party's legal system do not conform with the provisions of the Covenant. In this context, it points in particular to the fact that decisions passed by the Justice Council are not subject to appeal, which is contrary to article 14,

paragraph 5, of the Covenant. The Committee recommends that a comprehensive review be undertaken of the legal framework for the protection of human rights in the State party, to ensure compliance with all of the provisions of the Covenant. It further encourages the State party to consider the creation of the institution of a national ombudsman or of an independent national human rights commission, which would have authority to investigate human rights violations and to make recommendations on remedial action to the Government.

10. In respect of Decree-Law 102 of September 1983 and Decree 7988 of February 1996, the Committee notes with concern that the circumstances under which a state of emergency may be proclaimed and enforced in Lebanon are excessively broad and may be used to restrict the exercise of basic rights in an unjustifiable manner. The Committee also deplores that the State party has failed to observe its duties under article 4, paragraph 3, of the Covenant to notify the Secretary-General of the United Nations and through him other States parties to the Covenant of the proclamation of a state of emergency.

11. The Committee accordingly urges the State party to suspend the application of Decree-Law 102 and its implementation Decree, or to replace it by legislation which meets the requirements of article 4 of the Covenant. The Committee also recommends that all future proclamations of states of emergency be strictly limited in time and notified in scrupulous accordance with the requirements of article 4, paragraph 3, of the Covenant.

12. The Committee notes with concern the amnesty granted to civilian and military personnel for human rights violations they may have committed against civilians during the civil war. Such a sweeping amnesty may prevent the appropriate investigation and punishment of the perpetrators of past human rights violations, undermine efforts to establish respect for human rights, and constitute an impediment to efforts undertaken to consolidate democracy.

13. The Committee notes with concern that the role and respective competencies of the Lebanese internal security forces and the military, with respect to arrest, detention and interrogation of individuals, were not properly clarified by the delegation. The Committee regrets that the delegation did not provide information on the role and extent of the exercise of power regarding the arrest, detention and interrogation, as well as the possible transfer to Syria, of Lebanese citizens, by the Syrian security services which continue to operate within the State party's territory with the consent of the Government.

14. The Committee expresses concern about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians. It is also concerned about the procedures followed by these military courts, as well as the lack of supervision of the military courts' procedures and verdicts by the ordinary courts. The State party should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts.

15. More generally, the Committee expresses concern about the independence and impartiality of the State party's judiciary, and notes that the delegation

itself conceded that the procedures governing the appointment of judges and in particular members of the *Conseil Supérieur de la Magistrature* were far from satisfactory. The Committee is also concerned that the State party does not, in many instances, provide citizens with effective remedies and appeal procedures for their grievances. The Committee therefore recommends that the State party review, as a matter of urgency, the procedures governing the appointment of members of the judiciary, with a view to ensuring their full independence.

16. The Committee expresses concern over well substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, the Lebanese security forces and non-Lebanese security forces operating within the State party's territory, the occurrence of arbitrary arrest and detention, searches operated without warrants, abusive treatment of individuals deprived of their liberty, and violations of the right to a fair trial. It has noted the delegation's statement that no such acts of torture and ill-treatment are committed by the Lebanese police and security forces; notwithstanding this statement, it urges the State party to investigate the credible allegations of instances of ill-treatment and torture which have been brought to the Committee's attention.

17. While welcoming the State party's intention to reform and modernize the prison system (see para. 7 above), credible and well substantiated reports of ill-treatment of prisoners and serious overcrowding of prisons, as well as the lack of clear segregation of minors and of adults and convicted detainees and those awaiting trial, continue to be a matter of concern to the Committee. The Committee regrets that the delegation was unable to provide further clarifications on the situation of female juvenile delinquents detained at Zahle prison.

18. While welcoming recent legislative amendments which eliminate some forms of discrimination against women, the Committee notes that both legal and de facto discrimination continue to be a matter of concern. It refers in this context to articles 487 to 489 of the Criminal Code, which impose harsher sentences for conviction of adultery on women than on men, to nationality laws and the law which may restrict the right to leave the country for spouses in the absence of the consent of their husband (para. 9 of the report). The Committee considers that these provisions, and others referred to in the report, are incompatible with articles 3 and 23 of the Covenant. The Committee is equally concerned about the compatibility of laws and regulations which do not allow Lebanese citizens to contract marriage other than in accordance with the laws and procedures of one of the recognized religious communities, and that these laws and procedures do not afford equality of rights to women.

19. Accordingly, the Committee recommends that the State party review its laws, especially those governing the status of women, women's rights and obligations in marriage and civil obligations, make appropriate amendments to them and take appropriate action to ensure full legal and de facto equality for women in all aspects of society. Accessible and effective remedies should be available in respect of all forms of discrimination. The Committee

recommends that in addition to the existing laws and procedures governing marriage, civil laws on marriage and divorce available to everyone should be introduced in Lebanon.

20. The Committee is deeply concerned at the Government's extension of the number of crimes carrying the death penalty, which, bearing in mind that article 6 of the Covenant limits the circumstances under which capital punishment may be imposed, suggesting that they be submitted to continuing review with a view to the abolition of capital punishment, is not compatible with that article.

21. The Committee therefore urges the State party to review its policy vis-à-vis capital punishment with a view, first, to its limitation and, ultimately, its abolition. It recommends that the State party include in its next periodic report a detailed list of all crimes for which the death sentence may be imposed, as well as a list of all cases in which the death sentence was pronounced and/or executed.

22. The Committee has noted with concern the difficulties faced by many foreign workers in Lebanon whose passports were confiscated by their employers. This practice, which the Government has conceded must be addressed more satisfactorily, is not compatible with article 12 of the Covenant. The Committee recommends that the State party take effective measures to protect the rights of these foreign workers by preventing such confiscation and by providing an accessible and effective means for the recovery of passports.

23. The Committee notes with concern that every Lebanese citizen must belong to one of the religious denominations officially recognized by the Government, and that this is a requirement in order to be eligible to run for public office. This practice does not, in the Committee's opinion, comply with the requirements of article 25 of the Covenant.

24. The Committee notes with concern that a number of provisions of the Media Law No. 382 of November 1994 and Decree No. 7997 of February 1996, on the basis of which the licensing of television and radio stations has been restricted to 3 and 11 stations, respectively, do not appear to be consistent with the guarantees enshrined in article 19 of the Covenant, as there are no reasonable and objective criteria for the award of licences. The licensing process has had the effect of restricting media pluralism and freedom of expression. In this context, the Committee also observes that the limitations placed on two different categories of radio and television stations - those that can broadcast news and political programmes and those which cannot - is unjustifiable under article 19.

25. The Committee therefore recommends that the State party review and amend the Media Law of November 1994, as well as its implementing decree, with a view to bringing it into conformity with article 19 of the Covenant. It recommends that the State party establish an independent broadcasting licensing authority, with the power to examine broadcasting applications and to grant licences in accordance with reasonable and objective criteria.

26. The Committee is concerned about the maintenance of the total ban on public demonstrations, which continues to be justified by the Government on

grounds of public safety and national security. This wholesale ban on demonstrations is not, in the Committee's opinion, compatible with the right to freedom of assembly under article 21 and should be lifted as soon as possible.

27. The Committee has noted that while legislation governing the incorporation and status of associations is on its face compatible with article 22 of the Covenant, de facto State party practice has restricted the right to freedom of association through a process of prior licensing and control. The delegation itself conceded that the practice of denying that registration took place is unlawful. The Committee also regrets that civil servants continue to be denied the right to form associations and to bargain collectively, in violation of article 22 of the Covenant.

28. The Committee therefore recommends that the State party ensure that the competent authorities adhere scrupulously to the provisions of the Statute on Incorporation of Associations. It further suggests that the Government review and ultimately lift its ban on the establishment of associations by civil servants.

29. The Committee recommends that the State party give serious and urgent consideration to ratifying, or acceding to, the first Optional Protocol to the Covenant, as a means of strengthening the system of guarantees for the protection of human rights.

30. The Committee recommends that more detailed information about specific laws and more concrete and factual information about the enjoyment of civil and political rights be provided by the Government of Lebanon in its next periodic report. In particular, it would appreciate information on whether domestic courts have given effect to the Covenant's guarantees in their decisions and on how potential conflicts between domestic statutes and Covenant guarantees have been resolved. This would enable the Committee to assess more accurately any progress made by the State party in the implementation of the Covenant.

31. The Committee recommends that information about the Covenant, and the Committee's present observations, be disseminated as widely as possible by the Lebanese authorities, and that the State party's next periodic report be widely publicized.

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# **LEBANON: THE PAINFUL WHEREABOUTS OF DETENTION**

february 2008



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# L'ASSOCIATION LIBANAISE POUR L'ÉDUCATION<sup>5/</sup> ET LA FORMATION

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operational since 1996 (under the name of nouveaux droits de l'homme-international) and officially registered in 2004, "**L'Association Libanaise pour l'Éducation et la Formation** (Lebanese Association for Education and training) **ALEF**" is a non-governmental organization, which works on monitoring, protecting and promoting human rights in Lebanon through education, training, advocacy and lobbying activities.

## Mission

**ALEF** believes in the absolute value of human beings. thus the ultimate "raison d'être" of any community structure is to reflect this belief in attitudes and actions. **ALEF's** mission is to trigger and contribute to a cumulative process of change in values and attitudes incompatible with the universal values of human rights.

**since 1997, ALEF has worked for the promotion and protection of human rights situation in Lebanon through several programs:**

- > **Advocacy program** through concerted actions based on tools such as reports on human rights situation, studies, and other publications on various human rights-related issues.
- > **Education and outreach program** through formal education on human rights courses delivered by **ALEF** resource persons in 3 faculties of 2 major universities and in 2 vocational schools and through non-formal education consisting of customized courses to interested groups (political, social, cultural, religious...etc.), school clubs. The program also entails the production or co-production of human rights education training materials.
- > **youth program:** it is through youth civic activism on human rights issues in Lebanon that youth participation in democratization of the society and empowerment of the rule of law is enhanced. while several tens of volunteers participate in the organization's activities, youth are considered one of the primary target groups of human rights work, where we provide opportunities of civic engagement and further spread the culture of human rights.  
**ALEF** regularly adopts a community-based approach in its work, especially so in the youth program to build the youth's capacity, but also in other programs and projects, to reflect and mainstream the key principle of participation.



How could we be so SILENT...?





# ACKNOWLEDGMENTS

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ALEF gratefully acknowledges the support of the European Commission without whom this report would have been difficult to produce. ALEF also acknowledges the support of the Embassy of the Kingdom of the Netherlands and the partnership of IKV-Pax Christi Netherlands and Pax Christi International.

ALEF is grateful to all the victims who have been interviewed, especially individual Palestinians at Beddawi camp who showed willingness to share what they have been through during and after evacuation despite their ordeals. Special thanks also goes to journalists and civic activists with whom ALEF conducted joint investigations and shared information during the conflict of Nahr el-Bared. Many thanks also to non-governmental organizations and Lebanese associations who agreed to cooperate for this report and thus made revealing the torture trend in Lebanon possible.

We would like also to thank the Working Group on Torture Prevention, headed by ALEF and Restart, who demonstrate a commitment in dealing with the torture trend in Lebanon.

Khalil Mechantaf, research officer at ALEF, conducted the legal review, researched and wrote this report. Lala Arabian and Rima Ishak provided assistance during ALEF meetings with civil organizations and UN agencies and summarized the guidelines of ALEF's main investigations.

Many other individuals, journalists and activists provided continuous assistance to this project/report as a result of their own personal beliefs about and out of respect for their obligation to prohibit torture and ill-treatment internationally.



It may be possible to set down on paper a description of all the horrors of torture in such a way that a multitude of researchers may read it and bear witness. What seems impossible, on the other hand, is to refrain from revealing the pain that I saw in the eyes of the victims that I have interviewed. Yes, there exists a duty to declare how much desolation and despair haunts the eyes of the teenagers, the young Lebanese and the foreigners who were subjected to these abhorrent acts at the hands of state officials.

Torture is the most widespread crime against human rights in the modern world, practiced in more than one hundred countries, including Lebanon. How could something so brutal that it is almost unthinkable be so prevalent? How can the Lebanese state abstain from opening an independent investigation into these crimes and fail to compensate its torture victims, including those who were tortured during the Syrian occupation? How could the Lebanese public be unaware of the practices of its institutions which are meant to protect citizens and preserve their safety? How can we dare to justify the erroneous and illegitimate excuses offered to explain these despicable acts?

## HOW COULD WE BE SO SILENT...?

This is why we decided to draft this report in response to the shocking revelations coming out of Lebanese prisons and detention centers. This is why we decided to denounce the vicious but all too common practices of torture in Lebanon. This is why we decided to reveal a crime that is not yet been categorized as a "crime." This is why we decided to speak on behalf of all the victims who have not yet even asked for recognition of their pain as they know they will not get any from their state officials.

This report is first and foremost dedicated to the victims who decided to share with us their pain in the blackout of the state. It is a report in which we ask for the termination of torture and ill-treatment in prisons and detention centers; to render justice to the victims and end impunity; and above all to respect the dignity of the Lebanese in their home country.

The end product of this project is a report that might be too painful for many people to read, but is essential in uncovering the truth in a country that desperately seeks to reestablish the rule of law amongst people who still live with a mindset of war.

## IT IS OUR RESPONSIBILITY!

# EXECUTIVE SUMMARY

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This report presents the findings of **ALEF**'s research on the state of torture in Lebanon, within the framework of the project "Torture prevention and monitoring in Lebanon" funded by the European Union and implemented in partnership with IKV Pax Christi (Netherlands) and Pax Christi International, and which ran from 1st of April 2007 till the end of September 2008.

**ALEF** is implementing the project owing to funding by the European Union EIDHR's program and co funded by the Dutch Embassy and in partnership with IKV Pax Christi Netherlands and Pax Christi International. The project consists of three complementary actions:

- > A **community mobilization** component that encourages the involvement and commitment of the community in Lebanon by holding trainings, on detecting, addressing and reporting torture cases, as well as promoting the prevention from torture among the population.
- > A **monitoring & reporting** component that consists of a centralized system to process and analyse the compiled information on reported cases of torture and produce a report on torture in Lebanon.
- > An **advocacy** component on the national and international level. It includes on the international level, a visit to Europe to present the report on torture and a lobbying plan of action to urge the government to act on the basis of issues of concern and findings of the torture report, on the national level, the project aims to set up a constructive dialogue between the local authorities, policy makers, government officials and the national network to elaborate the appropriate reforms on the legislative level.

The project achieved the following outcomes:

- > mobilization of civil society's actors towards detecting, addressing and reporting torture cases
- > Promotion of torture prevention among the general population.
- > Advocacy at the national and international level for the implementation of international norms and procedures related to the prevention of torture and decreasing of impunity.

The aim of this research was to assess the extent of torture in Lebanon, to understand its causes, and to identify the main traits of the victims' profile as well as the perpetrators of torture in the country. The study includes a review of the legal framework and an analysis of the practices over the year 2007.

The methodology consisted of a combination of desk-based research aimed at analyzing the legal framework and a field research component (interviews in various locations including refugee camps, drug addicts...etc).

The political crisis through which the country has been passing since 2005 posed a challenge to the implementation of some reforms. The current window of political opportunity should be used to implement legal reforms; prevent and repress torture practices on the ground.

Lebanon has ratified the United Nations Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (1984) in 2000. It has also signed, but not yet ratified, the optional protocol to this convention, a positive step few states have taken.

Lebanon is also a party to the Geneva Conventions (1949) and their two additional protocols (1977) which prohibit torture. These instruments also recognize the principle of "command responsibility" according to which a superior can be held responsible for the acts of his subordinate. This means that responsibility for acts of torture reaches up until the highest level of the state, including the head of the army and the president of the republic for acts perpetrated under their command.

Despite all relevant instruments having been signed by the state of Lebanon at the international level, national laws still fail to prohibit it.

neither the constitution, nor the criminal Procedures Law, nor Criminal Law adequately reflect the international definition of torture.

other laws, such as drug-related laws and laws regulating prisons and detention centers, also fall short of explicitly prohibiting torture.

despite the framework of legal obligations Lebanon is part of, torture has been practiced by the the internal security forces (ISF) against the majority of arrested persons, including but not limited to illegal migrants, drug addicts, sex workers; the military intelligence has also practiced torture against suspects of crimes against national security and against dozens of Palestinian refugees during and after the conflict in Nahr el-Bared refugee camp in northern Lebanon in May – September 2007.

According to interviews conducted by ALEF, some of the victims detained in Varzeh and Kobbeh were electrocuted; tortured by balanco, a method in which the detainee is hanged by wrists, tied behind his back and “balanced” back and forth; raped; hit on genitals and weak or injured areas of the body; beaten and hit with various tools and in various positions. other forms of ill-treatment included humiliation, sleep-deprivation, blindfolding detainees, having them stand up for hours, and beating them. some did not survive such a treatment and died in prison.

Drug-addicts are also regular victims of torture and ill-treatment, with Hobeich’s detention center in western Beirut particularly renowned in this regard. At that detention centre, detainees are subject to torture such as being beaten by hoses or sticks; and being hoisted to a stick until collapsing, with brutal interrogations until the suspect cannot answer anymore. such practices also take place in other places in Lebanon, such as Zahle prison, in the Bekaa valley.

It is evident that torture has allegedly been routinely practiced by the military intelligence against Fatah el-Islam detainees and the general Palestinian refugee population over the year 2007 and by members of the drug repression bureau against some groups, such as drug-addicts. torture against these groups is initially used as a way to extract information but sometimes turn out becoming a tool for deterrence and collective punishment, in all impunity for the perpetrators, and with at least the implicit consent of the relevant authorities.

very poor conditions of prisons, most of which are under-staffed, under-resources, and over-crowded, are also conducive to abuses and mismanagement. besides, the failure to implement the 1964 decree transferring the control of prisons from the ministry of interior to the ministry of justice reflects the lack of civilian oversight, which is a cause for the continuation of torture practices.

this reveals a pattern of systematic and gross violation of human rights by the state of Lebanon and a failure to abide by their erga omnes obligation to prevent and repress torture by other states.



## ALEF calls on the following stakeholders in Lebanon to take action:

### to the Lebanese government

As to its obligation to report periodically to the CAT committee under article 19 of the CAT convention:

1. send its overdue reports to the committee and present its next periodic report due in 2009.

As to its relations with the United Nations special procedures:

2. Invite the special rapporteur on torture and other cruel, inhuman, degrading treatment or punishment to visit Varzeh prison and any other prison or detention centre under its control.

### to the Lebanese parliament

3. Ensure consistency of national laws with the UNCAT, through undertaking the following measures:

3.1. The term "cruel, inhuman or degrading treatment or punishment" should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, and in respect of the norms and principles of detention and imprisonment as agreed by the Congress on the Prevention of Crime and the Treatment of Offenders (1955) and UN General Assembly resolution A/RES/43/173 (1988).

3.2. Adopt the principles embodied in the Code of Conduct for Law Enforcement Officials, UNGA resolution 34/169 of 17 December 1979, especially articles 5 and 6 of the code<sup>1</sup>, and reflect these principles in national legislation and establish effective mechanisms to ensure the internal discipline, external control and supervision of law enforcement officials.

3.3. Define torture by including all its elements of crime, mental and material, in line with its definition in the UNCAT.

3.4. Consider torture a criminal offence – currently petty crime – after raising the penalty to temporary detention, as a minimum, according to article 179 of the criminal code<sup>2</sup>.

3.5. Amend article 401 of the criminal code in order to enclose all violent practices that constitute the elements of crime of torture, as follows:

"For the purposes of this article, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

For such an offence, the minimum period of imprisonment is of five years and includes the immediate suspension of the authorities of the instigator or the perpetrator.

A superior who knew or had reasons to know that torture was being perpetrated by individuals acting under his authority or responsibility and failed to take all necessary and reasonable measures in their power to prevent their commission, will be sentenced by minimum period of imprisonment of five years

Anyone found guilty of instigating or having knowledge that torture was being perpetrated by a public official or other person acting in an official capacity who failed to inform the competent authorities will be sentenced to a minimum of one year of imprisonment"

3.6. Prohibit the use of information obtained under duress before courts of law.

3.7. Grant medical doctors a prominent and independent role in checking individuals in detention centers.

4. Ratify the optional protocol of the UN CAT.

5. Access to the Rome Statute of the International Criminal Court.

<sup>1</sup> Article 5 stipulates that no law enforcement official may inflict any act of torture and ill-treatment or invoke superior orders or exceptional circumstances. Article 6 follows that law enforcement officials should fully protect the health of persons in their custody and take immediate action to secure medical attention when required.

<sup>2</sup> Death penalty should definitely not be considered as the highest sentence. ALEF has called on the Lebanese government on several occasions to abolish the death penalty. See ALEF's press release in this regard, ALEF calls on the Lebanese state to immediately abolish death penalty, *L'Orient le Jour*, 11 October 2007.

### **to the ministry of justice:**

6. include in the criminal procedures law the following data for registration and sentence individuals convicted of not having respected such procedures:

- 6.1. the identity of the detainee
- 6.2. the date, time and place of detention
- 6.3. the detaining authority the individual
- 6.4. the ground for detention
- 6.5. the state of health of the detainee upon admission and any changes thereto
- 6.6. the time and place of interrogations, with the names of all interrogators present
- 6.7. the date and time of release or transfer to another detention facility

7. offer a medical examiner as a routine practice, as follows:

- 7.1. Allow for a medical check during the day of arrest and immediately after each interrogation, with no need for a specific request from the detainee.
- 7.2. Ensure that the medical examiner is not a regular visitor to the detention center and/or in relation (parental or others) with the general prosecutor in charge and/or the detectives conducting the interrogation.
- 7.3. Ensure that the examination takes place in private and without the presence of any officer or public official.

8. establish a monitoring unit within the ministry of justice whose members are in charge of conducting visits to detention centers to ensure respect of Lebanese laws and rights of detainees by the ISF officers and detectives, as follows:

- 8.1. the unit should include observers from the civil society and NGOs to ensure its transparency.
- 8.2. members of the monitoring unit should be able to attend interrogations at any detention center or penal institution to ensure that the conduct of the interrogators is strictly in conformity with the requirements of the CAT convention.
- 8.3. the unit should directly report to the head of the judiciary police, the head of the ISF and the ministers of justice and interior.
- 8.4. its reports should be also submitted to the UN committee on torture and be made accessible and public to the civil society.

9. take appropriate judicial measures to close the detention center of Hobeich and bring to justice those who were and/or are still in charge of interrogations in its premises. Provide detailed statistical data, disaggregated by sex, ethnicity and conduct, on complaints related to torture and ill-treatment allegedly committed by law-enforcement officials, along with investigations, prosecutions, penalties and disciplinary action relative to such complaints.

### **to the Lebanese judiciary**

10. refuse taking up any evidence obtained under torture.

11. investigate any breach of the CAT convention along with any alleged torture case that come to its knowledge promptly and impartially.

12. In addition, and after establishing the aforementioned monitoring unit, the judicial authority when being informed by the unit's reports via the minister of justice, should file when necessary any criminal proceedings against alleged torture cases mentioned in the unit's report.

13. present and make public in a formal fashion any proceeding evidence where there is knowledge or belief that it has been obtained under torture.

14. provide, according to legislative incorporations in the criminal procedures law and the criminal law, means whereby an individual can challenge the legality of any evidence suspected of having been obtained by torture in any proceeding.

15. take effective judicial measures not only to repress but also to prevent acts of torture according to article 2 of the CAT convention.

16. make public the result of investigations into alleged acts of torture and ill-treatment by the Lebanese Army at varzeh and kobbeh prisons during and after the armed conflict in Nahr el-Bared refugee camp, particularly those revealed in this report and provide for independent review of the conclusions where appropriate.

### **to the ministry of interior:**

as to the management of prisons and detention centers:

17. immediately transfer the management of prisons from the ministry of interior to the ministry of justice pursuant of the 1964 law decree n°17315.

18. immediately close the varzeh prison under the control of the ministry of defense and transfer its detainees to other prisons.

19. upgrade the prison conditions, especially Roumieh and Zahle prisons, for them to meet international standards, abolish discriminatory practices in their management and set up external monitoring mechanisms.

20. Ban all interrogations by military intelligence officers, investigate each death case that occurs in prisons and detention centers and have results made public.

21. Prohibit any acts of discrimination in prisons and abolishing the culture of the shawish.

As to the capacity of its armed forces:

22. Train detectives from the general criminal investigation unit and special criminal investigation unit in the ISF on forensic science, investigating crime scenes and techniques of interrogation in respect of human rights norms and treaties.

23. Train eligible inspectors on inspection mechanisms in prisons and detention centers on the prohibition of torture and minimum rules relative to the treatment of prisoners according to international standards.

As to the treatment and status of foreigners

24. Apply article 3 of the UNCAT, as appropriate, in transferring detainees in the Lebanese state's custody to the custody whether de facto or de jure of any other state and immediately stop extraditing refugees to countries where they are at risk of being tortured.

25. Review, as a matter of urgency, the alternatives available to indefinite detention of foreigners by opening the doors for temporary settlement or any other appropriate mean in respect of human dignity, especially refugees from war torn regions<sup>3</sup>.

26. In the meanwhile, undertake all measures aimed at ensuring human rights of migrant workers, refugees, and other foreigners, in particular through accessing the international convention on the protection of the rights of all migrant workers and members of their families (1990) and the convention relating to the status of refugees (1951) and its optional protocol (1967).

## **ALEF calls on the following European union's stakeholders to take action:**

### **Members of the European Parliament**

1. Debate the issue of torture in Lebanon and send the machreq delegation to a fact-finding mission on this issue at the earliest possible.

2. Address torture in Lebanon through calling a hearing on this issue

3. Lead a constructive dialogue with the GoL to ensure implementation of CAT provisions into the domestic legal framework and to address the practice of torture by state agents

4. Work collaboratively with the GoL to ensure ratification of the OP-CAT

5. If the GoL fails to respond favorably to the dialogue through taking the necessary legal and monitoring measures within a defined time-frame, pass a resolution addressing the situation.

### **Members of the European Commission**

To dialogue constructively with the GoL for it to undertake the following:

1. Implement its human rights obligations under the 2002 Association Agreement

2. Strengthen the effective enforcement of legal provisions against torture as set forth in the 2007 European Neighborhood Policy's (ENP) Action Plan.

4. Explore the possibility of accessing to the OP-CAT as per the 2007 European Neighborhood Policy's Action Plan

### **Members of the European Council**

To dialogue constructively with the GoL for it to implement the council guidelines on torture as part of the common foreign and security policy.

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<sup>3</sup> ALEF welcomes the government's decision in its meeting on 10 November 2007 in extraditing foreigners in Lebanese prisons who served their sentence; thus putting an end to their indefinite detention.



issues concerning torture have come before a number of human rights organs, such as the human rights committee on torture, the European court of human rights and the international criminal tribunal on the former Yugoslavia<sup>4</sup>.

Lebanon ratified the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>5</sup>, hereafter UNCAT, the Geneva Conventions of 1949 and both additional protocols of 1977. In addition, Lebanon ratified the ICCPR<sup>6</sup>, CERD<sup>7</sup>, CRC<sup>8</sup>, and UDHR<sup>9</sup>. These conventions which explicitly prohibit torture are applicable as minimum fundamental guarantees of treaty law in the territory of Lebanon.

According to the UNCAT, Lebanon has a duty inter alia to take measures to prevent such activities in territories under its jurisdiction (Article 2), not to return a person to a country where he may be subjected to torture (Article 3), to make torture a criminal offence and establish jurisdiction over it (Article 4 and 5), to prosecute or extradite persons charged with torture (Article 7) and to provide a remedy for persons tortured (Article 14).

In addition to treaties, resolutions of international organizations that sets up mechanisms designed to ensure that the prohibition is implemented and to prevent individuals from resorting to torture<sup>10</sup> are also effective tools for the eradication of torture.

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<sup>4</sup> <http://www.un.org/icty/furundzija/trialc2/judgement/index.htm>

<sup>5</sup> CAT, 5 October 2000

<sup>6</sup> International Covenant on Civil and Political Rights, 3 November 1972

<sup>7</sup> Convention on the Elimination of all forms of Racial Discrimination, 12 November 1971

<sup>8</sup> Convention on the Rights of the Child, 14 May 1991

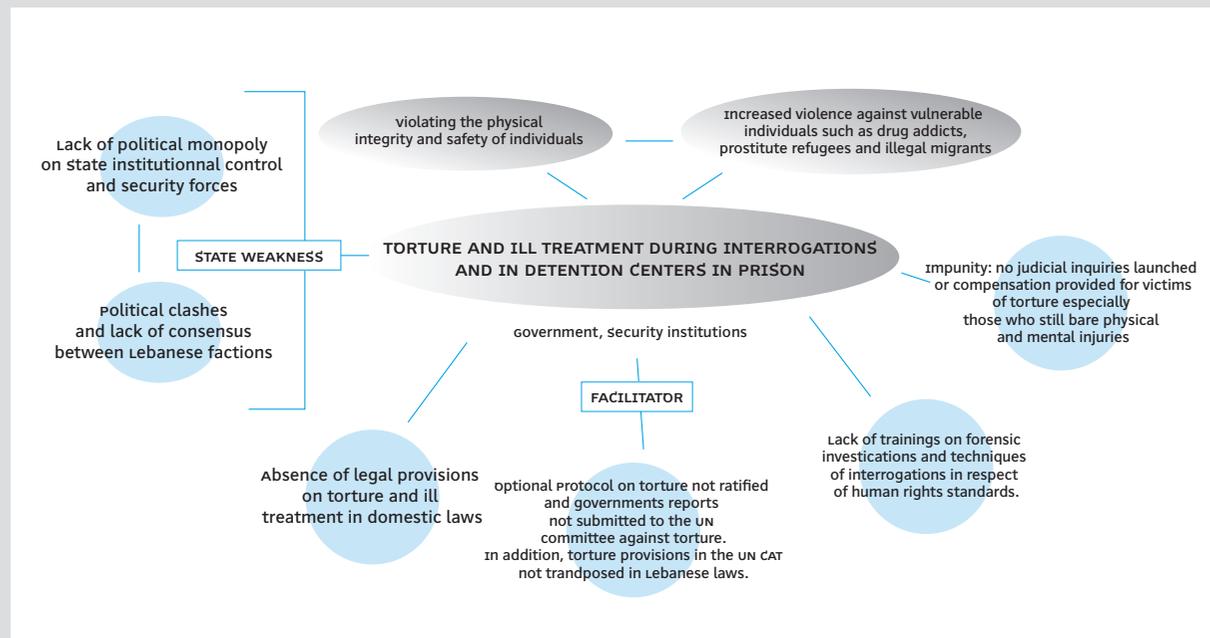
<sup>9</sup> Universal Declaration of Human Rights, 10 December 1948

<sup>10</sup> Reference can be made to such mechanisms as the United Nations Special Rapporteur on Torture; and the United Nations Committee against Torture, set up under the Torture Convention.

# SITUATIONAL ASSESSMENT TORTURE MAPPING IN LEBANON

detention centers and police stations are the most common places where torture and ill-treatment are practiced in Lebanon. such centers are widespread in the capital Beirut, northern Lebanon and the Bekaa valley. most government security institutions are suspected of committing crimes of torture and ill-treatment against vulnerable groups such as drug addicts, homosexuals, prostitutes, and against perpetrators of disgraceful crimes. most arrested individuals who end up in detention centers suffer prolonged incommunicado detention which facilitates the perpetration of torture, cruel, inhuman or degrading treatment.

prisons are also common places for the ill-treatment of prisoners and detainees. there are approximately thirty prisons in Lebanon, some of them have been recently declared as official facilities, such as the Yarzeh prison at the ministry of defense. most prisons are overcrowded and conditions are appalling.



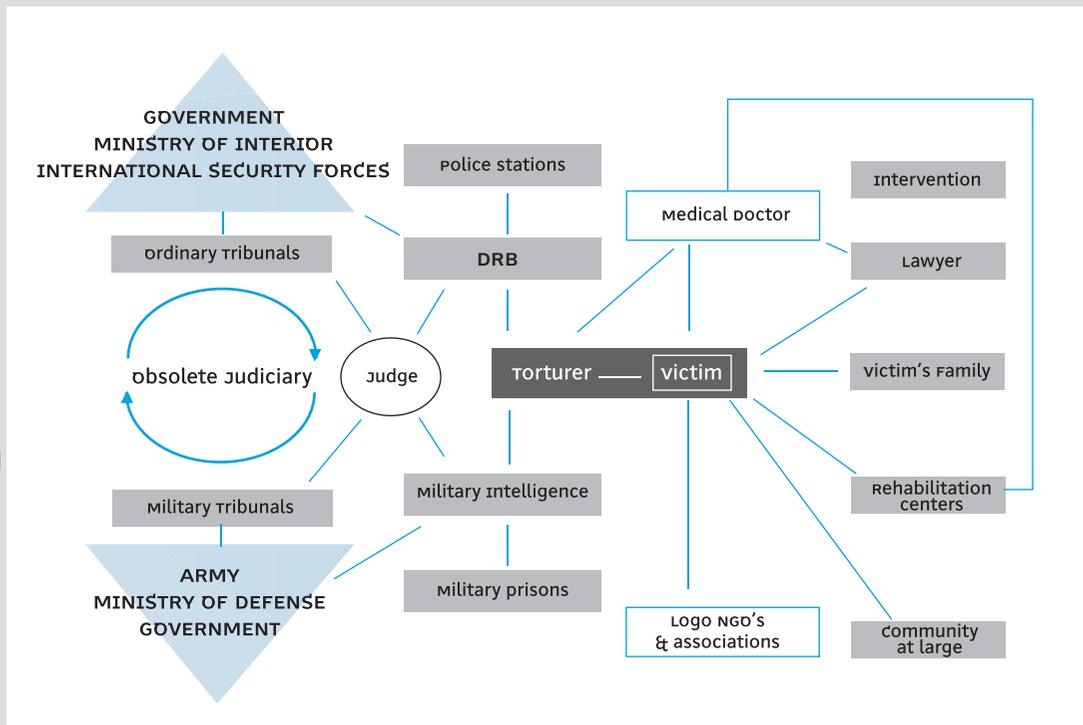
situational map

Figure 1: A situational map on the situation and reasons of torture in Lebanon

so rare are the inquiries launched by the judiciary that they are almost non-existent. The total absence of legal provisions on torture and ill-treatment in domestic laws have resulted in the spread of impunity and the practice of torture and ill-treatment by the very hands of state officials. State weakness and the lack of political monopoly on the control of state's institutions fuels the spread of these crimes and undermines the efforts made by state's committees and civil organizations for the eradication of torture.

Criminal investigation bureaus of the internal security forces (ISF), particularly the drug repression bureau, are the major suspects in committing crimes of torture and ill-treatment, perhaps violating the physical integrity and safety of individuals on an almost daily basis. The ISF and other government security institutions, particularly the military intelligence, lack training on how to conduct forensic investigations and the techniques of interrogation which respect human rights standards. Huge public funds are allocated to security departments, such as the information department at the ISF, depending on the government's policy towards each institution, or at least towards institutions over which the government preserves a certain monopoly. There are however no funds allocated for the training of security institutions on how to conduct forensic investigations and how to respect human rights.

military intelligence is renowned for its violent practices in prisons under the Army's authority, particularly infamous is the varzeh prison at the ministry of defense. At varzeh, previous anti-syrian opposition leaders and supporters as well as perpetrators of crimes of terrorism and crimes threatening the national security have been subjected to extreme conditions and close confinement for prolonged periods.



Actors Involved

Figure 2: A map showing different actors involved in the situational assessment of torture

no national prevention mechanism has yet been established and the optional protocol of the united nations conventions against torture has not been ratified. Local NGOs and associations forced to sign confidentiality agreements to access prisons are unable to identify and detect all torture and ill-treatment cases on their own. detainees do not have easy access to medical doctors or lawyers, especially detainees who can be classified as belonging to a vulnerable group. In many cases, a detainee's family may be the only voice attempting to make reports about specific instances of violence against its family member or about particular conditions of their detention. on the community level, awareness raising for the prohibition of the crime of torture is absent. Alarming trends reveal that many individuals view torture as a needed interrogation tool whose use can be justified by reasons of national emergency and ridding the streets of criminals.



// STATES ARE OBLIGED NOT ONLY TO PROHIBIT AND PUNISH TORTURE BUT ALSO TO FORESTALL ITS OCCURRENCE: IT IS INSUFFICIENT TO INTERVENE AFTER THE INFLICTION OF TORTURE, WHEN THE PHYSICAL OR MORAL INTEGRITY OF HUMAN BEINGS HAS ALREADY BEEN IRREMEADIABLY HARMED //

the international treaties containing provisions about torture<sup>11</sup>, already ratified by Lebanon, impose upon the Lebanese government the obligation to prohibit torture and punish any perpetrators of torture, as well as to prevent its officials from engaging in acts of torture.

In international human rights law which deals with state responsibility rather than individual criminal responsibility, torture is prohibited as a criminal offence to be punished under national law. In addition, all state parties to the relevant treaties have been granted, and are obliged to exercise, jurisdiction to investigate, prosecute and punish offenders<sup>12</sup>. Thus, in human rights law, the prohibition of torture extends to and has a direct bearing on the criminal liability of individuals.

## I. status of the prohibition of torture in international law

As important as the UN mechanisms are for facilitating the process of eradicating torture on a global basis, courts play an equally important role in defending the rule of law. In the age of globalism, law offers a more aggressive role for domestic courts in making and applying international law<sup>13</sup>. Where UN mechanisms have been symbolic in establishing the principles of international law against torture, the legal system, through domestic courts, regional courts, ad hoc tribunals, and the international criminal court, must apply these principles firmly and consistently.

The case of *Filartiga vs. Peña-Irala* was a landmark case in the United States and in the arena of international law<sup>14</sup>. It set the precedent for U.S. courts to punish non-U.S. citizens for tortuous acts committed outside the U.S. that were in violation of the law of nations or any treaties to which the United States is a party. It thus extends the jurisdiction of United States courts to tortuous acts committed around the world and reflects the universal repulsion against torture: "The torturer has become, like the pirate and the slave trader before him, hostis humani generis, and enemy of all mankind"<sup>15</sup>.

This repulsion, as well as the importance states attach to the eradication of torture, has led to the cluster of treaty and customary rules on torture acquiring a particularly high status in the international normative system, a status similar to that of principles such as those prohibiting genocide, slavery, racial discrimination, aggression, the acquisition of territory by force and the forcible suppression of the right of peoples to self-determination. The prohibition against torture exhibits three important features, most likely features also common to other general principles protecting fundamental human rights.

## II. The prohibition even covers potential breaches

Given the importance that the international community attaches to the protection of individuals from torture, torture prevention must be particularly stringent and sweeping. // **states are obliged not only to prohibit and**

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<sup>11</sup> This protection can be found in Article 7 of the International Covenant on Civil and Political Rights (ICCPR); article 1 of the Convention on the Elimination of Racial Discrimination (CERD); articles 19 and 37 of the Convention on the Rights of the Child (CRC); article 5 of the Universal Declaration on Human Rights (UDHR) also prohibits torture, cruel, inhuman and degrading treatment. It appears in almost every human rights treaty.

<sup>12</sup> United Nations Convention Against Torture (UNCAT), Art. 5

<sup>13</sup> Harvard Human Rights Journal, The International Law of Torture: From Universal Proscription to Effective Application and Enforcement – volume 14, Spring 2001

<sup>14</sup> *Filartiga vs. Peña-Irala*, 630 F.2d 876 (2d Cir.1980). The case was decided by a panel of judges from the United States Court of Appeals for the Second Circuit consisting of Judges Feinberg, Kaufman and KeARSE.

<sup>15</sup> *Idem*

punish torture but also to forestall its occurrence: it is insufficient to intervene after the infliction of torture, when the physical or moral integrity of human beings has already been irremediably harmed<sup>16</sup>. consequently, Lebanon is bound to put in place all measures that may pre-empt the perpetration of torture. international law intends to bar not only actual breaches but also potential breaches of the prohibition against torture, as well as any inhuman or degrading treatment<sup>16</sup>. it follows that international rules prohibit not only torture but also the failure to adopt the national measures necessary for implementing the prohibition and the maintenance in force or passage of laws which are contrary to the prohibition.

### III.

#### The jus cogens nature of the prohibition and its consequences: the obligation to enforce it erga omnes

ius cogens is defined by article 53 of the vienna convention as “a norm accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”<sup>17</sup>.

the jus cogens nature of the prohibition against torture articulates the notion that the prohibition has now become one of the most fundamental standards of the international community. this prohibition is designed to produce a deterrent effect, in that it signals to all members of the international community and the individuals over whom they wield authority that the prohibition of torture is an absolute value from which nobody may deviate.

the fact that torture is prohibited by a peremptory norm of international law has other effects at the inter-state and individual levels.

At the inter-state level, it serves to internationally de-legitimize any legislative, administrative or judicial act authorizing torture.

states are bound by the same obligation when taking national measures authorizing or condoning torture or absolving its perpetrators through an amnesty law<sup>18</sup>.

At the individual level, the perpetrators of torture acting upon or benefiting from those national measures may nevertheless be held criminally responsible for those acts of torture committed, in their own state under a subsequent regime, or in a foreign state, flowing from a breach of obligations erga omnes.

in spite of possible failure to condemn torture at the national level, individuals remain bound to comply with that principle at the international level<sup>19</sup>.

moreover, at the individual level, one of the consequences of the jus cogens character bestowed by the international community upon the prohibition of torture is that every state is entitled to investigate, prosecute and punish or extradite individuals accused of torture, who are present in a territory under its jurisdiction. the rights of torture victims are hence universal and can be claimed at any time for past violations.

As stated in general terms by a USA court in Demjanjuk, “the universality principle is based on the assumption that some crimes are so universally condemned that the perpetrators are the enemies of all people”<sup>20</sup>.

the prohibition of torture imposes upon states erga omnes obligations, those are obligations towards all the members of the international community, each of which then has a correlative right.

article 53 of the vienna convention on the Law of treaties of 1969, provides that a treaty will be void “if, at the time of its conclusion, it conflicts with a peremptory norm of general international law”. this rule is also applied in the context of customary rules so that no derogation would be permitted to such norms by way of local or

<sup>16</sup> ECHR, Soering vs. the UK, judgment of 7 July 1989, series A no. 161

<sup>17</sup> Vienna Convention on the Law of Treaties (1969).

<sup>18</sup> “states may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible.” (Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/REV. 1 at 30 (1994)).

<sup>19</sup> As the International Military Tribunal at Nuremberg put it: “individuals have international duties which transcend the national obligations of obedience imposed by the individual state”. IMT, vol. 1, p. 223

<sup>20</sup> John Demjanjuk v. Joseph Petrovsky, US Court of Appeals, 776 F. 2d 571 (6th Cir. Ohio 1985)

special custom<sup>21</sup>. Article 41 (2) of the UN International Law Commission (ILC), Articles on State Responsibility, 2001, provides that no state shall recognize as lawful a serious breach of a peremptory norm<sup>22</sup>.

The violation of such an obligation simultaneously constitutes a breach of the correlative right of all members of the international community and gives rise to a claim for compliance accruing to each and every member, which then has the right to insist on fulfillment of the obligation or in any case for the breach to be discontinued.

Where there exist international bodies charged with impartially monitoring compliance with treaty provisions on torture, these bodies enjoy priority over individual states in establishing whether a certain state has taken all the necessary measures to prevent and punish torture and, if they have not, in calling upon that state to fulfill its international obligations. The existence of such international mechanisms makes it possible for compliance with international law to be ensured in a neutral and impartial manner.

It should be noted that the prohibition of torture laid down in human rights treaties enshrines an absolute right, which can never be derogated from, not even in time of emergency<sup>23</sup>.

This is linked to the fact, discussed above, that the prohibition of torture is a peremptory norm or *jus cogens*. This prohibition is so extensive that states, including Lebanon, are even barred by international law from expelling, returning or extraditing any person to another state where there are substantial grounds for believing that the person would be in danger of being subjected to torture<sup>24</sup>.

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<sup>21</sup> see further enforcing obligations erga omnes in international law – Cambridge Studies in International and Comparative Law, series 44, December 2005

<sup>22</sup> one that involves a gross or systematic failure by the responsible state to fulfill the obligation, article 40 (2). see also article 50 (d).

<sup>23</sup> on this ground, the prohibition also applies to situations of armed conflicts. we will get back to this during our study of the *Nahr el-Bared* armed conflict.

<sup>24</sup> ICTY, *Furundžija* case – 144



// SOME OF THOSE ARRESTED WERE DETAINED FOR  
NO REASON OTHER THAN TO ENSURE THAT EVIDENCE OF  
TORTURE ON THEIR BODIES HEALED //

## THE CONFLICT OF NAHR EL-BARED

international humanitarian law governs the conduct of both internal and international armed conflicts. For there to be a violation of this body of law, the violation must occur within the context of an armed conflict.

torture in times of armed conflict is specifically prohibited by international treaty law, in particular by the Geneva Conventions of 1949 and the two additional protocols of 1977<sup>25</sup>.

These treaty provisions are of particular importance due to the conflict in the Nahr el-Bared Palestinian refugee camp in northern Lebanon, between the armed group of Fateh el-Islam and the Lebanese Army.

It is important first to check which international legal norms of those relating to torture are applicable in the context of the conflict in Nahr el-Bared and also to distinguish between situations of non-international armed conflict and other types of conflict situations.

### I. Distinguishing different types of conflicts

International law recognizes at least four different types of tense situations, each of which is governed by a different set of legal norms: (a) situations of tensions and disturbances<sup>26</sup>; (b) international armed conflicts; (c) wars of national liberation; and (d) non-international armed conflicts.

While international human rights law (IHRL) applies in situations of internal tensions and disturbances, core human rights guarantees, along with the provisions of international humanitarian law (IHL), are operative in armed conflicts and wars of national liberation.

There are several situations that can qualify as non-international – or internal – armed conflicts and several instruments apply accordingly.

The minimal provisions applying to an internal armed conflict are those of common Article 3, which refers to “[...] an armed conflict not of an international character occurring in the territory of one of the high contracting parties”<sup>27</sup>. Within this definition, any conflict “not of an international character” qualifies as an internal armed conflict, as the jurisprudence has confirmed that the reference to the “territory of one of the high contracting parties” is not relevant anymore to disqualify a conflict as internal<sup>28</sup>.

Criteria set forth by Additional Protocol II (hereinafter AP II), on the other hand, set a higher threshold for a conflict to qualify under the terms of the Protocol.

Indeed, according to its Article 1 (1), the term “non-international armed conflict” refers to all armed conflicts that cannot be characterized as either international armed conflicts or wars of national liberation, provided it “[...] take[s] place in the territory of a high contracting party between its armed forces and dissident armed forces or other organized armed groups, which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations”<sup>29</sup>.

The jurisprudence of the International Criminal Tribunal for the former Yugoslavia (ICTY) Appeals Chamber has

<sup>25</sup> Lebanon ratified all four Geneva Conventions on April 10, 1951 and both additional protocols on 23 July 1997.

<sup>26</sup> A non-exhaustive list of examples of situations of tensions and internal disturbances are provided in Article 1(2) of Additional Protocol II to the Geneva Conventions, and include “riots, isolated and sporadic acts of violence and other acts of a similar nature.” Article 1(2) expressly provides that Protocol II does not apply to situations of tensions and disturbances.

<sup>27</sup> Emphasis added.

<sup>28</sup> See especially US Supreme Court, *Hamdan v. Rumsfeld*, 548 U.S., 2006, which held that every armed conflict that “does not involve a clash between nations” is not of an international character, and that the latter phrase “bears its literal meaning.”

<sup>29</sup> *Id.* In contrast to Protocol II, common Article 3 to the Geneva Conventions does not provide a definition of internal armed conflicts, but simply refers to them as “armed conflict(s) not of an international character occurring in the territory of one of the high contracting parties”. For an analysis of the conditions of application of common Article 3, see paragraphs 215–220 of the ICJ decision in *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, I.C.J. Reports 1986 (June 27), p. 14.

further refined the definition of internal armed conflicts, inter alia, in its landmark decision, *Prosecutor v. Dusko Tadić* in which it held that “an armed conflict exists whenever there is a resort to armed force between states or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state”<sup>30, 31</sup>.

on the basis of the above, the conflict of Nahr el-Bared, in northern Lebanon between the Lebanese Army and the armed group Fateh el Islam, can be qualified as an internal armed conflict under the terms of Article 3 common and those of AP II for the following reasons:

- > It took place in the territory of a high contracting party
- > It was a conflict between the armed forces of the state of Lebanon and an organized armed group
- > The armed group was under responsible command
- > And it exercised such control over a part of Lebanon’s territory as to enable it to carry out sustained and concerted military operations.

the Nahr el-Bared conflict qualifies as “protracted”<sup>32</sup>, as defined in the *Tadić* case-law, in being an armed conflict that lasted for more than three months.

the conflict of Nahr el-Bared certainly exceeded the level of internal tensions and disturbances to reach the level of an internal armed conflict.

## II.

### The conflict of Nahr el-Bared and the Lebanese state’s obligations

#### 1. Principal norms of international human rights law and international humanitarian law applicable to torture in internal armed conflicts

the principles governing internal armed conflicts in humanitarian law are becoming more extensive, while the principles of international human rights law are also rapidly evolving, particularly with regard to the fundamental non-derogable rights which cannot be breached even in times of public emergency<sup>33</sup>.

**// under some IHRL treaties, and in the context of armed conflicts, governments are entitled to derogate from several rights, provided they respect certain conditions. torture and the right to life however, are not included in these rights and shall not be derogated from under any circumstances. //**

moreover, other IHRL treaties such as the torture convention, do not permit derogations at all and are applicable at any time and in any place whatsoever.

under IHL, on the other hand, there are two main sources of protection against torture in treaty law: (a) common Article 3 of the Geneva Conventions of 1949 and (b) Article 4 of Additional Protocol II, both of which explicitly prohibit torture and offer minimum fundamental guarantees of treaty law in the territory of Lebanon.

common Article 3 builds upon the Martens clause<sup>34</sup> and provides that parties to “armed conflict[s] not of an international character” must apply certain minimum standards to “persons taking no active part in the hostilities”<sup>35</sup>. In particular, common Article 3 expressly prohibits the following acts, viz., “(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) outrages upon personal dignity, in particular, humiliating and degrading treatment”.

Additional Protocol II improves upon the admittedly “minimum” protections afforded by common Article 3. for the purposes of this report, the most important components of Additional Protocol II are part II, Article 4

<sup>30</sup> NO. IT 94-1 AR 72, Appeal on jurisdiction, paras. 70 (October 2, 1995).

<sup>31</sup> For further studies on the different types of conflicts, see International Law, chapter 21, 1068 – 1076, Malcolm N. Shaw, fifth edition, Cambridge, 2003.

<sup>32</sup> The conflict erupted on May 20 and lasted till 2 of September 2007 when the army managed to control the camp and arrest several “Fateh el Islam” militants.

<sup>33</sup> Inter alia, see e.g. article 4 of the ICCPR, 1966.

<sup>34</sup> First appeared in the preamble of the 1899 Hague Convention and provides that “the parties to an armed conflict must act in accordance with the principles of law of nations derived from the usages established among civilized peoples, from the laws of humanity and the dictates of public conscience”.

<sup>35</sup> common Article 3 provides that such persons include “members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause”. It also provides that such persons must in all circumstances be treated humanely “without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.”

(provisions concerning humane treatment). Regarding part II, Article 4(2) (a) reinforces the provisions on torture contained in common Article 3 and prohibits, inter alia, "violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment"; (b) "collective punishments" both of them "at any time and in any place whatsoever".

## 2. customary rules on torture in internal Armed conflicts

It must be noted that some treaty rules on torture have gradually become part of customary law. This holds true for common Article 3 of the 1949 Geneva Conventions which was authoritatively upheld by the International Court of Justice (ICJ)<sup>36</sup>, and also to the core provisions of Additional Protocol II of 1977. The ICJ has confirmed that these rules reflect "elementary considerations of humanity" applicable under customary international law to any armed conflict, whether it is of an internal or international character<sup>37</sup>.

### III.

## Torture and other brutal practices detected outside the camp during the conflict

In the worst internal violence since the end of Lebanon's bloody civil war 17 years ago, fighting between the Lebanese army and the shadowy militant group Fateh el Islam has claimed more than 200 lives as of September 2007, including both combatants and civilians. On 20 May, Lebanese security forces raided a building in the northern city of Tripoli to arrest bank robbery suspects, which was followed by an attack by Fateh el Islam militants on the Lebanese army installations in other parts of northern Lebanon and at the entrance of Nahr el-Bared camp.

The 30,000 residents of the camp (who mostly originate from the northern Galilee region of historic Palestine and were forced out or fled during the establishment of the State of Israel) had been under siege and caught in the cross-fire as Lebanese forces, pledged to flush out Fateh el Islam, attempted to do so.

Emergency and humanitarian workers reported difficulties in reaching affected civilians, and have been fired upon by Fateh el Islam combatants. As a shaky ceasefire mostly held the night of 22 May, thousands of camp residents fled, telling of the deaths of many civilians who had not yet been recovered. Many of them found refuge in Beddawi camp, located 10 km away from Nahr el-Bared. Protests have erupted at Palestinian refugee camps across Lebanon, where 400,000 Palestinian refugees make up 10 percent of the country's population – over half of whom live in impoverished, overcrowded refugee camps.

Three days after the start of the hostilities, humanitarian organizations managed to disseminate goods and evacuate the wounded and the sick. Concurrently, an American Air Force plane landed on 25 May at Rafik Hariri International Airport of Beirut carrying military aid to the Lebanese army who finally managed to penetrate the camp of Nahr el-Bared for the first time on 15 July.

Many local and regional actors urged both parties to end the conflict through peace talks. These organizations included the Palestine Liberation Organization (PLO) who asked Fateh el Islam to put down their arms. Calls for peace talks, however, started to lose their impact particularly after the Army killed Abu Houreira, leader number 2 in Fateh el Islam, on 24 August.

On 24 August, the army evacuated the families, women and children of Fateh el Islam; a move widely considered to signal the imminent seizure of the camp. One week later on 2 September, the camp fell to the hands of the Army after a failed attempt by the militants of Fateh el Islam to escape the army's stronghold<sup>38</sup>.

Since the beginning of the hostilities, there were ongoing negotiations to evacuate some 40,000 civilians trapped in the midst of the fighting. For security reasons, the evacuation was only allowed under the supervision of the Army. Checkpoints were set up to closely monitor all egress from the camp and severe procedures were put in place for the evacuation process.

During the evacuation, there were many reports of ill-treatment of civilians who went through harsh conditions before being allowed to leave the camp. Some were arrested for further investigations. Of those arrested, a portion were even beaten and tortured by the military intelligence.

<sup>36</sup> Nicaragua case, at para. 218.

<sup>37</sup> idem

<sup>38</sup> Few of them, however, have ever managed to escape including the leader of the group, Shaker el Abssi.

A witness who was interviewed by ALEF, M. G., tells about his experiences when he evacuated the nahr el-bared camp in early July 2007, one month after the start of the hostilities. "we ran to the Army's checkpoint under heavy shelling. we were separated into groups; men and children of 15 years old and over were forced to stay at the checkpoint for around three hours. An officer started to insult all of us, saying that we were the cause of this conflict. This all happened on the exit from the camp under fire".

The Army reportedly had a list of names of persons allegedly involved with Fateh el-Islam. This list was gathered by the military intelligence during interrogations or from other sources and was used in checking the identities of those who were evacuating the camp; "Palestinians or individuals from Arab countries whose names were on that list were immediately arrested, handcuffed and taken to unknown destination(s); the rest of us, who were not on the list, were taken to the Kobbeh prison near the Beddawi camp; women and children were released", M.G. added.

Another Palestinian who was arrested and sent to Kobbeh prison stated that he was surprised to find that some Palestinians who fled nahr el-bared many days before his evacuation, were still detained in Kobbeh's cells. "most of us were detained for several days, some of us for a week, without being informed of our (alleged) crime", he stated. Kobbeh prison was overcrowded. Most of the detainees were sleeping on the floor without any mattresses or blankets. "There was no place for all of us to rest so some groups slept while the others waited their turn to rest", he continued. According to information gathered during the interviews, detainees used to stay at Kobbeh prison for a period ranging between 24 hours to one week before being released or transferred to Yarzeh prison at the Ministry of Defense or to Roumieh central prison.

The Army was also tracking Palestinians at military checkpoints in the north or arresting some of them during tours of duty. An eighteen year old Palestinian, Abu Yasser<sup>39</sup>, was arrested a few days after the end of the hostilities on 2 September 2007 by an Army patrol while he was in a taxi leaving the Beddawi camp to go to work at "Bourj el Arab". He was blindfolded and taken to an unknown destination<sup>40</sup>. Abu Yasser was cursed, beaten, electrocuted, and threatened. His case was reported by some news agencies<sup>41</sup>; however, most of the media outlets in Lebanon, if not all of them, did not investigate nor report on this or similar cases of torture and/or the practices of the military intelligence during interrogations. When he was finally spared further injury, Abu Yasser was told by his torturers to "tell his fellow Palestinians what had happened to him and that the Army rules here", he stated.

These stories, and many other similar ones, have spread among the refugees and the displaced at the Beddawi camp. Many feared to leave the camp, especially those who evacuated nahr el-bared without any identification papers and are now relying on the United Nations Relief and Working Agency (UNRWA) to provide them with temporary IDs<sup>42</sup>. Many of the displaced have expressed their concerns with regard to leaving the camp for work or even to visit their families for fear of being arrested at military checkpoints, especially the one at "Madfoun" in northern Lebanon. Some were arbitrarily arrested because one of their family members had been detained or imprisoned on allegations of involvement with Fateh el-Islam.

After he was released from the Kobbeh prison, M. G. volunteered as a nurse in a dispensary in the Beddawi camp known as the "dispensary of recovery" مستشفى الشفاء. M. G. stated that he had treated around 11 people who were severely beaten during their detention, one of them was Abu Yasser. M. G. said that most of those who were tortured in the Yarzeh prison at the Ministry of Defense refuse to talk about what they have been through during the interrogations. "They just want to go on with their lives", he said.

Another Palestinian, F. W., who was detained for interrogation by the Army during evacuation, was held for two days at the Kobbeh prison and then transferred, along with other young and middle-aged prisoners to what he believes was the Ministry of Defense at Yarzeh.

There, F.W.'s long ordeal began. Prison officials accused him of belonging to Fateh el-Islam, and kept him blindfolded in a crowded cell for eight days with scores of others similarly accused. When he insisted on his innocence, they began torturing him. "It was really hard for most of us to go through the investigation. The investigators didn't spare any method of torture. Balango, electrical chair, rape, some were beaten with bare hands, electrocuted, hit on the back with a hose. The psychological toll was extreme." he added. F. W. was sent back to Kobbeh prison and managed to reach a nearby hospital after his release.

<sup>39</sup> Abu Yasser, his nick name, was interviewed by ALEF on 5 September 2007.

<sup>40</sup> Abu Yasser could not tell the exact location of his detention; he said that the journey there took around five minutes from the Beddawi camp. The place of detention may have been the Kobbeh prison, which is located fifteen minutes from the Beddawi camp, but we were not able to confirm the exact place of detention.

<sup>41</sup> See, Electronic Lebanon, Ready to return with nothing, Mathew Cassel, September 11, 2007.

<sup>42</sup> UNRWA can only provide IDs valid for two months at most, than the refugees have to ask for an official one from the office of personnel.

some detainees did not even survive the interrogations or the prisons and died because of torture and/or ill-treatment. Fawzi el Saeidi, a fifty-nine year old Palestinian, passed away at Roumieh prison on 18 August 2007. On 29 June 2007, his brother had revealed to the Palestinian Human Rights Organization (PHRO) medical reports confirming the poor health condition of Fawzi<sup>43</sup>.

On 3 June 2007, Fawzi was shot in the stomach during the fighting in Nahr el-Bared. Two days later, he was transferred out of the camp first by an ambulance from the Red Crescent and then by another one from the Red Cross to the Islamic hospital in Tripoli. Before receiving any treatment, he was taken to an unknown destination on a military ambulance according to a worker in the Islamic hospital.

PHRO interviewed Fawzi at Roumieh prison on 10 August 2007. During the interview, Fawzi was lying on a mattress in a corridor separating the cells where the detainees of the conflict of Nahr el-Bared were being held. The smell of feces was very noticeable, especially to outside visitors. Fawzi revealed to PHRO his poor state of health and the ill-treatment that he had been subjected to during interrogation. This interrogation took place only two days after Fawzi underwent surgery to attach a colostomy bag required after the stomach injuries he suffered in the fighting in Nahr el-Bared.

When Fawzi was asked by PHRO whether he was subjected to torture, he said that officers would purposefully put pressure on his wound which caused him to bleed and be transferred to the hospital several times. PHRO said that Fawzi was crying because of the pain during their interview with him and they had to stop at one point because he was not able to continue.

According to some statements collected by PHRO from other detainees who were in cells near Fawzi, some of them said that he (Fawzi) used to scream all night and he was not able to stand up, eat or even sleep; often his colostomy bag would burst and they had to clean his body and the floor. When Fawzi's two daughters visited their father at Roumieh, he told them that he was too tired and asked them to do whatever was necessary to get him out of there, Fawzi's son stated<sup>44</sup>. Fawzi was arrested because of his alleged involvement with Fateh el-Islam; he however was not told the reasons for his detention until days after he had been arrested.

Few torture allegations have been made public, unlike the case of the Australian detainees (Muhammad Bassel, Ahmed el-Omar, Ibrahim Sabbough and Omar el-Hadba) who were accused of carrying weapons, undermining the state's authority and participating in the killing of civilians and military personnel in the conflict of Nahr el-Bared. The first two who were picked up on the streets of Tripoli on 21 June 2007 were freed without charges after frequent brutal interrogations inside a grim government building in Beirut. They both said they were handcuffed, blindfolded and beaten during an extended period of interrogation and were left in a corridor over the course of a week.

Ahmed el-Omar, the Australian boxer, who made a statement upon his arrival to Sydney on 1 August 2007 soon after his release, alleged he was physically tortured by Lebanese military intelligence and deprived of sleep since his arrest. Speaking to News Corp, el-Omar said his imprisonment was the, "worst thing that has ever happened to me. The conditions are the worst you could think of... they hit you, they interrogate you," he said. "I didn't see anything. I was 24 hours a day blindfolded... I never slept - probably half an hour to an hour, max"<sup>45</sup>. When they arrested me, "I was pulled by my beard; hit with a - I don't know if it was a stick, obliged to stand for nearly 8 hours to 10 hours straight and every time I would go down because my legs couldn't hold me no more, they would just start belting into me"<sup>46</sup>. el-Omar was constantly asked questions about an Islamic center in Australia and about links to the fugitive Al-Qaeda leader Osama bin Laden<sup>47</sup>.

The detention of Ahmad el-Omar and Muhammad Bassel was tame compared with that of their compatriots (Ibrahim Sabbough and Omar el-Hadba) who have been sent to Lebanon's Council of Justice, which deals with crimes against the state and the charges of sedition and treason. Ibrahim Sabbough was arrested because he had in his possession a 20-year-old rifle. Speaking about Sabbough, Ahmad el-Omar said "ala'ou" in Lebanese; it means they've "hanged him. I don't know. I think they were hanging him from his hands. His hands were backwards, hanging him, lifting him up in the air. And he was screaming and yelling. And on top of it they

<sup>43</sup> PHRO met with Fawzi el Saeidi at Roumieh prison on 10 August 2007, one week before he passed away, and informed ALEF about his condition during an exchange of e-mails on 27 and 29 August 2007 and a meeting on 18 September 2007.

<sup>44</sup> Al Akhbar newspaper, وفاة موقوف في سجن رومية...وفاء الثانية خلال أسبوع...، للمرة الثانية خلال أسبوع...، 21 August 2007.

<sup>45</sup> All Head Lines ANH, Global News for the Digital World - Champion Australian Boxer Alleges Torture during Detention in Lebanon, August 1, 2007.

<sup>46</sup> World News Australia, Torture Claims from Aussies Arrested in Lebanon, Sophie McNeill, <http://www.worldnewsaustralia.com.au/trans.php?transcript=45034>

<sup>47</sup> idem

kept on punching him, kicking him"<sup>48</sup>. sabbough's defense lawyer, mahmud el-masri, stated that sabbough revealed to Australian diplomats who visited him that he was tortured and showed them his wounds. El-masri added that there are signs of torture on sabbough's body and his arm is damaged<sup>49</sup>.

In addition to sabbough, omar el-hadba, a taxi driver, has been accused of storing a half ton of weapons in his Tripoli work shed. Both men have been referred to the chief military investigating magistrate, Rashid Mezher, for further investigation.

Australian consular officers in Lebanon have requested access to both men and have also asked for a thorough investigation into allegations other Australian men have been mistreated while in custody<sup>50</sup>. The Australian Department for Foreign Affairs and Trade said two of the four men, including one still in custody, had complained of their treatment by the Lebanese authorities<sup>51</sup>. "we take these claims very seriously and have raised allegations of mistreatment at senior levels of government, military and judiciary who assured us the men were in good health," a department spokesman told Agence France Presse (AFP). The spokesman, who did not elaborate on the mistreatment, said Australia will press for an investigation and will support the families' request for an independent medical examination of the man in custody. He finally urged the Lebanese government that the men be well cared for and detained in accordance with international humanitarian standards<sup>52</sup>.

#### IV.

### The conditions in and around nahr el-bared after the end of the conflict

The conflict ended on 2 September 2007. The Army considered the nahr el-bared camp a security zone and many were not given access to enter including Palestinians themselves, journalists and human rights organizations<sup>53</sup>.

Despite the harsh monitoring measures implemented by the Army to prohibit any access to the camp many Palestinians and human rights activists have tried to enter. Many have failed in their attempts to enter, though a few have succeeded. The Army divided the camp into sectors and demarcation lines and allowed temporary access to some zones in the camp on 10 October 2007. On the third day of giving such permission, 35 individuals including Palestinians and human rights activists tried to enter. Some of them were holding permissions while others had none. They were all arrested by the Army who forced them to lay face down in a line in the middle of the camp. Many were beaten and forced to lick and kiss the boots of Army members. Others had their hair cut forcibly; some officers cut the hair in the name of a parent or a close friend who died in the conflict. Other human rights activists from Najdah el Ijtima'ia and Agel were also arrested and brutally beaten for crossing the demarcation line in sector C of the camp.

Stories are widespread of video recordings showing individuals who got beaten and tortured. It was alleged that they were recorded by military officers during and after the conflict in the camp of nahr el-bared. ALEF gathered some of these videos as evidence even though their authenticity could not be proven. One of those shows a naked man laying on the ground surrounded by individuals beating him and kicking him in the stomach and the head<sup>54</sup>. The video did not allow for identification of the perpetrators, not even to see if they were civilians or military personnel. ALEF's torture prevention team investigated why these videos were made public if they were allegedly recorded by the military. We concluded that they were intended to terrorize the Palestinian population and show the army's pride in their cruel handiwork.

<sup>48</sup> idem

<sup>49</sup> Al Akhbar newspaper, أستراليا تطالب بتحقيق في تعذيب موقوفين، 4 July 2007.

<sup>50</sup> media release - Australian Ministry of Foreign Affairs - Australians in Lebanon to face charges, 4 July 2007. [http://www.foreignminister.gov.au/releases/2007/fa083\\_07.html](http://www.foreignminister.gov.au/releases/2007/fa083_07.html)

<sup>51</sup> Daily Star by AFP, Two Australians charged with terror in Lebanon, 5 July 2007, [http://www.dailystar.com.lb/article.asp?edition\\_id=1&categ\\_id=2&article\\_id=83545](http://www.dailystar.com.lb/article.asp?edition_id=1&categ_id=2&article_id=83545).

<sup>52</sup> idem

<sup>53</sup> ALEF team has tried to enter on 19 October 2007. After several tentative agreements with the Army, permission was never given to enter the camp.

<sup>54</sup> ALEF could not confirm from the video if the perpetrators were officers from the Lebanese Army.

when parts of the new camp were re-opened and the first thousand families returned to nahr el-bared, they found their houses burnt, looted and vandalized. witnesses attested to what appears to be a systematic pattern of burning and looting. racist graffiti and discriminatory comments of a religious nature were reportedly found on the walls of many homes, several of which were signed with the names of a Lebanese army commando group.

despite persistent rumours holding the Lebanese army responsible for such acts, it was not possible to independently assess such claims, due to the constant denial of access to the camp for journalists and human rights organizations up until the completion of the present report.

other possible perpetrators include Lebanese civilians who could have sneaked into the camp.

In any event, **// no independent investigation has been carried out into these allegations, despite requests by human rights activists. //** The Lebanese army launched an internal investigation conducted by the ministry of defence of which the results will not be made public.

## 1. The facts: evidence of occurrence of ill-treatment and torture

### a. Lebanese citizens allegedly involved in ill-treatment of Fateh el Islam suspects

when the conflict ended, around twenty Fateh el Islam members succeeded in fleeing the camp. many of them were later arrested by the Army, sometimes with the help of Lebanese citizens in surrounding villages. ALEF could not confirm whether those arrested by the villagers were beaten and/or mistreated. there was no investigation opened by the judiciary into this particular matter and it is believed that the villagers were taking advantage of an acquiescence of the Army to allow the report and arrest of any suspicious individuals that were found nearby their residences in northern Lebanon.

### b. Harsh conditions at Roumieh prison

At the time of reporting, there were around 167 suspects detained in Roumieh prison, some of whom were detained since the outbreak of the nahr el-bared conflict<sup>55</sup>.

on 4 October 2007, the ISF's task force "Fouhoud" (tigers) searched the cells of Fateh el Islam suspects in the convicts' building at Roumieh prison as part of a security measure implemented by the prison's administration. **//it was allegedly reported that some of the prisoners were beaten and had their beards shaved in the prison yard and that most of them were never allowed to see their families.//** consequently, a number of detainees started a hunger strike, that lasted for 22 days, asking for compensation and sentencing of whomever was responsible for what they had been through.

The general directorate of the ISF automatically opened an inquiry into the incident under the supervision of the general prosecutor, Judge Saïd Mirza, to investigate the allegations following the search campaign. on 19 October Judge Mirza stated that the investigators had gathered testimony from prisoners and officers from the prison. The primary inquiry had showed that there was no judicial decision to shave the beards and heads of detainees, but one of the lieutenants decided to do so in respect of the prison's internal law<sup>56</sup>.

Following the incident, the general directorate of the ISF decided to replace the detainee's buildings administrator. The individuals detained were somewhat relieved but decided to continue their hunger strike until their rights were respected, or at least equal to those of other prisoners whom, for example, were allowed to sit in the prison yard and were allowed 30 minute visitations.

### c. Ill-treatment and torture by the Lebanese army

ALEF's torture prevention unit procured a lot of information about Palestinian refugees being arrested by the Army, and conducted visits to the families of detainees in Beddawi camp in order to assess the circumstances of their detention. most of them are accused of being involved with Fateh el Islam and Jund el Cham<sup>57</sup>; while others were arrested because of crimes committed before the outbreak of the conflict.

<sup>55</sup> There are no official numbers yet. To date, there are currently 17 prisoners who died and were not officially counted by the Red Cross.

<sup>56</sup> On 6 October 2007, the ISF released a statement in which it considered that the hunger strike of Islamists in Roumieh prison is a personnel matter. The statement added that searching cells and shaving beards are an application of prisons law and hygiene provisions.

<sup>57</sup> Another organization similar to Fateh el Islam mainly present at Ain el Helweh, the largest Palestinian camp in Lebanon.

most of those who were interviewed, released palestinians and families of detainees, stated that they were subject to the most severe forms of physical and mental torture. In this respect, torture methods cataloged by ALEF included drinking pee, sexual harassment, rape, hitting of sexual organs or weak and/or injured areas of the body with a stick, and being forced to stand blindfolded with hands bound behind the body. detainees were also cursed, shamed and threatened. Investigators used these methods to extract information or confessions about the Islamist group of Fateh el Islam. Such methods led some detainees to sign interrogation reports without being informed of the content of the report.

ALEF has chronicled a number of torture cases related to the conflict in Nahr el-Bared by gathering testimonies from individuals who were tortured and ill-treated. It is important to note that **//some of those arrested were subject to prolonged detention for no reason other than to ensure that evidence of torture on their bodies healed. //** It must also be noted that other victims were in poor health condition during these events and some even needed urgent medical attention.

Among all the testimonies gathered from civilians who were spared injury and later released, several gave accounts of quite appalling savagery. All their stories mirror the situation of, at the very least, dozens of palestinians, most of whom are too terrified to speak on the record. They have all been victims of abuses by the Army who systematically ignored international human rights conventions and international humanitarian law provisions, specifically those related to torture, in the conduct of its military operations in the battle with Fateh el Islam and the subsequent treatment of prisoners and detainees.

## 2. principles of criminal liability

The practically universal ratification of the Geneva Conventions shows that all states accept among other things the prohibition of torture. In other words, this participation is highly indicative of the attitude of states regarding the prohibition of torture. In addition, no state, specifically Lebanon, has ever claimed that it was authorized to practice torture in times of armed conflict.

Common Article 3 of the Geneva Conventions, which inter alia prohibits torture against persons taking no active part in hostilities, meaning civilians and those who have laid down their arms, is applicable, as referred to above, both in international and internal armed conflicts. Furthermore, such a prohibition is laid down in IHL and International Criminal Law, which, in contrast to IHL, engages the individual criminal responsibility.

These rules and conventions signed and ratified by Lebanon impose obligations upon the Lebanese government in an armed conflict, but first and foremost address themselves to the acts of individuals acting as de jure or de facto state agents, such as state officials and officials of the Army in charge of the command in the conflict of Nahr el-Bared, or else to individuals acting at the instigation of or with the consent or acquiescence of the Army in the conflict.

ALEF will demonstrate in the following the state's responsibility and the individual criminal liability under international law in acts of individuals who are or have been engaged in acts of torture, other cruel, inhuman or degrading treatment or punishment. This requires a further critique of leadership responsibility and the failure to act.

## 3. command responsibility – individual criminal liability

Since members of the Army operated under a commander responsible for the conduct of its subordinates, it is essential to examine the principle of the 'command responsibility'. This principle evolved out of the Nuremberg trials and is now incorporated in Article 86 (2) of Protocol I of the Geneva Conventions<sup>58</sup>. It entails the individual responsibility of hierarchical superiors, whether civilian or military and regardless of rank, when they fail to take proper measures to prevent their subordinates from committing violations of international humanitarian law<sup>59</sup>.

<sup>58</sup> Article 86 (2) of Protocol I stipulates: 'The fact that a breach of the conventions or of this protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach'.

<sup>59</sup> See ICRC Advisory Service on International Humanitarian Law: 'command responsibility and failure to act'. A 'superior' is to be understood as someone personally responsible for the acts committed by subordinates placed under his control.

Article 87 of Protocol I lays down the duties and obligations of military commanders with respect to their subordinates. The superiors must prevent, suppress, and where necessary report to competent authorities, violations committed by their subordinates. Only when the superior fails in these duties, does he/she risk being held criminally responsible for not taking any action. The ICTY emphasizes this in the Celebici case where the following reasoning was adopted<sup>60</sup>:

"(...) those persons effectively in command of such more informal structures, with power to prevent and punish the crimes of persons who are in fact under their control, may under certain circumstances be held responsible for their failure to do so."

In the present case, AP I does not apply, as we are faced with an internal armed conflict. However, according to the aforementioned 2005 International Committee of the Red Cross (ICRC) study on customary law, the application of the rule of "command responsibility" in international armed conflict also applies in non-international armed conflict.

As the study reads: "commanders and other superiors are criminally responsible for war crimes committed by their subordinates if they knew, or had reason to know, that the subordinates were about to commit or were committing such crimes and did not take all necessary and reasonable measures in their power to prevent their commission, or if such crimes had been committed, to punish the persons responsible"<sup>61</sup>.

In the conflict of Nahr el-Bared, the individual criminal liability can only be engaged in regard to those for whom there are no apparent doubts as to their responsibility<sup>62</sup>. All of the actions of the members of the Lebanese Army were based on superior orders. The military officers are under a legal obligation to obey orders as they operate through a command structure, unless these orders are manifestly unlawful. During the conflict, military commanders were individually responsible for the crimes committed by their subordinates when they failed to prevent, suppress or report the commission of these crimes. It can be concluded that they have failed in preventing, suppressing or reporting the crimes of torture that were perpetrated by the military in the prisons of Yarzeh and Kobbeh. Therefore, it follows that they are criminally responsible for torture crimes committed by their subordinates.

As the International Military Tribunal at Nuremberg stated in general terms: "crimes against international law are committed by men, not by abstract entity", and only by punishing individuals who commit such crimes can the provisions of national and international law be enforced. These officials must be held personally responsible, particularly officials who undertook the investigations in the conflict of Nahr el-Bared and officers in charge of the Kobbeh military base in the north and Yarzeh prison at the Ministry of Defense. Their criminal liability includes acts of torture, cruel, inhuman, degrading treatment and punishment. Their criminal liability also involves their criminal intent *dolus* to torture and ill-treat prisoners and former detainees.

#### 4. state's responsibility

// **under international humanitarian law, in addition to individual criminal liability, torture is prosecuted as a serious violation of humanitarian law and a grave breach of the Geneva Conventions.**// It also constitutes a category of genocide and a crime against humanity. Therefore, the state is to be held responsible when state officials engage in torture or fail to prevent torture or to punish torturers.

Besides, under IHL terms, "[a] state is responsible for violations of international humanitarian law attributable to it, including:

- (a) violations committed by its organs, including its armed forces;
- (b) violations committed by persons or entities it empowered to exercise elements of governmental authority;
- (c) violations committed by persons or groups acting in fact on its instructions, or under its direction or control; and
- (d) violations committed by private persons or groups which it acknowledges and adopts as its own conduct"<sup>63</sup>.

Article 49 of the Lebanese Constitution stipulates: "(...) The President of the Republic is the supreme leader of the military forces that submit to the authority of the Lebanese government." The Presidency of the Republic and the Government were the institutions acting as civilian commanders during the conflict. According to Article 49 of the Constitution, they all bear the supreme and the comprehensive responsibility for the operations of the Lebanese Army in northern Lebanon. The Government of Lebanon and the Presidency were

<sup>60</sup> Judgement, Prosecutor v. Zejnil Delalic, Zdravko Mucic, Hazim Delic, Esad Landzo, case no.: IT-96-21-T, Trial Chamber, 16 November 1998.

<sup>61</sup> Jean-Marie Henckaerts, ICRC, Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict, 2005.

<sup>62</sup> In international criminal law, the burden of proof does not rest on the individual's shoulders and (s)he cannot be held responsible for a crime if any doubts exist as to his/her guilt.

<sup>63</sup> Jean-Marie Henckaerts, op. cit.

required to respect and ensure respect of international human rights law by their armed forces at all times during the conflict. since members of the Army have allegedly perpetrated torture and violated rules of international humanitarian law, these institutions who failed to exercise the proper control over the Army, the control which was necessary to prevent these crimes of torture, are responsible for each crime that was committed.

ALEF will leave it to the Lebanese judiciary to judge the perpetrators of torture in the nahr el-bared case. we hope that legal measures will be taken to punish those who were involved in these abhorrent phenomena. However, if the Lebanese government fails to take such measures, it will engage the state's responsibility at the international level for acts of torture, cruel, inhuman or degrading treatment or punishment. At the time of completion of this report, the authorities have failed, as of yet, to take appropriate action to bring the culprits to justice.





// THE SUSPECT IS INTERROGATED ON THE CONDITION THAT HE/SHE BE ALLOWED TO CONFESS FREELY AND CONSCIOUSLY WITHOUT THE USE OF ANY KIND OF FORCE OR SUBMISSION AGAINST HIM/HER. IF THE SUSPECT DECIDES TO REMAIN SILENT, IT IS NOT ACCEPTABLE TO FORCE HIM/HER TO SPEAK //



## I. The Lebanese constitution

The Lebanese constitution was drafted in 1926 and stipulates in section 1, chapter 2, the rights of Lebanese citizens and their liberties.

Law n°18 of 21 September 1990 added a preamble to the constitution which contains stipulations related to rights and referrals to important charters that protect human rights in general. Indent B of the preamble stipulates that "Lebanon [...] is a founding and active member in the United Nations Organization and abides by its covenants and by the universal declaration of human rights. The government shall embody these principles in all rights and fields without exception."

Article 8, chapter 2, stipulates that "[i]ndividual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offense may be established or penalty imposed except by law."

The constitution, thus, refrains from guaranteeing these liberties and rights and delegates this task to ordinary laws. Subject to constant and easy amendments with minimal constitutional supervision, these laws do not adequately protect individual liberties that guarantee the physical safety of a person, such as the prohibition of torture, arbitrary arrest and imprisonment.

Further, the Lebanese constitution falls short of explicitly protecting the right to life and to physical integrity, of setting forth conditions defining the legality of detention and arrest, and of prohibiting torture and ill-treatment.

The difference in the level of guarantees and protection is obvious when comparing provisions of the Lebanese constitution regarding the right to life and to physical integrity with those of some other European constitutions.

## II. The criminal procedures law

The process of defining whether provisions regarding international torture and ill-treatment are guaranteed in Lebanese law requires checking the criminal procedures law, hereinafter CPL, which is meant to protect the rights of detainees and guarantee a standard of conduct during investigations. These provisions should protect the physical integrity of detainees during the interrogations; standardize the ongoing investigations and safeguard the right to a fair trial; and create a judicial watchdog system to prohibit torture and/or ill-treatment. These requirements, however, are not fulfilled due to legal gaps in protecting the right to physical integrity during interrogations.

Article 38 of the CPL lists the persons and entities that assist and work under the supervision of the general prosecution (النيابة العامة) according to their tasks as defined by law, including, among other persons/entities, the head, lieutenants and judicial police (الشرطة القضائية) of the Internal Security Forces (ISF), and the head, lieutenants and detectives of the general security and security of state. They are all called the judiciary officers (ضابط عدلي).

The CPL has clearly defined the measures to be respected by the ISF and the general security in assisting the general prosecution during (1) a red-handed crime or (2) ordinary crimes whether they be criminal offenses (جانية) or petty crimes (جانحة).

## 1. Procedures during a red-handed crime

Article 41 stipulates that if a red-handed crime occurs, the judiciary officer proceeds to the crime scene, informs the general prosecutor, preserves the evidence, confiscates any weapon that has been used, arrests the suspect, searches the suspect's residence for any criminal tools or materials, and interrogates the suspect on the condition that he/she be allowed to confess freely and consciously without the use of any kind of force or submission against him/her. If the suspect decides to remain silent, it is not acceptable to force him/her to speak<sup>64</sup>.

The suspect may be held in custody for 48 hours, a time period which can be extended if approved in a written decision made by the general prosecutor of Appeals (النائب العام الاستئنافي) after review of the suspect's files (Article 32). The suspect may hire a lawyer to attend the interrogations and may ask for a doctor to check him/her during his/her detention (Article 32). The suspect may also ask for a doctor to visit him/her during any extended period of detention, and the general prosecutor must nominate a doctor as soon as the suspect's demand is presented to him by the judicial officer.

At first glance, it seems that the CPL has guaranteed the right for the suspect to remain silent during interrogations, to hire a lawyer and to see a doctor. The provisions, however, are vague, particularly about the disallowance of force in making a suspect speak. It seems that the legislator is still more concerned with getting accurate information than prohibiting the use of force in order to get it. The stipulation for the latter in Article 41 seems to be wishful/ethical: the legislator used the word not acceptable rather than forbidden, which would have ensured maximum prohibition.

As for the right to see a doctor, the law does not mention a definite time frame within which a doctor must be assigned, leaving to the judiciary officer the liberty to choose the appropriate time to present the demand to the general prosecutor. Article 42 stipulates that the doctor must present his report to the general prosecutor within 24 hours of the starting date of his assignment, but does not force the judiciary officer or the general prosecutor to abide by a time frame during which the former should present the demand to the general prosecutor, and the latter should approve it.

Testimonies have revealed that if there is any trace of violence or injury, the suspect is left for some time so that any injury is allowed the necessary time to heal before a doctor is assigned. This is a direct result of the fact that the law does not impose a definite time frame within which a doctor must be assigned.

## 2. Procedures during ordinary crimes

The right of a suspect to remain silent during interrogation in the event of an ordinary crime is also stipulated in Article 47 of the criminal procedures. This article expresses the concerns of the legislator to extract accurate confessions: "...if the suspect remains silent, the officer notes it on his report and has no right to force the suspect to speak; otherwise the testimony will be considered nulled...."

If the suspect is tortured and beaten during the interrogation, the maximum punishment with which the torture perpetrator is threatened is seeing the victim's testimony considered null in front of the court. Hence, the crime of torture is not criminalized per se and the sanction, if torture occurs, is the mere deletion of the testimony.

This article guarantees the impunity of the judiciary officer in a case where torture is inflicted upon the suspect and does not prohibit using violence, nor prevent abuses during interrogations.

Under Article 48, an officer can be accused of depriving the victim of his/her liberty. However, Article 48 falls short of directly referring to torture and ill-treatment, reinforcing the ambiguity of Lebanese law regarding these particular crimes.

Article 77 of the CPL does not refer to torture either, limiting its provision to: "[T]he judge must make sure that the detainee is speaking without external influence. If he remains silent, the judge has no right to force him to speak".

The right to hire a lawyer and to see a doctor are also stipulated for ordinary crimes under Article 47, but no time frame within which these provisions can be done is provided in the article, as explained above for red-handed crimes.

<sup>64</sup> Article 41, translation by the author.

### III.

## Lebanese criminal law

The criminal code was issued by a decree of 1 March 1943 and it includes two parts. The general part includes the common rules of crimes regarding their types, elements and perpetrators. The special part defines the rules of each crime regarding its nature, elements, and liability of perpetrators.

The criminal code does not explicitly stipulate in any of its articles "torture" or "ill-treatment"<sup>65</sup>. There is a vague reference to torture provisions that cannot be considered as amounting to the prohibition of torture and/or ill-treatment.

### 1. Article 401 of the criminal code

Article 401 of the criminal code is the main source of ambiguity regarding torture. Torture is mentioned under section 4, crimes violating the administration of the judiciary, chapter 1, crimes violating the proceedings of justice, part 2, extracting information or a confession by force.

Article 401 states –"Anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it will be imprisoned from three months to three years. If the violent practices have led to sickness or caused wounds, the minimum period of imprisonment is one year"<sup>66</sup>.

According to Article 401, therefore, Lebanese criminal law considers the extraction of information or confession of a crime by force to be violating the proceedings of justice.

It is of utmost importance, before analyzing the essence of Article 401 and its relation to torture, to draw attention to other crimes considered by the criminal code as violating the proceedings of justice and listed in the same line as Article 401, in chapter 1.

Article 398 sentences any Lebanese who knew about a crime related to the security of the state, and did not immediately inform the public authority, with imprisonment of one to three years. Article 399 sentences with imprisonment of one to three years every employee who is in charge of tracking crimes but did not report or postponed reporting a crime after he was aware of it. Article 400 fines health service providers (hospitals, dispensaries, and private medical centers) that provide medical treatment to a victim of any crime that could be investigated regardless of whether a complaint is made by the victim or not, but did not report that crime to the police. Article 402 sentences with imprisonment any person who reports to the judicial authorities crimes that were not committed (false/untrue crimes).

Accordingly, crimes listed in chapter 1, section 4 of the criminal code are those that violate the proceeding of justice, such as reporting false crimes (Articles 402, 403 and 404), refraining from reporting ordinary crimes or crimes against the security of the state (Articles 398 to 400), providing unreliable and inaccurate confessions and information that was extracted by force (Article 401), false identity (Articles 405, 406), false reports and false translations (412 to 414).

**// many scholars and lawyers have adopted Article 401 as an article prohibiting torture and ill-treatment and as a basis for developing laws regarding torture in Lebanon.** // ALEF considers, however, that Article 401 lacks what is needed as a minimum legal guarantee to prohibit torture. The following details the ways in which Article 401 is not related to torture or at least shows that its provisions do not prohibit torture in all its aspects as stipulated in the UNCAT.

#### a. The form of Article 401

Clearly, the type of crime presented in Article 401, as it is listed in the criminal code, is one that breaches the normal proceedings of justice and the administration of the judiciary. Usually and traditionally, information related to a crime and extracted by force is considered inaccurate and can, to a certain degree, obstruct or hinder the work of justice.

<sup>65</sup> except in article 569, the essence of which will be revealed later

<sup>66</sup> translation by the author

thus, the legislature has taken this type of crime into consideration and referred to it in Article 401, chapter 1, section 4. consequently, the legislature criminalized the act of providing inaccurate and unreliable information that may obstruct the work of justice and the ongoing investigation, but did not criminalize torture itself.

As referred to in Part I of this report, torture and ill-treatment are not only prohibited as international crimes when they are part of a widespread or systematic practice amounting to crimes against humanity. torture is also criminalized when it is perpetrated as a single act, outside any large scale practice and may be classified as a discrete international crime violating the core principles, inter alia, of physical liberties and integrity. not only did the Lebanese legislature not consider this classification, he also did not explicitly criminalize torture in Article 401.

In addition to listing Article 401 under crimes related to the proceedings of the judiciary and affecting its work, the legislature considered this article under part 2 of chapter 1, section 4, entitled extracting information and confession by force<sup>67</sup>. If there was an intention to criminalize torture, perhaps the legislature should have named part 2 "prohibiting torture and ill-treatment." torture is a crime violating the core principles of human dignity. the legislature, however, has considered the crimes detailed in article 401 as violating the proceedings of justice.

#### **b. the content of Article 401**

In order to reveal the essence of Article 401, we will divide the analysis of its contents into (1) the type of violence stipulated, (2) what is legalized and criminalized by law, (3) intention of the perpetrator, and (4) type of crime and sentence inflicted.

##### **i. type of violence**

The general principles of law that can be extracted from the jurisprudence can be used in giving the legal labeling for each type of aggression whether it is violence, beating, hurting or wounding.

violence is the physical manifestation of aggression. the following acts are considered to be violent<sup>68</sup>:

- > Throwing a stone at a person, even if this does not lead to any wound or trace
- > Pointing one's gun at someone or shooting at night in the vicinity of another person
- > Inciting a dog against another person with an intent to frighten that person

beating is every act that leaves a trace on the human body by pushing, punching, or kicking, even if this does not lead to a wound. beating also refers to every trace caused by using a weapon or a cutting edge (rifle, gun, knife, blade, scissor, hammer, hose, rope, etc.), as long as the act does not break the skin. once the skin is broken, the act becomes wounding.

wounding is every act that breaks the skin, whether breaking is internal or external, including breaking the skin with a knife, cutting an organ of the body, breaking bones, etc. In contrast, cutting the hair of someone without his consent is not wounding but hurting by means of causing psychological pain. wounds can be inflicted either with bare hands or with a weapon or tool.

hurting involves all aspects of violence and aggression, and includes, for example, putting a person in the same room as a sick person with a contagious disease with the purpose of hurting the former; giving poison or bad food to someone to disrupt the function of his organs or to ruin his health; shooting a gun or exploding a bomb near the victim to frighten and traumatize him.

returning to Article 401, aggression is stipulated only as "violent practices," which, as we explained, refers only to the first type of the above-mentioned acts. If the legislature truly intended to protect a person from the abusive acts of the authorities, or if the essence of Article 401 was really to prohibit torture, it should have included all types of violence under this article or used the word "torture" rather than the more ambiguous "violent practices."

It is also worth mentioning that mental or psychological torture is not discussed in Article 401.

<sup>67</sup> Article 401 is the only article under part 2.

<sup>68</sup> these acts are considered to be violent by the jurisprudence and the general principles of law

## ii. what is legalized and criminalized by law

there is also confusion in Article 401 about what is criminalized by law. the article clearly stipulates, "Everyone who inflicts violent practices not permitted by the law against another person...will face imprisonment for three months to three years"<sup>69</sup>.

the ambiguity of this expression leads one to interpret that there are violent practices that are illegal and other practices that are permitted by the law. such ambiguity could potentially allow for the extraction of confessions and information by force if such violent practices are not criminalized, and, hence, signifies a condoning of torture. rather than prohibiting torture, the very essence of Article 401 permits the violation of the core principles of human rights and the obligations of the Lebanese government, which signed and ratified the universal declaration of human rights including its Article 5, the covenant on civil and political rights, its Article 7, the convention on the elimination of all forms of racial discrimination, its Article 1, the convention on the rights of the child, its Articles 19 and 38, the UN convention against torture of 1984, and common Article 3 of both the Geneva conventions and Additional Protocol I of 1977.

## iii. the criminal intent of the perpetrator

Article 401 limits the intention of inflicting violent practices to the extraction of a confession about a crime or information related to it, thus limiting the perpetrator's criminal intent and not embodying all aspects of intentions related to torture. There are, however, different intentions that the perpetrator may demonstrate by torturing or mistreating a victim. By not considering other criminal intentions, acts of torture are narrowly limited to those aimed at extracting a confession or information, which leaves grounds for impunity.

For comparison, Article 1 of the UN convention against torture<sup>70</sup> stipulates four types of intentions related to torture: (1) obtaining from a person or a third party information or a confession; (2) punishing a person for an act that he or a third party has committed or is suspected of having committed; (3) intimidating or coercing a person or a third party; (4) or any reason based on discrimination of any kind.

other criminal intentions should also have been considered in Article 401, such as inflicting mental trauma, changes in the attitude and behaviour of the victim, and/or inflicting breakdowns.

the conflict of nahr el-bared and the subsequent investigations were evidence that torture was inflicted against suspected members of Fateh el Islam with intentions often far beyond that of extracting information or a confession, and closer to discrimination and collective punishment.

## iv. type of crimes

Article 179 of the criminal code stipulates that a crime is classified as a criminal offense (جناية), a petty crime (جنحة) or an infraction (مخالفة) according to its sentence. The same article continues that the maximum sentence of any crime is the one considered to define its type.

Article 39 of the criminal code stipulates the types of sentences for a petty crime, which range from imprisonment with forced labor to ordinary imprisonment to paying a fine. For criminal offenses, Article 37 stipulates the sentences ranging from the death penalty, to forced labor for life, to detention for life, to temporary forced labor and temporary detention.

returning to Article 401 of the criminal code, the sanction for extracting information or a confession by force is imprisonment for three months to three years. Accordingly, if we want to classify the type of crime described in Article 401, we must consider the maximum sentence for this crime, which is imprisonment for three years. hence, according to Articles 39 and 179, the crime in Article 401 is a petty crime with a medium sentence.

we previously explained the fact that torture is an international crime that violates the physical integrity and individual liberty of a person even if it is perpetrated against a single individual in a single instance. if the legislature was considering the crime in Article 401 to be torture, it should have then applied a heavier sentence for it to ensure that it be classified as a criminal offense. thus, ALEF considers that the sentence applied to the crime in Article 401 is for extracting inaccurate information and is not related to torture.

<sup>69</sup> translation by the author

<sup>70</sup> Lebanon ratified the CAT on 5 October 2000

following is an example of a verdict prohibiting the extraction of information or confession by force using Article 401 (8 March 2007):

on 19 May 2004, the Egyptian Salem Ahmad was arrested for suspicion of involvement in a robbery. After the interrogation and soon after his release on 23 May 2004, he headed to a doctor who examined him and noticed the marks and wounds all over Salem's body. The doctor immediately drafted a medical report stating that the wounds and marks were caused by beating and violent acts and that the injuries on Salem's body were similar to the ones inflicted when hanging someone, as in the act of Farouj, which consists of handcuffing a person from beneath the knees, passing a stick or a hose between his legs and putting him on a desk. This inflicts great pain on the victim.

consequently, a case was filed against an officer, who rejected the charges that he had beaten Salem Ahmad during the interrogation and forced him to confess. The judge, however, confirmed the charges that the officer had used violence and had beaten the victim to extract a confession. The judge continued that the officer was guilty of the petty crime (جنحة) stipulated in Article 401 of the criminal code and sentenced him with one year of imprisonment, but decided to substitute the sentence with imprisonment for fifteen days and a fine amounting to 200 USD and another for 400 USD for the damage he inflicted upon Salem.

The verdict in this case reveals many of the concerns that we have raised above regarding the application of Article 401 to cases of torture, an article which fails to include the minimum provisions needed for the effective prohibition of torture.

The following can be deduced:

The application of Article 401 in cases of torture is problematic. We do not see how it could have been applied to reach a verdict if the officer had inflicted pain and torture upon Salem's body for purposes of discrimination, punishment or intimidation rather than to extract information or a confession. The same can be asked if the officer had inflicted psychological torture on Salem, even for the sole purpose of extracting information or confession. Article 401 provides no stipulations for these scenarios.

because of the way the crime in Article 401 is stated, and because of the medium sentence applied to it, the judge, had to consider the crime of which the officer was found guilty (the crime described in Article 401) as a petty crime and not as a serious crime.

There was no mention or reference whatsoever to "torture" or "ill-treatment" in the verdict, only to violent acts and beating, thus raising more speculations about the essence of Article 401.

The sentence inflicted upon the officer, imprisonment up to fifteen days and 600 USD for the damage inflicted, does little to deter future acts of torture.

Another article that causes confusion among scholars and lawyers, who usually interpret it as legislation concerning torture (at least in part), is Article 569 of the criminal law.

## 2. Article 569 of the criminal code

Article 569 reads "Anyone who deprives another person of his individual liberty by kidnapping or by any other means, will be temporarily imprisoned. He will also be imprisoned for life...[i]f the one whose liberty was deprived was mentally or physically tortured....The sanction will be strengthened if the crime caused the death of a person because of terror or for any other reason related to the crime"<sup>71</sup>.

unlike in Article 401, in Article 569 the word torture is clearly mentioned. what is confusing, however, is that it is stipulated under the crime of deprivation of individual liberty. The legislator increased the period of imprisonment to life if the victim who was deprived of his liberty was physically or mentally tortured.

Here as well, however, the legislature did not recognize torture as a crime in itself. It is only mentioned when it occurs as grounds to increase the period of imprisonment from temporary to life imprisonment. The main crime in Article 569 is the deprivation of liberty and, in cases where this includes torture, the sentence will be raised.

Article 569 leaves room for confusion as well based on the standing of the perpetrator, i.e., whether he is 1) a public official or acting on behalf of a public authority or 2) just a civil criminal.

In cases where the perpetrator was a public official or acting on behalf of a public official, it is difficult to

<sup>71</sup> translation by the author

say that the victim was deprived of his liberty unless the arrest occurred without legal grounds. Hence, if a person was arrested and transferred to a prison or a detention centre where he was tortured or ill-treated, Article 569 will not apply because there is no deprivation of liberty when the arrest is executed according to the law.

If the perpetrator was a simple criminal not acting on behalf of the public authorities, Article 569 may apply when the deprivation of liberty is followed by physical or mental torture. However, this is not enough to prohibit torture in all of its manifestations and protect victims in detention centers and prisons from the abuse of state's power.

The scope of application of Articles 554 through 557 is very broad and raises the following concerns with regard to the prohibition of torture or their applicability during interrogations:

Articles 554 through 557 are vague and do not directly prohibit torture during normal investigations and interrogations.

Article 401 does not refer to the provisions of Articles 554 through 557 as applicable to the crime of extracting information by force.

Articles 554 through 557 do not refer to either torture or ill-treatment and do not define the intentions of the perpetrator while he/she is inflicting these acts against a person.

The same articles did not refer to any mental/psychological punishment, which is a major aspect of torture.

In addition to the above mentioned reasons for rejecting the opinion that torture provisions are guaranteed in articles 554 through 557 of the criminal code, we add that the earlier mentioned verdict of 8 March 2007 did not mention any of these articles stipulated in chapter 1, section 8, although the victim, Salem Ahmad, was injured, beaten and hurt, thus confirming that Articles 554 through 557 are neither related to torture/ill-treatment nor binding during investigations.

#### IV.

### Failure to adopt national measures

When Lebanon assumed international obligations by signing treaties or agreeing to customary rules, the country also assumed the obligation to adopt all the legislative and administrative measures necessary for implementing such obligations.

According to the above mentioned laws, and as previously explained, provisions against torture are not explicitly stipulated, and when there is a reference to torture, however vague, it is not criminalized. Wrongful acts occur when administrative or judicial measures are taken which are contrary to international rules due to the lack of implementing legislation. The failure to pass the required implementing legislation engages state responsibility.

Further, maintaining and enforcing legislation that is inconsistent with international rules and lacks the fulfillment of torture provisions, or passing legislation contrary to the international prohibition of torture engages international state responsibility.

It is, therefore, the express responsibility of Lebanon to institute, expeditiously, national measures against torture. Indeed, this is an integral part of the international obligation to prohibit this practice. Lebanon must immediately set in motion all of the procedures and measures within its legal system to forestall any act of torture and expeditiously put an end to any torture that is occurring.

A white, long-sleeved shirt is shown hanging against a dark grey background. The shirt is wrinkled and appears to be made of a light-colored fabric. It is positioned in the upper right quadrant of the frame, with its sleeves and body draped downwards. A dark grey rectangular box is overlaid on the left side of the image, containing white text.

// ACCORDING TO THE TESTIMONIES GATHERED BY ALEF,  
MOST OF THE INTERVIEWEES REVEALED BRUTAL TREATMENT  
BY THE DRB DETECTIVES. INDIVIDUALS ARE ARRESTED, AND  
OFTEN BEATEN IN PUBLIC PLACES //

# TORTURE PROVISIONS IN OTHER RELATED LAWS

## I.

### The drug law and the drug repression bureau – DRB

Drug law n° 673 was issued on 16 March 1998. The law included many regulations to improve the fight against drugs in Lebanon, including the organization of the activities of pharmaceutical companies and hospitals in the field, the gathering of information about drug addicts and drug smugglers, and the investigation into and eradication of cannabis agriculture.

The law created the central command for the fight against drugs at the Ministry of the Interior, hereinafter the central command, and assigned to it one main task: to investigate drug-related crimes, prohibit them and sanction the perpetrators. Among the responsibilities of the central command are gathering information that facilitates the tracking of drug-related crimes, detecting and prohibiting illegal drug trafficking, and eradicating illegal agriculture (Article 211). The law has also established clear procedures for the rehabilitation of drug addicts in Articles 182 through 198, section 2, "the fight against drug addiction," and has made this one of the primary objectives of the drug law.

Below is an organigram of the internal security forces within the Ministry of Interior (chart 1) and of the judicial police including, among other units, the Drug Repression Bureau (chart 2).

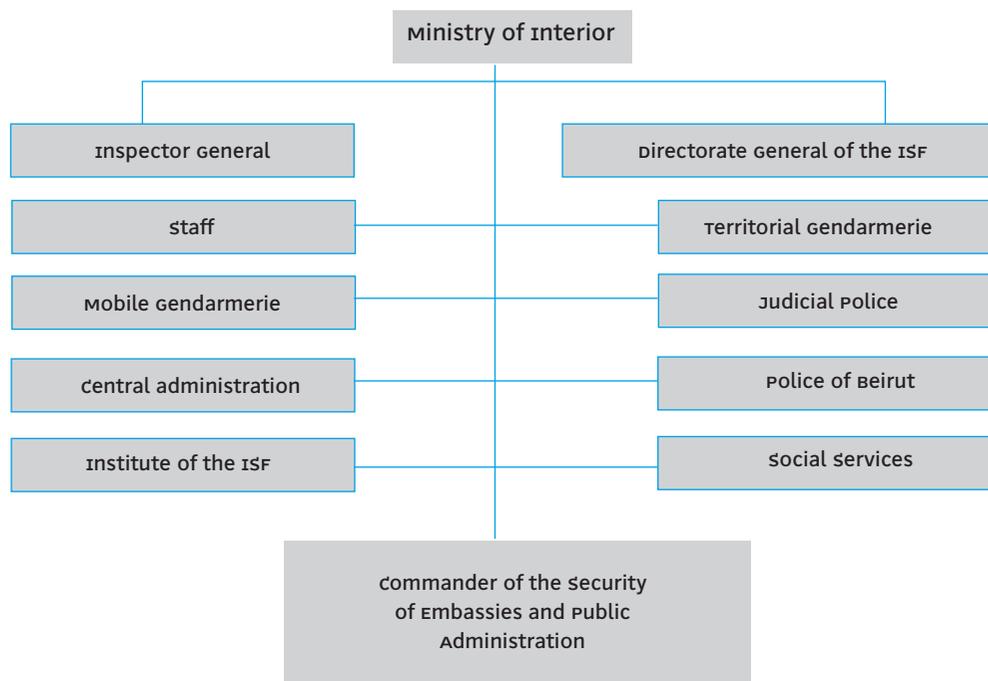


chart 1: organigram of the internal security forces within the ministry of interior

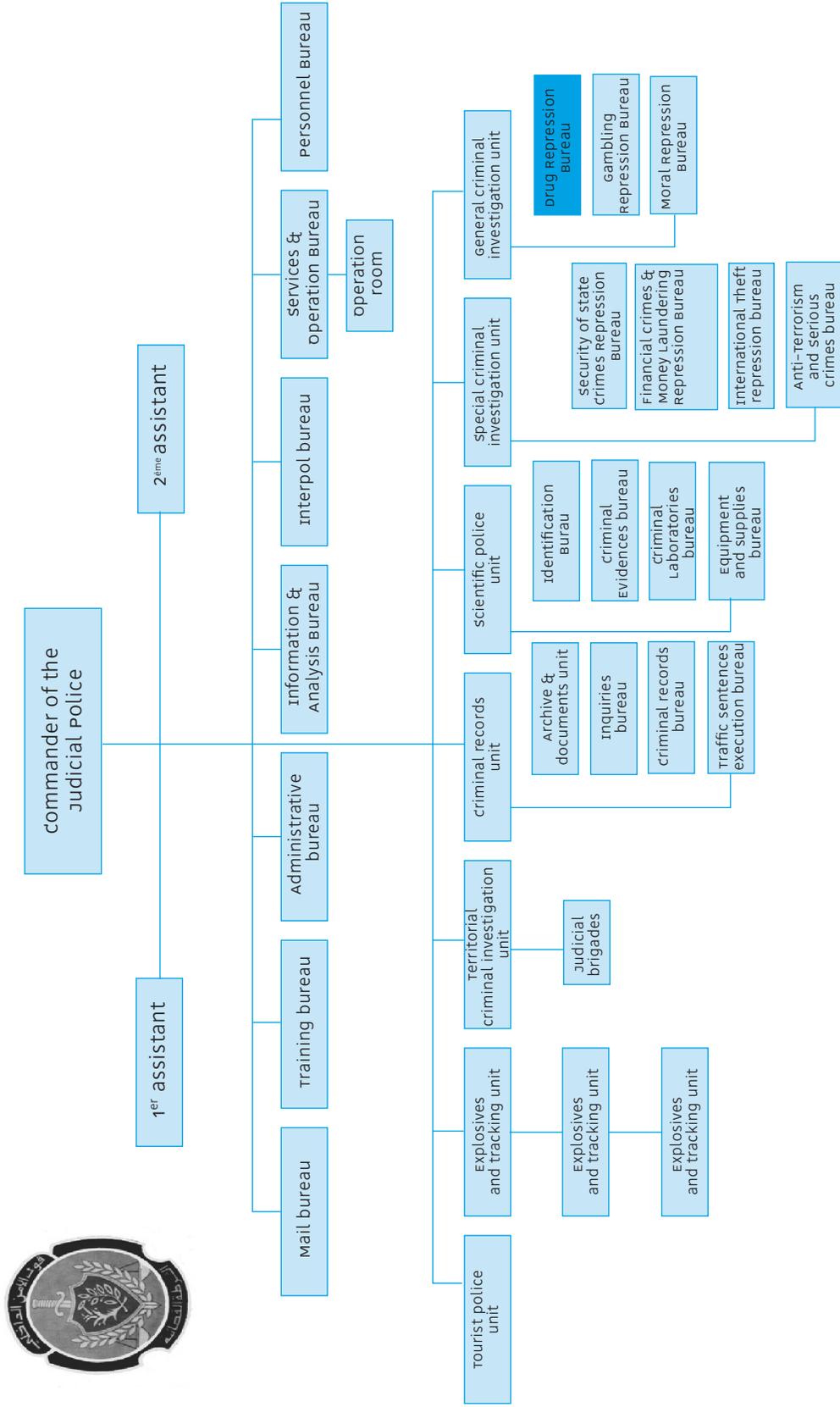


chart 1: organigram of the judicial police

According to law N° 17/90, issued in 1990, the ISF includes, among other forces, the drug repression bureau, hereinafter DRB, which is part of the judicial police. The drug law has also considered the central command as part of the judicial police (Article 162) when it comes to investigating and tracking drug related crimes. Arrests of individuals were limited to a maximum period of three days with previous approval from the general prosecution (النيابة العامة) (Article 163). Breaking into homes and other locations also required obtaining a warrant from the competent judiciary.

As for sanctions, Article 127 stipulates imprisonment for three months to three years of each person who acquired, obtained or bought a small amount of drugs without a medical prescription and with an intention to use them. The same sentence will be inflicted upon an addict who refuses to receive rehabilitation, as stipulated under section 2, "the fight against drug addiction," in Articles 182 through 198, mentioned above.

Although the drug law contains some of the international provisions regarding the conduct of arrests, investigations and rehabilitation for drug addicts, many of these provisions are, in practice, widely violated by the DRB detectives during their conduct of interrogations at detention centers.

**// According to the testimonies gathered <sup>72</sup>, most of the interviewees revealed brutal treatment by the DRB detectives. Individuals are arrested, and often beaten in public places//**, and sometimes shootings occurred against unarmed victims. One detective did not even hide his intention to terrorize an unarmed addict when threatening him during his arrest on the streets of Bourj Hammoud, an eastern suburb of Beirut: "try to escape and you will see how the bullets will overcome," one of them told ALEF.

Arrests of suspects occur mostly in private residences or in public. A former prisoner reported having been hit with the butt of a DRB detective's rifle without even being addressed first by the detective: "I was on my motorcycle at Bourj Hammoud when I turned my head and saw the back of a rifle crashing on my face," he stated. Another young addict stated that the residents of Bourj Hammoud thought he was some kind of a gang leader after having witnessed how the detectives beat him. Most residents of Bourj Hammoud recognize some of the detectives from Hobeich detention centre. Rare were those who said that they were taken to the detention centre in a lawful manner without some occurrence of violation of their physical integrity. Some reported also having been beaten in DRB vehicles when they were taken for detention.

Hobeich, located in western Beirut, near the American University of Beirut, is notorious for torture and ill-treatment practices against drug addicts and drug traffickers. Most drug addicts and drug related criminals have experienced torture and ill-treatment in Hobeich dungeons. After having submitted to a urine test confirming drug usage, detainees were sometimes punched after hearing from a detective or an officer what came to be known as a common threat against addicts: "you are taking drugs, eh ; you will see what we will do with you."

Detainees were immediately locked up in a dungeon before facing a brutal interrogation. Interrogations generally take place either during the first day of arrest or on the following day. During interrogations, detainees are taken to the fifth floor, some of them blindfolded or with their heads covered. Those who have had previous interrogation experiences or have heard stories from previous detainees about the violent practices of the DRB can only guess how they might avoid what lies ahead.

According to the information that ALEF has gathered, interrogators at Hobeich have allegedly tortured and mistreated detainees to intimidate them, to extract information or a confession of drug crimes, or to force them to reveal identities of drug dealers. Among other tools, hoses, sticks, and electrical wires have been used to beat or bind the victim. Kicking and beating with bare hands are also common practices. Farouj, (translated as "chicken on the hoisting gear") is widely practiced essentially to cause physical collapse of the detainee and extract information or a confession by force. Insulting, cursing and shaming are also common. Brutal interrogation continues even when the suspect gives explicit signs of defeat or clearly says that he cannot carry on anymore. Many have reported to submitting, finally, and confessing to crimes they did not commit sometimes against persons they had never even heard of, which leads, ultimately, to imprisoning individuals for false and/or weak accusations. Even if the suspect did commit the crime of which he is accused and should be imprisoned, the end (imprisonment) does not justify the means (torture), even when it comes to cases of national emergency<sup>73</sup>.

There is no fixed time frame that applies to each and every interrogation; some detainees reported attending only one session while others went through two or multiple interrogations. According to testimonies

<sup>72</sup> Testimonies were gathered by ALEF between September and October 2007.

<sup>73</sup> See part 1 of this report.

gathered by ALEF, // individuals are often detained at Hobeich for two to five days without access to a lawyer or permission to contact a member of the family, thus amounting to incommunicado detention<sup>74</sup>. // we could not check whether the judicial approvals regarding each arrest had been respected or not, as most detainees had no lawyers during the preliminary interrogations. After the interrogations at Hobeich, detainees were later transferred to the prison of the palace of justice at Baabda to face charges before the judge of instruction<sup>75</sup> (قاضى التحقيق).

Alleged brutal practices carried out by the DRB were also reported to have been taking place at Zahle detention center/palace of justice. Many drug addicts/dealers who were detained at Zahle were arrested in regions of the Bekaa valley, notorious for its lucrative cannabis crops. Since the beginning of the investigation, most interviewees taken there have reported the violent practices of the DRB detectives. Before interrogation, the detainees must undergo a urine test to confirm their usage of drugs. One interviewee, who was unable to urinate for the test, stated that detectives threw cold water on his head and back in an attempt to force him to urinate.

The DRB office is on the fifth floor in Zahle palace of justice. The establishment includes both cells and interrogation rooms. The cells are small, some of them limited to 2 x 2 meters including a toilet, and the number of detainees may reach eleven persons; the smell has been reported to be extremely awful. Similar to other detention centers, there was no food or water offered. Detainees had to pay for their own food.

The interrogation process at Zahle is, allegedly, as brutal as it is at Hobeich detention centre. DRB detectives seem to have been trained for such illegal and violent interrogations. Indeed, interrogations are the same in many other DRB units in detention centers throughout Lebanon. During interrogations, punching is a common act, detainees are often handcuffed, sometimes kept on their knees throughout the ordeal and receive, at random intervals, slaps on their heads and faces.

Questions asked during interrogations, whether at Zahle or in any other detention center, reflect similar primitive, inaccurate, and especially unlawful investigation procedures practiced by DRB detectives. All interrogations are centered around obtaining names of drug dealers/smugglers: "they will not leave you until you give names, if you don't they will beat you up and torture you. Some of the arrested didn't really know the identity of any drug dealer, so they gave fake names and the detectives didn't even bother trying to get more information about them like their appearance, address, etc. They just want to have names," one of the detainees stated.

Even more flagrant evidence of abuse is that these interrogations continue to be carried out even though they are unnecessary because the authorities are already well aware of the identities of drug dealers and the sources of drug trafficking in Lebanon. Thus, inflicting torture and ill-treatment is not only for purposes of extracting information but also for purposes of imposing collective punishment.

On September 2007, there were clashes between Lebanese farmers growing lucrative cannabis crop and the security forces trying to eradicate them. The illicit crop proved irresistible for many families in the Bekaa and adjoining Hermel region, well known for smuggling and militancy. Authorities estimate that between 7,000 and 7,500 hectares of cannabis have been cultivated this year<sup>76</sup>. That is by far the largest amount since the end of the war when the government began its eradication program.

Lieutenant Colonel Adel Machmouchi, head of Lebanon's DRB, was quoted by media sources as stating that although his agency had intended to eradicate the crops this summer, it was unable to do so for security reasons<sup>77</sup>. "we targeted eight sectors in the Bekaa and Hermel region but the army could not fully ensure the security of my agents in light of its battles with the Islamists at the Nahr el-Bared refugee camp," he said. He added that the owners of tractors his agency wanted to use to mow down the crops also refused to work at the last minute after they and their families received threats. Lieutenant Colonel Machmouchi and his agents came under fire, including rocket-propelled grenades, when they began eradicating cannabis fields in the Bekaa village of Boudai in early September.

<sup>74</sup> Torture is most frequently practiced when a person is held without access to a lawyer, his or her family and relatives or groups from civil society (incommunicado detention). In resolution 1999/32, the Commission on Human Rights reminded all states that "prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment" (para.5).

<sup>75</sup> Refer to the condition of prisons and detention centers part of this report.

<sup>76</sup> See, AFP, Bekaa farmers take advantage of political vacuum to grow lucrative cannabis crop, 4 October 2007

<sup>77</sup> idem

this reveals that the DRB is well aware of the identities of the main Lebanese drug dealers and smugglers, as well as of the regions and sectors where these dealers grow their cannabis crop. The bureau, however, as stated by its chief, was unable to eradicate the crops due to security reasons, and even when they tried doing so they came under fire by the farmers and drug dealers.

The authorities, therefore, seem to be well aware of outlaw areas and should stop beating drug addicts, who mostly need care and rehabilitation, in order to get the names of their suppliers. Questions also arise as to the reason why the Lebanese army did not supply the DRB with necessary troops to do drug crops eradication after the end of the conflict in Nahr el Bared.

Jihad Sakr, head of the social services department in the Hermel region, said authorities are now circulating leaflets threatening cannabis farmers with heavy prison sentences, but he believes the farmers will go on growing cannabis as long as they remain marginalized and ignored by the central government. It seems that even the supplier, then, is innocent in the eyes of the authorities and the true victim (the addict) is accused of the crime. When the authorities limit their actions to circulating leaflets, it reveals that these farmers and suppliers are well protected by the authorities or by an influential arm of Lebanese political powers. The authorities, represented by the DRB in drug cases, are either complicit or powerless, but in both cases they are protecting the illegal abuses practiced by detectives of the DRB and facilitating the torturing of detainees in its dungeons.

## II. conditions in prisons

In this part we will reveal the legal provisions regulating prisons and their conditions in Lebanon, but first it is worth reviewing the principles and norms recommended by the United Nations regarding the prevention of torture/ill-treatment and the treatment of prisoners and their rights during detention compared to the provisions regarding Lebanese prisons under the authorities of both the Ministry of the Interior and the Ministry of Defense.

### 1. standard minimum rules for the treatment of prisoners

#### a. the UN congress on the prevention of crime and the treatment of offenders<sup>78</sup>

The congress has listed a number of rules for the treatment of prisoners. In its preliminary observations, the congress noted that the rules "seek to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions." Therefore, despite their non-binding nature, the rules "should serve to stimulate a constant endeavor to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations."

In addition, it was agreed that the rules set by the congress shall be applied impartially and that there shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. On the other hand it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs (rule 6, 1 and 2).

**// The congress also organized the management of prisons and the partition of prisoners into separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. // Thus, untried prisoners shall be kept separate from convicted prisoners; and persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence (rule 8, b and c).**

As for accommodation, sleeping is in individual cells or rooms where each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room (rule 9). Cells or rooms shall also be occupied by prisoners carefully selected as being suitable

<sup>78</sup> Geneva 1955, approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 - [http://www.unhcr.ch/html/menu3/b/h\\_comp34.htm](http://www.unhcr.ch/html/menu3/b/h_comp34.htm)

to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution. Sleeping accommodation should also meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation (Rule 10).

**// The congress also included a number of rules such as having separate and sufficient bedding (Rule 19); food of nutritional value, well prepared and served (Rule 20.1); transferring sick prisoners who require special treatment to specialized institutions or to civil hospitals (Rule 22.2); prohibiting all cruel, inhuman or degrading punishments such as placing in a dark cell // (Rule 31), punishment by close confinement (Rule 32.1), use of instruments of restraint such as handcuffs, chains, irons and strait-jackets, as a punishment (Rule 33).**

conducting regular inspection was also considered to ensure that penal institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services. The visits should be conducted by qualified and experienced inspectors appointed by a competent authority (Rule 55).

#### **b. body of principles for the protection of all persons under any form of detention or imprisonment<sup>79</sup>**

These non-binding principles are not limited to the protection of prisoners but also to all persons under any form of detention, thus expanding their scope of application to persons in detention centers and in other forms of imprisonment.

With regard to detention centers, the prohibition of torture and ill-treatment is clearly stipulated in principle 6. The same principle adds that no circumstances whatsoever may be invoked as justification of torture or ill-treatment. In case of torture or ill-treatment, the detained or imprisoned person or his counsel shall have the right to make a request or complaint regarding his treatment to appropriate authorities (Principle 33). The persons arrested, detained or imprisoned shall be treated in a humane manner and with respect for the inherent dignity of the human person (Principle 1). Persons in detention should also, whenever possible, be kept separate from imprisoned persons (Principle 8).

## **2. Law decree n° 14310, 11 February 1949, regulating prisons and detention centers under the authority of the ministry of the interior**

Conditions and management of prisons in Lebanon are regulated by the decree law 14310/49 which includes prisons under the authority of the ministry of the interior. However, as the view regarding the role of prisons is improving, particularly in the humane treatment of prisoners, decree 17315/64 was issued which transferred the control of prisons in Lebanon from the ministry of the interior to the ministry of justice. Accordingly, a new department – the management of prisons – was created in the latter ministry. However, due to the absence of a clear project related to the management of prisons, the ministry of justice still has no control over prisons. Hence, prisons remain de facto under the control of the ministry of the interior, and the authority of this ministry over prisons is also guaranteed in Article 1.2.3 of the law of the ISF internal organization<sup>80</sup>.

It is worth revealing here the limited resources of the ISF, whose priority is maintaining security and not managing prisons.

According to the information gathered by ALEF, prisoners, especially in Roumieh central prison, but in other prisons as well, are hired by the ISF to do tasks where the internal forces lack the necessary human resources. Many former prisoners and social workers in Roumieh prison reported having been physically searched for security reasons by current prisoners upon entering the detainees' building. Where there is a lack of ISF officers in some administrative or logistical positions, we find prisoners assuming the burden of supervision in place of the prison's administration. In other prisons, staff is also severely limited. For example, in the women's prison of Baabda, there are only four guards on staff. These four guards work shifts in pairs, so that, during any shift, only two guards, with the assistance of two other nurses, are in charge of supervising around 80 prisoners and detainees.

**// Tragic accidents could have taken place because of these deficiencies in ISF's human resources for managing prisons. //** Last year, a fire occurred in the women's prison of Barbar el Khazen, Beirut. There was only one guard on duty working a night shift. Prisoners and detainees started screaming for fear of suffocation. The

<sup>79</sup> UN General Assembly resolution 173, 43rd session, December 1988  
<http://daccessdds.un.org/doc/RESOLUTION/GEN/NRO/531/52/IMG/NRO53152.pdf?OpenElement>

<sup>80</sup> See law n°17, 6 September 1990, on the internal organization of the ISF

guard refused to open the cells for evacuation for there was no assistance, and she had to wait for back up to control the fire and evacuate the prisoners. Fortunately there were no injuries, but the situation emphasizes the need to reinforce ISF presence in prisons to prevent such incidents<sup>81</sup>.

The Prisons Law contains 152 articles that deal with the management of prisons, inspection, health care, visitation rights and conditions of prisoners. Despite the fact that Law Decree 14310/49 is entitled "the management of prisons and detention centers," some regulations regarding prisons are not applicable to detention centers and there are no clarifications on this particular matter in the above mentioned decree, limiting the provisions of management and treatment detailed therein to prisons and prisoners (rather than to detentions centers and detainees)

#### **a. provisions of international standards stipulated in the prisons law n° 14310**

The prisons law contains some provisions on the management and the treatment of prisoners in line with international standards. Provisions related to inspection, medical care, separating prisoners according to their sex and criminal record, food, bedding and clothing are stipulated in Articles 13 (inspection), 52 to 54 (medical services), 62 (separating prisoners), and 75 to 86 (food, clothing, and bedding).

**// Many of these provisions are not respected in many prisons, especially the prisons of Roumieh and Zahle where space is extremely limited, water is of poor quality, food is not nutritional, and hygiene is appalling. //** Furthermore, in these facilities, detainees, prisoners and arrested individuals, albeit of a single sex, are all mixed together with no consideration of separation on the basis of their criminal records, whether they are untried prisoners or convicts, or whether they are civil prisoners or criminal offenders.

Prisoners held at Roumieh for drug-related crimes reported having learned how to conduct other criminal activities due to their regular contact with prisoners serving long-term sentences for criminal offenses. This situation clearly underlines the lack of rehabilitation programs in prisons, as well as the dire need to create such programs. More than a dozen interviewees said they would get involved again in crimes as soon as they leave the prison, while others said that it would be harder for the police to catch them again after their release due to the experience they acquired in prison<sup>82</sup>.

Bedding is limited to prisoners who have been serving a long-term sentence, to prisoners with good contacts (political or other), and to the shawish<sup>83</sup>. According to Article 86 of the prisons law, bedding consists of a mattress, a pillow, and a cover sheet for each prisoner. Stated as such, a bed, in the legal sense of the word, is not stipulated, and so, in practice, most prisoners and detainees sleep on the floor. As for those having special privilege as explained above, a filthy mattress, 60 centimeters thick, serves as a bed.

Granted, sleeping on the floor or using mattresses rather than real beds may be the only way to spare some space in overcrowded prisons. According to the statistics of the prisons unit of the ISF, revealed during the meeting of the committee on the conditions of prisons on 5 November 2007, Roumieh prison currently hosts 3,694 convicts and detainees while its intended capacity is around 1050 prisoners<sup>84</sup>. Most of these prisoners/detainees sleep in small dark dungeons.

The situation in Zahle prison is worse. The prison, initially a stable, holds only five cells<sup>85</sup>. As many as 60 prisoners and detainees sleep on their sides in a room 2.5 x 3.5 meters. None except for the shawish have mattresses.

The women's prisons in Baabda and Barbar el Khazen, Beirut, are more spacious and host a limited number of prisoners, particularly in Baabda, which increased its capacity last year. As for the men's prisons, the situation is outrageous. It is not only scandalous because the prisons are overcrowded, but also because of the bad food and the scarcity of hot water and drinking water. The "two" daily meals are served simultaneously in the morning, forcing prisoners to reserve one of the meals for their lunch. No dinner is served. Prisoners have reported that the yoghurt is like water, vegetables and rice are not well-cooked, and the chicken is sometimes offered with its head. Food is served on huge plates, almost 80 centimeters in diameter, from which each prisoner takes his own share and eats with bare hands on a plate, if he has one.

#### **b. provisions of international standards not stipulated in the prisons law**

<sup>81</sup> ALEF will keep the identity of the source anonymous according to his/her will.

<sup>82</sup> See the survey conducted by Dr. Omar Nashaba at Roumieh Prison. Roumieh Prison if it Speaks, Omar Nachabe, Dar el Sakki, first edition 2007, p. 122 - 125

<sup>83</sup> Arabic word referring to prisoners hired by the head of each prison to look after the needs of a certain number of prisoners.

<sup>84</sup> Statistics also revealed during the meeting with the committee that there are currently 5776 prisoners in Lebanese prisons as of 5 November 2007.

<sup>85</sup> Cells number 2, 3, 5, 6 and 7. Room number 1 is a pharmacy and number 4 is a toilet used only by the shawish.

Although torture cases are not reported in prisons as frequently as they are in detention centers, the prisons law on the management of prisons and detention centers does not mention any provision on the prohibition of torture and ill-treatment on the basis of principle 6 of the UNGA resolution 173. The absence of such provisions widens the legal gaps between Lebanese laws on torture and the ill-treatment rules and principles stipulated in international resolutions and conventions.

other provisions on the treatment and protection of offenders are not stipulated, such as rules with regard to the prohibition of discrimination especially on grounds of race, color, and national or social origin, rules with regard to sleeping in individual cells, or, when this is not possible, to carefully select prisoners suitable to associate with one another, and rules with regard to punishment by close confinement or using instruments of restraint such as handcuffs, chains, and irons.

discrimination is easily detected in any prison and detention center in any city, area or district. It is institutionalized in each penal institution by what we call the 'shawish'<sup>86</sup>, who presides over his area/room. prisoners who have good relationships with a shawish are well treated; he offers them a mattress, improves their conditions in the prison, and if they are fortunate he asks them to share his spacious cell. however, these 'luxurious' offerings are not free and those who seek them must give to the shawish in return, food, money, cigarettes or any other offerings of interest to him.

there are other prisoners besides the shawish with greater power granted them on the basis of discrimination. currently, only three hundred prisoners in roumieh prison participate in organized activities while the rest, some three thousand and five hundred (3,500), are left with no particular attention paid to them. prisoners with good political contacts have, to some extent, more power than the head of the prison himself. they live alone in spacious, fully-equipped cells with master-size beds, laptops and access to internet. they are allowed to see anyone in their private rooms (girlfriends, wives, children, prostitutes). prisoners at roumieh have reported seeing some cells even more luxurious than hotel rooms. many have referred to one particular cell in building B being more luxurious than a master suite in a five star hotel<sup>87</sup>.

**// Prisoners and detainees in prisons, as much as in detention centers, exceed five to six times building capacity; they are mixed altogether without consideration for whether they associate or not with one another especially on the basis of age.** // detainees who showed signs of insanity or particular mental disabilities did not receive immediate treatment and were not put in special cells. the most appalling case of this occurred in the detention centre of ghazir where the suspect, antoine abi saab, was alleged to have committed suicide on the evening of 5 october 2007<sup>88</sup>. abi saab was suspected of killing his wife, an incident that occurred on 30 september 2007, and was arrested for interrogation. abi saab stated that his wife was killed by thieves who stopped their car, shot his wife and beat him on different parts of his body before running away. he added that, upon seeing his wife dead, he started hitting his head on a wall, a fact that was confirmed during the primary investigation of the crime scene. regardless of whether abi saab killed his wife or not, he should have been treated immediately for mental disorder both because of the murder of his wife and because he was hitting his head on a wall. instead, he was arrested at the detention centre of ghazir where he stayed for four days and then, allegedly, committed suicide on the fifth day after hitting his head again against a wall in his cell. the legal doctors, ahmad el mekdad, sarkis abi akl and wahid saliba, stated in their medical report that there were no signs of violence on abi saab's body and a fracture on the left side of his skull was the cause of his death<sup>89</sup>. this particular case shows the neglect in detention centers where detainees do not receive any medical attention for either mental or physical conditions. it also reveals that cells and rooms are not equipped with necessary safeguards required for the protection of detainees.

### 3. Law decree n°6236, 17 january 1995, for the management of prisons under the authority of the ministry of defense – The Army's commandment

article 2 of this law defines the prisons under the authority of the army (the ministry of defense) as follows: the prison of the military court, the prison of the military police, and the prison of the military intelligence in its headquarters at the ministry of defense and in other regions as well. the accused, detainees and convicts according to military judiciary law are jailed in these prisons (article 3).

<sup>86</sup> Footnote 87.

<sup>87</sup> In respect of their wish, ALEF will keep the sources of this information anonymous.

<sup>88</sup> See AN nahar, وجد ميتا في نظارة مخفر عزيز, 6 october 2007

<sup>89</sup> ALEF conducted an interview with the lawyer of the murdered wife, tony tabcharany, who confirmed the reasons of the death mentioned in the medical report.

Almost all provisions regarding inspection, medical services, bedding, clothing, and food of nutritional value are provided for in this law, similar to those in Law Decree 14310/49.

we will reveal here the conditions in one particular prison under the management of the ministry of defense.

#### **a. varzeh prison – the torture factory**

The Lebanese ministry of defense is located in varzeh, an eastern suburb of beirut. It became an interrogation center in 1990 for individuals arrested for political reasons. Many civilians were illegally detained and tortured by Lebanese security agents for an indefinite period and prior to their appearance before the military tribunal for any trial<sup>90</sup>. In 1994, the Lebanese government issued a decree officiating the prison at the ministry of defense. varzeh prison has a record of torture during the period of the syrian presence in Lebanon. The majority of the detainees in the ministry of defense were members of groups who opposed the pro-syrian Lebanese regime such as members of the Lebanese Forces party, supporters of the general Michel Aoun, anti-syrian sunnites from Tripoli, and juveniles who distributed anti-government leaflets. Included also were a few human rights defenders and activists. During this time, the cells were overcrowded and extra prisoners/detainees were kept in the hallways handcuffed and blindfolded for long periods that were sometimes extended to several months. Some detainees were driven to sign confessions incriminating others that were then submitted to the military tribunal of beirut.

torture is a common practice at varzeh. sessions were usually conducted with the presence of a specialist who guaranteed leaving no marks or scars. Even after torture sessions, prisoners continued to be subjected to humiliation by the guards, and the brainwashing continued to glorify syria. Psychological pressure was exercised on prisoners, which led them sometimes to believe that members of their families were arrested and were being tortured as well. Previous detainees at varzeh reported having been subjected to different types of torture, including, among other things, having their legs held open, being placed in hoisting gear, having bottles placed in their bottoms, being subjected to forms of torture known as "chicken style" and "chicken on the hoisting gear," being raped and receiving electric shocks on the tongue and sexual organs.

Even after the syrian retreat, many alleged and proven torture cases were reported to have taken place at varzeh, such as the case of Ghassan Salibi and another nine detainees who were arrested on 31 March 2006 for allegedly creating an illegal association, acquiring weapons and planning to assassinate the secretary general of Hezbollah, Hassan Nasrallah. They were all subject to different types of torture such as the electric chair, beating, threats to assault their wives, and balango for the purpose of extracting information and/or confessions. They have all signed confessions, under torture, incriminating themselves. On 21 April 2007, the principle detainees in this case appeared before the military court where they all testified to having been forced under torture to give false confessions. One of them, Seraj el Dine, stated that after facing four days of physical and mental torture he was forced to tell the investigators whatever they wanted to hear. "If I told them that I know nothing, they would have kept beating me"<sup>91</sup>.

During the conflict of Nahr el-Bared, from 20 May until 2 September, many torture cases against detainees suspected of involvement with Fateh el Islam were reported at the prisons of Kobbeh and varzeh. After their arrest during the evacuation of the Beddawi Palestinian camp or at military checkpoints, many were transferred, blindfolded, from the prisons in northern Lebanon, such as the Kobbeh prison, to varzeh at the ministry of defense. Most of them didn't realize that they had been at varzeh. They were all subjected to the most severe and violent practices, similar to those that took place against the political detainees during the syrian occupation. Electric chairs, balango, beating, hangings (all types), sexual assaults and threatening were common acts practiced by the military intelligence during interrogations.

Until now, no public information concerning the prison of varzeh had been disclosed. The media is still silent with regard to the previous practices during the syrian occupation. No judicial inquiries had been launched and there have been no governmental attempts to close this prison despite the many reports published by human rights organizations revealing torture cases in its dungeons and hallways.

It is important here to reveal that when a state allows impunity for perpetrators, this raises the issue of state responsibility under international law. Lebanon has an obligation under international conventions, including the UN Convention against Torture, to make sure that individuals who have carried out torture are held responsible for their actions. If a state does not prosecute individuals whom it knows to have been involved in torture, or does not allow another state to do so, it may well be failing in its obligations under international law.

<sup>90</sup> Le centre de détention du ministère de la Défense: un obstacle majeur à la prévention de la torture – victimes oubliées, bourreaux impunis, SOLIDA Paris, 5 October 2006.

<sup>91</sup> This is how they tortured me, this is how I confessed!  
<http://www.pal-monitor.org/portal/modules.php?name=news&file=article&sid=80>

those perpetrators of torture acting upon or benefiting from national measures should be held criminally responsible for torture, even under a subsequent regime, and should see the consequences of a breach of obligations erga omnes and of peremptory norms (jus cogens)<sup>92</sup>. However, the Lebanese government is still reluctant to open the files at the varzeh prison and compensate those who have been tortured and mistreated in the past fifteen years and during the conflict of Nahr el-Bared, a reluctance that engages the international responsibility of Lebanon.

### III.

## Illegal immigrants, asylum seekers and foreigners in Lebanese prisons - The general directorate of the general security

Lebanese prisons are not only a nightmare for nationals but for foreigners as well, namely illegal migrants and refugees. When a foreigner is caught staying in Lebanon illegally, without legal papers, they face a cycle of violence in detention centers and prisons. Subject to discrimination, they face harsh conditions before and after getting transferred to prison where they have to indefinitely wait for a judicial decision in regard to their status. In Roumieh prison, as well as in other prisons, they live in the same miserable conditions as other nationals.

Tony Tabcharani is one of many lawyers in charge of cases regarding illegal migrants and foreigners from different nationalities. In 2007, he was in charge of two cases, one regarding a couple of Australians and another concerning two Iranians, all four of whom were detained at Roumieh prison<sup>93</sup>. A comparison of both cases is staggering.

The Australians were arrested on 23 December 2006 for involvement in a kidnapping operation and transferred to Roumieh. On February 2007, a judicial warrant ordered their release on a Friday evening. They were released that same day and immediately transferred to Rafik Hariri International Airport in Beirut where they left on a plane to Sydney. The Australian embassy took charge of following up their case and booking their flight.

As for the two Iranians, they were also arrested in December 2006 as suspects in a robbery and were later transferred to Roumieh. On March 2006, similar to the case of the two Australians, a judicial warrant ordered their release. Despite the warrant, they stayed detained at Roumieh without legal grounds for five months before they were freed on 8 August 2007, and later deported to Iran without any inquiries into whether they will face eventual prosecution in their home country.

The General Security, hereinafter GS, is in charge of dealing with and deporting foreigners from Lebanon. When foreigners serve their sentences or if judicial warrants ordering their releases are issued, the GS is in charge of deporting or releasing them from the prisons under ISF control after completing the necessary inquiries into their status.

However, this is not usually the case for many foreigners from other nationalities, mainly from non-developed countries, where the GS delay their releases, leaving them in prison for several months without legal grounds. Hence, when a detainee is American, European, Australian, Canadian or a national from any other developed country, he is automatically released after serving his sentence and deported during the same day, or the next day at most, to his home country. This is due to the close monitoring of the situation by their respective embassies who then take charge of all travel fees and other security checks. As for detained foreigners from Egypt, Sri Lanka, Sudan, Somalia, Philippines, and other non-developed countries with minimal follow up from their respective diplomats, those foreigners will wait several months in prison before the GS decides to release them, even after serving their sentences or a release warrant is issued in their regard<sup>94</sup>.

However, the Lebanese government is trying to deal quickly with the issue of deportation and foreigners in prisons. According to a report sent by the General Directorate of the General Security to the Ministry of Interior, as of 12 October 2007, there are around 1378 foreigners who served their sentence but are still detained; 820 of those are in Roumieh prison and other prisons in the regions, 441 detained at the GS and the rest are divided between the embassies of Philippines, Sri Lanka and Ethiopia<sup>95</sup>. This report shows that there are more than 1200 foreigners who served their sentences and are still detained in Lebanese

<sup>92</sup> See Furundzija judgement of the ICTY. Prosecutor v. Anto Furundzija, case No. IT-95-17/1-T, judgement, 10 Dec. 1998.

<sup>93</sup> We will not reveal the identities of the concerned individuals in accordance with their wishes that we not do so.

<sup>94</sup> The Egyptian embassy takes charge of deporting its nationals on board of a ship that enters Beirut port once each two months, which causes delays in deporting those who served their sentences.

<sup>95</sup> Al Akhbar, 1200 أجنبي أُنهوا عقوباتهم ولا يزالون في السجون، 13 November 2007.

prisons. The report was discussed in a governmental meeting on 10 November 2007 headed by the Lebanese prime minister, Fouad Siniora. During this meeting, the government adopted the recommendation to deport foreigners who served their sentences made by the committee in charge of studying the conditions of prisons in order to solve the problem of overcrowded prisons. The GS evaluated the cost of deportation to be about half a million dollars, a sum which will be paid by the government itself. As for those for whom deportation is not an option for security reasons, they will stay as guests in Lebanese prisons. This is the case for hundreds of Iraqi refugees in Lebanon.

## 1. The indefinite detention of Iraqis

The situation of Iraqi refugees is similar to many foreigners who seek asylum. There are no accurate figures for the number of Iraqi refugees in Lebanon. This number varies between NGOs, government organizations and UN agencies<sup>96</sup>.

Lebanon did not ratify the Convention on the Status of Refugees of 28 July 1951, or the 1967 Protocol related to the Status of Refugees<sup>97</sup>. Lebanon is however a member of the United Nations General Assembly and a member of the Executive Committee of the UNHCR since 1963. Hence, the Lebanese authorities have an obligation to respect the mandate of the UNHCR in providing assistance for refugees in its territories.

The UNHCR is currently providing refugee status cards for Iraqis in Lebanon who originate from central and southern Iraq, excepting those who have committed serious crimes in Iraq<sup>98</sup>. The refugee's status cards provided by the UNHCR for Iraqi refugees are not recognized by the ISF nor the GS<sup>99</sup>. In addition, the memorandum of understanding signed in September 2003 between the General Security and the UNHCR, under which the GS issues circulation permits to illegal individuals for the period preceding their resettlement, is not applicable to Iraqis. Hence, Iraqi nationals are subject to frequent arrests, imprisonment and indefinite detention. The number of Iraqi refugees detained in Lebanese prisons varies between organizations and government agencies<sup>100</sup>. Around 80% have served their sentences but are still in prisons, especially at Roumieh prison where most of them are serving longer periods, four to seven months, without legal grounds<sup>101</sup>. Hence, detention is used as a tool for expulsion of Iraqi refugees, who are sometimes deported back to Iraq even though they are at risk of being tortured. This represents a clear violation of the non-refoulement obligation enshrined in Article 3(1) of the UNCAT.

## 2. The responsibility of the General Security

When a release warrant is issued or a sentence is served, the detainee chooses between either getting deported or settling in Lebanon. However, both alternatives demand a certain amount of fees that Iraqis and other refugees cannot afford. Getting deported is not an option for most Iraqis due to the conflict in Iraq. A few, however, if they can pay the travel fees, decide to leave anyway. These precarious conditions leave many foreigners facing the latter option of settlement in Lebanon, which requires that they have the necessary means to pay close to 2000 USD<sup>102</sup>.

The last time the General Security (GS) opened the doors for Iraqis and other refugees to settle in Lebanon was in May and June 2007. Those who got the chance to find the needed funds were settled while others, even those with a release warrant issued in their regard, are still in prison. They will have to wait for the year 2008 before the GS decides again to allow settlement, which increases the detention period for some of them to at least one year without any legal grounds. The African community, mainly Sudanese who fled the war-torn region of Darfur, are also arrested for having no legal papers recognized by the authorities.

<sup>96</sup> Because most Iraqi refugees in Lebanon are in the country illegally, there are no precise statistics for the total number of Iraqi refugees. UNHCR estimated the number of Iraqi refugees in Lebanon to be around 20,000 to 40,000. "Iraq situation response – update on revised activities under the January 2007 supplementary appeal" July 2007 [http://www.unhcr.org/partners/PARTNERS/469632e32.pdf\\_p.4](http://www.unhcr.org/partners/PARTNERS/469632e32.pdf_p.4). On 7 November 2007 the Iraqi association Al Rafidayn stated in a meeting to ALEF that there are around 16,000 Iraqi refugees in Lebanon and 11,000 are registered with the UNHCR. The General Security estimates that there are around 100,000 Iraqis in Lebanon.

<sup>97</sup> See <http://www.ohchr.org/english/law/refugees.htm>; for member states, see also <http://www.unhchr.ch/html/menu3/b/treaty2ref.htm>

<sup>98</sup> According to ALEF's meeting with the senior protection officer and the protection officer in UNHCR office in Beirut on 18 December 2007, Iraqis are randomly arrested by the Lebanese authorities but security officials have sometimes demonstrated flexibility in regard to respecting their rights of movement.

<sup>99</sup> idem

<sup>100</sup> Stéphane Jacquemont said in a Human Rights Watch conference that as of December 2007 there are 580 Iraqis detained. The Iraqi association Al Rafidayn estimated the number to be around 1200 as of November 2007.

<sup>101</sup> Figures and numbers are provided by the Iraqi association Al Rafidayn

<sup>102</sup> This includes, among other administrative fees, 633 USD for settlement for three months, 300 USD for the GS and a work license fee. It requires also having a Lebanese guarantor who is owner of a company.

this situation of prisoners detained with no legal grounds and without knowing when they will be released is scandalous. The imposition of indefinite detention in harsh conditions, when the detainees have served their sentences and are not facing other charges, constitutes, in itself, inhuman and degrading treatment and as such is a violation of both the ICCPR (Article 7) and the Convention Against Torture<sup>103</sup>. The Committee Against Torture has also considered that a potentially prolonged detention of foreign nationals without sufficient legal safeguards and without judicial assessment of the justification for their detention constitutes per se a violation of the UNCAT<sup>104</sup>.

Hence, this situation of foreign nationals facing a protracted detention raises issues under the peremptory international law rule against torture. The ICRC has also considered that the psychological effects that indefinite detention may have on individuals may entail violations of the UNCAT and other cruel, inhuman or degrading treatment or punishment<sup>105</sup>.

The GS is violating the core principles of the UNCAT and torture provisions in other human rights conventions by keeping foreigners in indefinite detention and occasionally allowing for settlements once a year. The GS, as a government security institution, makes the Lebanese government responsible for not issuing new policies and adopting new measures to ease the suffering of foreigners, especially Iraqis, in prisons and detention centers and speeding up their settlement. Although such a measure – settlement of foreigners, mainly Sri Lankis, Egyptians, Sudanese, and Iraqis – is unlikely to be adopted due to the bad economic situation in Lebanon, depriving them of their liberties by putting them in indefinite detention is an inhuman and degrading treatment that violates their core rights as stipulated in Article 7 of the ICCPR and the UNCAT.

<sup>103</sup> see *C. v. Australia*, (UN Doc. A/58/40, UN Doc. CCPR/C/76/D/900/1999 (2002), para. 8.4.), "it was found that the immigrant detainee kept in indefinite immigration custody suffered psychological trauma because of the prolonged detention. The human rights committee determined that Article 7 of the ICCPR had been violated".

<sup>104</sup> see conclusions and recommendations: United Kingdom of Great Britain and Northern Ireland. Subjects of Concern 4 (e) – CAT/C/CR/33/3, 10/12/2004. See also the CAT Committee USA, U.N. Doc. CAT/C/USA/CO/2, July 25, 2006 – para. 22.

<sup>105</sup> see Alfred de Zayas, "Human rights and indefinite detention", *International Review of the Red Cross*, volume 87 number 857 March 2005, p.20. See also UNTS, vol. 660, p.195, 21 December 1984, entered into force on 26 June 1987.

# LIST OF CASE LAW

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## > **international criminal tribunal for the former yugoslavia**

- > Judgement, Prosecutor v. Furundžija, case no.: IT-95-17/1-T, Trial chamber, 10 December 1998.
- > Judgement, Prosecutor v. Zejnil Delalic, Zdravko Mucic, Hazim Delic, Esad Landzo, case no.: IT-96-21-T, Trial chamber, 16 November 1998.
- > Judgement, Prosecutor v. Tadic, case no.: IT-94-1-A, Appeals chamber, 2 October 1995.

## > **European court of human rights**

- > Judgement, Soering vs. the UK, 7 July 1989, Series A no. 161

## > **international court of justice**

- > Decision in Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986 (June 27).

## > **United States District Court for the Eastern District of New York**

- > Judgement, Filartiga vs. Pena-Irala, 630 F. 2d 876 (2d Cir. 1980). No. 79-cv-917. January 10 1984

## > **United States Court of Appeals**

- > John Demjanjuk v. Joseph Petrovsky, US Court of Appeals, 776 F. 2d 571 (6th Cir. Ohio 1985)

# ANNEXES

## Appendix A

### relevant articles of the united nations convention against torture

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#### Article 2

1. each state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

#### Article 3

1. no state party shall expel, return («refouler») or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the state concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

#### Article 4

1. each state party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. each state party shall make these offences punishable by appropriate penalties which take into account their grave nature.

#### Article 5

1. Each state party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 4 in the following cases:
  - a. when the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that state;
  - b. when the alleged offender is a national of that state;
  - c. when the victim is a national of that state if that state considers it appropriate.
2. Each state party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to Article 8 to any of the states mentioned in paragraph 1 of this article.
3. this convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

#### Article 7

1. The state party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in Article 4 is found shall in the cases contemplated in Article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. these authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that state. In the cases referred to in Article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in

Article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in Article 4 shall be guaranteed fair treatment at all stages of the proceedings.

#### Article 14

1. Each state party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
2. nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

## Appendix B

### common Article 3 to the geneva conventions

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#### Article 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
  - a. violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - b. taking of hostages;
  - c. outrages upon personal dignity, in particular, humiliating and degrading treatment;
  - d. the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
2. The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the parties to the conflict.

The parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present convention. The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

## Appendix C

### Article 4 of the Additional Protocol II to the Geneva Conventions

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#### Article 4 - Humane Treatment

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their

liberty has been restricted, are entitled to respect for their person, honor and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:
  - a. violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
  - b. collective punishments;
  - c. taking of hostages;
  - d. acts of terrorism;
  - e. outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
  - f. slavery and the slave trade in all their forms;
  - g. pillage;
  - h. threats to commit any of the foregoing acts.
3. children shall be provided with the care and aid they require, and in particular:
  - a. they shall receive an education, including religious and moral education, in keeping with the wishes of their parents, or in the absence of parents, of those responsible for their care;
  - b. all appropriate steps shall be taken to facilitate the union of families temporarily separated;
  - c. children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities;
  - d. the special protection provided by this Article to children who have not attained the age of fifteen years shall remain applicable to them if they take a direct part in hostilities despite the provisions of subparagraph (c) and are captured;
  - e. measures shall be taken, if necessary, and whenever possible with the consent of their parents or persons who by law or custom are primarily responsible for their care, to remove children temporarily from the area in which hostilities are taking place to a safer area within the country and ensure that they are accompanied by persons responsible for their safety and well-being.

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## Appendix D

### Article 7 of the international covenant on civil and political rights

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#### Article 7

no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

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## Appendix F

### Articles 19, 37 and 38 of the convention on the rights of the child

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#### Article 19

1. states parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment,

maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

## Article 37

states parties shall ensure that:

- a. no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- b. no child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- c. every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- d. every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

## Article 38

1. states parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. states parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. states parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, states parties shall endeavour to give priority to those who are oldest.
4. in accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, states parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

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## Appendix G

### Article 5 of the universal declaration of human rights

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#### Article 5

no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

## Appendix H

### Article 8 of the Rome statute (not ratified by Lebanon)

#### Article 8 war crimes [excerpts]

1. The court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this statute, «war crimes» means:
  - a. grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
    - i. willful killing;
    - ii. torture or inhuman treatment, including biological experiments;
    - iii. willfully causing great suffering, or serious injury to body or health;
    - iv. extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
    - v. compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
    - vi. willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
    - vii. unlawful deportation or transfer or unlawful confinement;
    - viii. taking of hostages.
  - b. in the case of an armed conflict not of an international character, serious violations of common Article 3 to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
    - i. violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
    - ii. committing outrages upon personal dignity, in particular humiliating and degrading treatment;
    - iii. taking of hostages;
    - iv. the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
  - c. paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
  - d. other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
    - i. intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
    - ii. intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
    - iii. intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
3. Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
4. Pillaging a town or place, even when taken by assault;
5. Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in Article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of Article 3 common to the four Geneva Conventions;
6. Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
7. Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
8. Killing or wounding treacherously a combatant adversary;
9. Declaring that no quarter will be given;
10. Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
11. Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict.
12. Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a state when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.



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# I- Introduction

## a) *The Lebanese Situation*

Lebanon is a parliamentary republic. The executive power is held by the President (Maronite Christian) and the Council of Ministers headed by a Prime Minister (Sunni Muslim). The Parliament, headed by a Shiite Muslim, is composed of 128 deputies; half of whom are Christians, the other half is Muslims. The judiciary power is generally submitted to the political authority both on its structural level and functional level.

After the end of the military hostilities in 1990, military operations between the Israeli army and Lebanese military formations persisted only in the south of Lebanon until May 24, 2000, when the Israeli armed forces withdrew from Lebanon. Until this time, 2000 Israeli soldiers and 2000 soldiers of the Israeli auxiliary militia, Southern Lebanon Army (SLA), were controlling the "security zone" in Southern Lebanon, which constituted nearly 10% of the Lebanese territory. After their progressive withdrawal from their positions, which occurred over a few days only, the Israeli army completed its withdrawal on May 24. Several hundred SLA soldiers fled with their families (6000 people in total) to Israel where they were placed in refugee camps. The rest surrendered to different militias (Amal movement politically close to Syria, Hezbollah politically close to Iran and Syria, and the Syrian National Social Party (PSNS), who handed them over to the Lebanese authorities. Approximately 4800 Lebanese citizens have returned from Israel since 2000. A few weeks after the Israeli withdrawal, the Lebanese authorities sent a thousand soldier armed force, composed of soldiers from the "Interior Security Forces - ISF" and the Lebanese Army. The role of this armed force became more important during the second half of 2002, but the security of the liberated region still depends on two local forces: Amal movement and the Hezbollah. These two Shiite militias maintain a military presence uncontrolled by the Lebanese authorities in the Baalbeck region, Beirut Southern suburbs, and the rest of Southern Lebanon. UNIFIL Forces supervise the border region only to make sure that UN Resolution 425 is soundly implemented. Several Palestinian armed factions operate in the Palestinian camps in Southern and Northern Lebanon, but their activities are strictly limited to the camps. Syria used to keep an army of 35,000 to 40,000 soldiers spread throughout the Lebanese territory (except Southern Lebanon) supported by thousands of intelligence agents who intervene in Lebanon's political, social, and judiciary life. On July 2001, March 2002 and February 2003, the Syrian troops redeployed as per the Taef Agreement signed in 1990. The second redeployment included mainly archaeological sites held since 1990. Reliable sources estimate that the current number of Syrian armed forces is around 20,000 soldiers. Intelligence activities have not been affected by the redeployment.

Lebanon has been going through a socio-economic crisis that many independent experts consider as explosive. Although the national currency is relatively stable, the growth rate was negative in 2000 and 1.5% in both 2001 and 2002. According to the UNDP Human Development rating, Lebanon's income per capita is USD 4,308. In one year, Lebanon fell back 10 ranks, from 65<sup>th</sup> to 75<sup>th</sup> in its level of human development. According to a UNDP report on human development published in September 2002, unemployment levels are at 10% of men in Lebanon between 25 and 29 years old - this age range has been the most strongly affected by emigration. The unemployment rate has increased sharply due to an escalating recession. According to a study conducted by Saint-Joseph University, and published in 2002, the unemployment rate is 11.5% among people aged between 15 and 64 years old. It is higher among young people aged between 18 and 35 years old (35%). These young people represent 71% of unemployed population. Male unemployment rate is 9.3% and female unemployment rate has increased from 7.2% in 1997 to 18.2% in 2001.

Between 1989 and 1999, the United States issued 3,450 emigrant visas to Lebanese citizens. Nearly 37% percent of active young people would like to leave the country temporarily. Some 80% would like to emigrate in order to find a job. Since 1975, the number of emigrants has been approximately 600 000 people. At least one member of 42.5% of Lebanese households lives abroad and left the country between 1975 and 2000. In Lebanon, there are about one million (over a total of 4 million inhabitants) of foreign workers. They come mainly from Syria, Egypt, Asia and Africa.

The Constitution guarantees citizens the right to change their government through free, just and regular elections. The last legislative elections took place during the summer of 2000 and were disturbed by several irregularities. These facts were documented and denounced in a report written by "NDH- International" and published in February 2001, as well as by several other organizations, such as the "Lebanese Association for Democratic Elections" and the Foundation for Human and Humanitarian rights- Lebanon. Lebanese authorities later refuted most of the accusations. In June 2002, after Albert Moukheiber (Greek Orthodox deputy of the Metn region) passed away, a partial election was organized to fill the vacant seat. However, after many violations of democratic elections, the executive power cancelled the instatement of the election winner, Gabriel Murr who is an opposition candidate. This occurred after the announcement of the election results and through a judgment of the Constitutional Council, which was criticized by many Lebanese jurists. Instead, the executive power appointed Ghasan Moukheiber without organizing new elections (see below our detailed report of this matter).

## ***b) Evolution of the Human Rights' situation in Lebanon***

Even if it is extremely hard to generalize a comparison between the current situation of Human Rights in Lebanon to its past, we still consider that some few points are comparable. Certain violations reflect the authorities' attitude and the priority that they give to the respect of Human Rights in their agenda. Our report will study, through an empirical approach, both the positive and negative aspects of the respect of Human Rights in Lebanon in 2002. It is, however, useful to highlight our main areas of concern. During 2002, an evident increase of politically associated security incidents and of active and obvious implication of judiciary power in political conflicts occurred. There was a tendency to use judiciary power as an instrument of political power. This came at the expense of elementary principles of law, equity, and justice. It is necessary to add to these alarming tendencies the continuous practice of repression against political opponents, such as intimidation measures against students. The use of violence in political demonstrations significantly increased in 2002 when compared to the situation in 2001, a year of clear improvement. The increasing political instrumentalism of the judiciary power had two bad consequences:

- a) An alarming permissiveness in the repression of freedom of expression, illustrated by two illegal measures, which were unconstitutional and unfairly taken, against two TV stations (MTV and New TV) in less than 4 months.
- b) The cancellation of the opposition candidate Gabriel Murr's election to office by the Constitutional Council itself. This decision, which made Ghasan Moukheiber winner, although he got only 2% of the votes, was justified by "Reason of state" (possibility of regional war) as if a State of Emergency had been declared, although the outcome of this politico-judiciary affair (Metn partial election) directly serves the personal and familial interests of Michel Murr, loyalist deputy and previous Minister.

This non-recent tendency of the judicial power is due to several factors. The year 2001 is notorious for the August 7 incidents in which the judiciary was completely involved as an instrument of repression. Additionally, two surprising statements are worth pointing out: Nasri Lahoud, former President of Superior Council of the

Judiciary, declared in November 2002 that the judiciary works as a governmental department and some judges have been able to build "castles." The second not less surprising statement, made by the Prime Minister Rafik Hariri, who declared on January 2, 2003 that there are political interventions in the judiciary power and that a judiciary reform is necessary.

In the frame of the positive developments, we are glad to notice the large and efficient campaign against substance use and abuse, as well as the permission given to the ICRC to visit all prisons and prisoners, without exception, despite the fact that this decree is not fully implemented.

## **II - Civil and Political Rights**

### ***a) Integrity and Personal Safety***

#### **1- Safety: assassinations, terrorism, and physical aggressions**

Although Lebanon generally enjoys stable public security, the year 2002 is characterized by a return of political assassinations, through car bombs - a method used for political elimination during the war - or kidnappings. Several cases were reported during the year reflecting a clear decline in security in Lebanon.

On January 24, 2002, Elie Hobeika, (former minister, deputy and Christian war lord) and three of his bodyguards, Dimitri Ajram, Walid Zein and Farès Soueidan, died after the explosion of a car, a few hundreds meters from Hobeika's building. Nine other people were injured in the incident.

Ramzi Irani, engineer and in charge of the Lebanese Forces (Christian anti-Syrian opposition restricted party) students' section at the Lebanese University, was found dead in the trunk of his car on May 31, 2002, in the Caracas area of Beirut. When found, his body was in an advanced state of decomposition. He had been kidnapped on May 7, 2002 while leaving his office, on Clemenceau Street, Beirut, near where his car had disappeared. His personal belongings, such as his cell phone, have not been found. In the days following his disappearance, police officers confirmed that they conducted investigations to locate him and interrogated residents in the area where he had been kidnapped. Journalists, who conducted similar investigations, stated that the police used routine measures of investigation that fall short in this situation. On May 31<sup>st</sup> 2002, some hours before Irani's body was uncovered after receiving a call indicating its place. Jihad Ahmad Jibril, Popular Front for the Liberation of Palestine official (PFLP - general commandment - pro-Syrian and based in Damascus), died in a car bomb in Beirut. The bomb was placed in the Palestinian leader's car.

In June, Mgr Gregoire Haddad, previous Melkite Archbishop of Beirut, was harassed twice in front of the TV Station "Tele Lumiere." Mgr Haddad was hit in the face by a young man (Carlos Abboud) who disagreed with Haddad's religious thesis that he expressed on TV. Abboud was submitted to the military tribunal, which finally released him.

On June 24, 2002, a car bomb exploded in Saida, at 700 meters from Ain el-Heloue camp. A six-year-old girl was slightly injured.

On July 11, 2002, Badih Wadih Hamade known as Abou Obeida, a Lebanese with close ties to the Islamist movement Esbat el-Ansar, killed three Lebanese army soldiers near the Palestinian refugee camp at Ain el-Heloue (Saida). He found shelter inside the camp, under the protection of the movement Esbat el-Ansar, before the small group handed him over to the Lebanese authorities on July 31, after extensive negotiations between the Lebanese authorities and the different Palestinian factions at Ain el-Heloue.

An explosive device of three hand-made grenades was discovered and defused by the ISF, on July 20, inside al-Qods Mosque in Saida. The explosive was found a few minutes before the evening prayer that Cheikh Maher Hammoud, the mosque's imam, was going to lead. Three days before this incident, Cheikh Hammoud himself handed Abou Obeida, the three soldiers' murderer, over to the army.

On August 12, a bomb attack killed Maha Akouri, aged 55, and seriously injured her daughter Dolla, aged 32, in Batchay, a suburb in North Beirut area in Baabda region. There was a second person injured in the attack. Three explosive charges exploded successively. The perpetrators of the attack targeted Interior Security Sergeant (ISF), Georges Akouri, who is a guardian at Roumieh Central Prison. Sergeant Akouri is one of the military who have interrogated members of the small Islamist group "al-Takfir wal Hijra," which attacked the Lebanese Army at Deniye, in January 2000.

On August 31, Ahmad Mansour, ex-member of Amal movement, shot eight employees dead of the "Private Schools Teachers' Allowance Fund" in Mazraa, Beirut and injured five other people. Mansour affirmed to the Justice Court (a unique level tribunal composed of 5 judges who only study the cases that the government decides to hand over to them and can issue death sentences) that his reasons were religious motivated.

A crowd of demonstrators led by deputies from Amal, Hezbollah, National Social Syrian Party and Baath Party, beat up the Prime Minister Rafic Hariri's Adviser on regional development, Fady Fawaz, in Ouzai area (Beirut West suburb). Fawaz, who was supposed to participate in a ceremony to put the first stone of a bridge building project in the area, was knocked over, thrown onto the ground, and beaten. After he was evacuated by the police and Ali Hassan Khalil, deputy from Amal movement, Fawaz was encircled by demonstrators, who threw stones, eggs, and diverse objects. In front of television cameras, Ali Ammar, one of Hezbollah deputies, harangued the crowd against him and incited demonstrators to "beat up Fawaz, Hariri's man." Transported to American University Hospital in Beirut, Fawaz was diagnosed with serious contusions. He was kept under medical supervision for 24 hours because doctors feared cerebral complications.

On August 10, supporters of Kataeb Party's current president, Karim Pakradouni (loyalist) intercepted the convoy of Amine Gemayel, who is Lebanon former President and leader of Kataeb Reformist Movement (opposition). Pakradouni's supporters tried to stop Gemayel's delegation, composed of two deputies, Antoine Ghanem and Pierre Gemayel, from continuing their visit. Armed people burned tires in order to prevent Gemayel from meeting with opponents of Kataeb Party's current leadership. Deputy Pierre Gemayel affirmed that Pakradouni's supporters attempted to assault President Gemayel. Pierre Gemayel and Antoine Ghanem lodged a complaint against them but subsequent action was not taken.

The Public prosecutor's office accused Kesrouan ex-deputy, Rouchaid Khazen, of recruiting Joseph Akiki to assassinate the deputy in Kesrouan, Mansour el-Bone. Akiki was arrested on September 2. On September 9, George Azzi was accused of having been hired by Mr. Khazen to assassinate Adel Bou Karam, president of Jounieh Municipal Council. Proceedings were instituted but subsequent action was not taken. According to credible but unconfirmed information sources, Joseph Akiki would have been tortured during his detention in prison.

On November 21, an American evangelist missionary, who was working in a dispensary for pregnant women, was shot dead by three bullets in the head. This assassination started a denigrating campaign against the evangelist community. Saida's Islamist leader, Cheikh Maher Hammoud refused to denounce the crime; he only manifested his "preference for other methods of resistance." The Public prosecutor's office did not take any measure following this call for violence and crime.

On December 6, two Lebanese men from the South, named Ramzi Nohra, 45, and Elie Issa, 28, died in a car bomb attack on the road to Kawkaba-Ibles-Saqi (South Lebanon). Both men were killed immediately, as their car was pulverized after the explosion, which weighted more than 50 kg. Both men are said to be Hezbollah spies. Several political figures suggested that Israel was responsible but did not bring any evidence to support this accusation.

An Iraqi opponent, Walid Ibrahim Mayahi, who is a member of the Iraqi National Congress, was found dead and tied up in Tyr, in one of the five rooms of the Cultural and Islamic Centre al-Sadr, on December 4<sup>th</sup>. Signs of assault were found on the victim's corpse.

On December 23, an armed man named Khalil Ali Sinno opened fire on the judge for summary procedures, Fady Nachar, in a court, in Beirut's Justice Palace. The judge's chest and neck were hit. The judge, in a critical state, was transported to a hospital, where he survived.

On December 30, an army recruit, Tony Kord, was killed in Rai el-Saleh barracks in Dekwaneh as another recruit, Hussein Khalaf, opened fire. Four recruits were also injured, but army officials did not reveal their identity.

During the whole year, a series of attacks targeted important American fast-food chains - Pizza Hut, McDonald's, Winners and Kentucky Fried Chicken - in different Lebanese regions. During the night of November 11 to 12, three bombs nearly simultaneously exploded in a Winners restaurant (200gr of TNT) and a Pizza Hut (200gr of TNT) in Jounieh-Maameltein and in front of the Pizza Hut (400gr of TNT) in Mina, Tripoli. Explosions caused material damages in these restaurants and neighbouring restaurants, but there were no people injured. On September 23, a less powerful bomb exploded near a McDonald's in Jounieh, without hurting anyone. In June, two Palestinians attempted to burn a Pizza-Hut restaurant in Khalde with gasoline. Proceedings were instituted against them.

On May 9, an explosive attack partially destroyed one restaurant of the Kentucky Fried Chicken chain. The restaurant guard was slightly injured. Attacks caused some material damage.

Several Muslim dignitaries and leftist organizations called for a boycott of American companies and products in Arab countries because of the American military aid and political support to Israel. Several of these organizations denounced these attacks and called for an intensive but pacifist boycott.

A series of explosions and clashes between Palestinian factions (Fatah, PFLP, DFLP, Saika, Esbat el-Ansar, Esbat el-Nour...) occurred throughout 2002 inside Ain el-Heloue camp (near Saida).

Since the Israeli withdrawal from South Lebanon and West Bekaa in May 2000, mines have represented the most serious security danger. The number of antipersonnel mines, installed by the Israeli army and South Lebanon Army (ALS, Israel auxiliary militia), is estimated to be 409,000 by UN experts. According to official figures, mines killed about 30 people and injured more than 203 inhabitants or their guests of liberated villages since May 2000. In January 2002, Israel handed the mine maps to UN officials back for most of the Southern regions, except the Jezzine region. On January 24, two children, Hussein Salam, 11, and Mohammed Issa, 10, were injured in the village of Qleya (South Lebanon) by an Israeli old fragmentation bomb that they had found near their house. On April 23, a 5-year-old child, Abbas Faqih, detonated a mine in South Lebanon. He died immediately. His two brothers, Hussein, 8, and Abdallah, 3, were seriously injured.

At the end of November, a journalist from the daily newspaper *an-Nahar*, Abbas Saleh, was kidnapped in front of the BHV. He was held arbitrarily, beaten and tortured by Hezbollah members, because he refused to park his car somewhere else. The militia members also threatened to murder him. Saleh was taken to an underground parking facility opposite the Marriott hotel in Beirut. The militia supporters kicked and punched him as they

took him to a room where to one of the main figures of Hezbollah security services, Ahmad Mcheik. They accused him to have insulted Hezbollah before they beat him up again.

A mixed force composed of 1,000 soldiers from the Lebanese army and the Interior Security Forces was deployed after instances of weakened security occurred over several weeks in 2000, following the Israeli withdrawal. The role of regular forces was increased over the last six months (of 2002). Incidents, often due to disputes between clans or partisans, kept happening, especially between Amal and Hezbollah members. These clashes sometimes degenerated into murderous brawls. On March 25, 70 people were injured in clashes between Amal and Hezbollah supporters in Nabatiye (South Lebanon). Two demonstrations encountered each other in a street in Nabatiye. Both sides fought each other with knives, sticks and empty bottles. Several soldiers from the Interior Security Forces and the Lebanese Army were injured as they attempted to intervene to stop the rioters. On September 23, a dispute occurred between Hezbollah members and Amal scouts following a conflict about portrait posting in the village of Wadi Jilo. Both sides' partisans fought with sticks and stones. The police arrested 14 people.

Because Israel has still not evacuated the "Shebaa farms" area, Hezbollah continues to launch military operations against its soldiers. Israel military responds back.

## **2- Disappearance and prisoners:**

The chief of the Lebanese Forces, Samir Geagea, has been held prisoner three levels below ground in the Ministry of Defense since 1994. The conditions of his detention violate the international convention on the standard treatment of prisoners signed by Lebanon. Defense attorneys, different Human Rights NGOs and the Bar Association efforts have been able to slightly improve his conditions of detention. Nevertheless, Mr. Geagea is only authorized to see his wife, his lawyers, or visitors under guards' supervision. The dimensions of his cell are 3m on 2m, including toilets and sinks. Contrary to other legal prisons in Lebanon, it does not include a gym, TV, library, or walking area for prisoners. Political pages of magazines that are brought to him are ripped out. According to information reported by the press and his lawyers, he can only leave his room blindfolded and handcuffed.

Hanna Challita, a member of the Lebanese Forces has also been held prisoner in conditions similar to that of Samir Geagea since 1994 without legal judgment. He is suspected to have participated in Tony Frangie's massacre in 1978. Tony Frangie was the father of the current Minister of Health, Sleiman Frangie. The prisoner was finally released in September without any court judgment or cross-examination after he paid 5 million Lebanese pounds (USD 3300).

The journalist Antoine Bassil, arrested on August 17 2001 and accused of maintaining "Contact with Israel" is still in prison. The military court sentenced him to 4 years' imprisonment but his sentence was reduced to 2 years and 6 months.

A 1990 census indicates that 17,415 people are missing in Lebanon as a result of the war. Uncertainty about the missing people's situation makes the mourning process impossible, especially because it is still possible that some missing people are being held as prisoners. A number of families, who live in materially precarious situations, have met at the Committee of Kidnapped or "Missing People's Parents" in Lebanon. They have asked the Lebanese authorities for an independent investigation into the disappearances. Several Lebanese political figures, who have been in power since 1990, were implicated in the massive events that happened during the war. These events include summary executions and the illegal transfers of prisoners to Syrian prisons. This explains the Lebanese government's attempts to close the missing people's files. These files include those of Lebanese prisoners in Israel, Syria, Iraq, and Libya, and of people kidnapped by militias that went to the Lebanese War.

There are still 12 Lebanese prisoners in Israel, some of whom have been held as prisoners since 1978. They are arbitrarily held and are still waiting to be sentenced by the Israeli courts. The Israeli authorities justify the "administrative" detention of Abdel Karim Obeid and Moustapha Dirani by stating that they represent a danger for Israeli security. Dozens of freed prisoners have affirmed that they were subjected to torture.

The still undetermined number of Lebanese prisoners in Syrian prisons keeps feeding certain political figures and human rights NGO requests for their liberation. In July 2002, Prime Minister Selim Hoss's government ratified the conclusions of a special committee that was created in January 2002 by the Council of Ministers. The committee being exclusively composed of security agencies representatives, and following military attributions failed to properly perform the assigned job. The report declared anyone who had been disappeared for 4 years to be considered officially deceased. Human Rights NGOs and parents of missing and imprisoned people denounced the committee's conclusions.

In December 2000, 46 Lebanese prisoners and 7 Palestinian prisoners were handed over to the Lebanese authorities. Lebanese authorities still do not exactly know the number of Lebanese prisoners being held in Syria. Syria also published a list of 95 prisoners of accused of having committed ordinary crimes in Syria. Adhane Addoum, the General prosecutor confirmed that the "*file was closed*" and insisted that each person was no longer presumed to be a "*prisoner*", but "*missing*". This is not the opinion of parents who confirm that they have often traveled to Syria to visit their imprisoned children.

Rafic Hariri's government appointed another Commission of Inquiry on missing people in January 2001. The commission was charged to collect parents' complaints. It is no longer composed of security agents and security services officers, but composed of the chiefs of those services and others. It includes Adnan Addoum (the General prosecutor), General Jamil Sayyed (General Director of the Sureté Générale), General Edouard Mansour (Director of State Security Services), General Marwan Zein (General Director Interior Security Forces), General Raymond Azar (Director of the army intelligence agency), and two members of the Bar Associations of Beirut and North Lebanon. It is presided over by the State Minister of Administrative Reform, Fouad es-Saad. It was supposed to have drawn conclusions after six months of work. This did not occur and its mandate has since been extended three times. SOLIDE (Support to Lebanese Prisoners and Exiled people) and SOLIDA (Support to Arbitrarily Imprisoned Lebanese People) have noted in several reports that "the commissions has operated according to a standard that was taken prior to its formation" and further alluded to district attorney Addoum's words about the definitive closing of files in December 2000.

Indeed, instead of collecting parents' complaints in order to follow the inquiry according to international norms, the commission has requested parents to show irrefutable proof that their relatives are still alive in Syrian prisons. This is a clear violation of Article 13 of the World Declaration for People's Protection against Forced Disappearances, adopted by the UN General Assembly in 1992. According to this article, the state is obliged to follow through with an investigation on the territory where a forced disappearance has occurred. According to the same Declaration, it is a continuous ongoing crime. The commission's mandate officially expired in June 2002 and their report has yet to be published. No explanation has been given as to the delay.

The prisoners' parents requested an appointment with the Syrian Interior Minister in Damascus. The meeting was granted and held on July 22<sup>nd</sup>. During the meeting, the Minister committed to give the parents an answer about the situation of 174 children within 3 months. On October 2, the parents got a new appointment with the Syrian Minister in hopes that they will receive answers. Upon reaching the border, they were informed that the Minister was not in Damascus and would not be able to meet with them and were consequently sent back to Lebanon.

One prisoner, Mahommed Yehia el-Balchi was included among the list of 174 individuals. He was released in secret by the Syrian authorities in September. Moreover, the Lebanese justice has not released immediately some of the prisoners who were transferred from Syria to Lebanon in December 2000. One of them, Radwan

Chakib Ibrahim, died in prison in February 2001. He suffered high blood pressure and was not provided access to the necessary medical treatment.

The Intelligence Services issued a mandate for the investigation into 14 of the prisoners released in December 2000. None of the individuals noted within the mandate have been summoned, and no explanation has been provided by the authorities. As a consequence, any administrative formality that could have been initiated by the individuals concerned was not available to them. One example is that of Henri Daou. Mr Daou is a Lebanese citizen who fought during the war. In October, he was arrested at the Syrian border by the Syrian authorities while on a business trip to Damascus with a friend. He remained in arbitrary detention for two weeks and released thanks to influential Lebanese figures' intervention in Syria.

In October 2000, Hezbollah captured three soldiers from an Israeli patrol near the disputed Shebaa farms. In addition, they also arrested an Israeli civilian who, reportedly, was an Israeli Secret Services Colonel. Information as to the prisoners' status is contradictory, and thus their status is uncertain. Hezbollah refuses to allow the International Committee of the Red-Cross (ICRC) to visit the prisoners despite several requests to do so, including requests from German mediators. The prisoners' detention conditions violate the Geneva Convention on prisoners of war. Hezbollah insists that the aim of its actions is the liberation of Shebaa farms and the release of Lebanese prisoners from Israeli prisons.

The case of Imam Moussa Sadr, who has been reported missing since a 1978 trip to Libya, is still in question. His sister, Rabad Sadr, claims that she has information to indicate that he is alive and imprisoned in Libya. The Lebanese government contented itself with creating a committee without any specific prerogative or precise mandate. No serious efforts that would be able to reveal Imam Sadr and his two companions' status have been initiated so far.

Twelve Lebanese citizens (students or teachers in Shiite religious schools) have been reported as missing since 1990 in Iraq. (Some were arrested in Kuwait by Iraqi forces). The Lebanese state has only taken rare and limited steps in order to ensure their liberation.

<b>Name</b>	<b><i>Date of birth</i></b>	<b><i>Date of arrest</i></b>
Cheikh Ali Hussein Jaafar	1946	1991
Cheikh Ibrahim Ali Jaafar	1974	1991
Cheikh Taleb al-Khalil	1942	1991
Cheikh Mohammed Mehdi Fakih	1960	1991
Cheikh Mohammed Sadek Fakih	1962	1991
Cheikh Mohammed Hady Fakih	1966	1991
Mohammed Ahmed Khalili	--	1990 (Kuwait)
Sobhi Khalil Haydar	--	1990 (Kuwait)
Hussein Abdel Halim Cheayb	1959	1980
Nassif Ibrahim Dehayni	1959	1980
Jalal Mohammad Al-Hady	1968	1986
Ikbal Khalil Jalloul	--	1986

Lebanese citizens have been reported missing in the Democratic Republic of Congo during the year after the assassination of President Laurent Desire Kabila. Other people have been placed in arbitrary detention in Paraguay. During the Francophone Summit, the Lebanese authorities pleaded their cause to Congolese Officials who in turn promised these people's liberation by the end of the year.

### 3- Physical and Psychological Torture

Although the Lebanese Law forbids all forms of torture, certain provisory detention centers are famous for their torture practices. Victims generally are afraid to make a complaint. When soldiers are found to be guilty of torture, they are generally sentenced to disciplinary penalties. To date, no legal action of torture cases has ever gone before the court. The police stations "Hbeiche" and "Barbar Khazen" are notorious for their degrading and humiliating torture practices. Torture is a common violation during arbitrary arrest and preliminary detention. No information has ever been reported from prisons that hold prisoners who have already been sentenced. However, some cases of physical violence have been reported in the minors' section of the central prison and of the Sûreté Générale prison for foreigners (illegal immigrants). The authorities in charge of these two prisons are generally receptive to complaints about torture but penalties never exceed disciplinary measures.

The lawyer Ziad Assouad, who was a victim of violent acts carried out by plain clothed intelligence agents during pacifist student demonstrations in front of the Justice Palace on August 9, 2001, still suffers serious complications from a fractured skull. The authorities have never justified the use of violence that day. According to independent sources, the promotion of the officer who was in charge of the squad in question has been postponed for 6 months. In July 2001, the Minister of Justice, Samir Jisr, publicly acknowledged that Lebanon shelters and protects torturers.

According to his lawyer, Badih Hamamde known as Abou Obeida (Islamic fundamentalist who assassinated three Lebanese soldiers at the entrance of Ain el-Heloue Palestinian refugees' camp) was tortured (continuously tied up) during the first eight weeks of his detention in the Ministry of defence.

The case of the prisoners involved in the armed insurrection in Denniye (in 2000) is still mentioned as a case of torture used in prisons supervised by the Ministry of Defence. This year, the lawyer (Hani Sleimane) who defends one of the prisoners (Jamil Hammoud) denounced in front of the Court of Justice the bad treatment that was inflicted on his client but he nevertheless did not manage to initiate an investigation, as stipulated by the United Nations Convention against Torture that Lebanon ratified in 2000.

The Lebanese Forces leader (Toufic Hindi) and journalists Habib Younes and Antoine Bassil who were arrested in a series of raids among the opposition in August 2001 and accused of "contacts with the Israeli enemy" confirmed in front of the military court that they were subjected to various forms of coercive pressure during their interrogations. On February 13, Toufic Hindi denied in front of the military court all the facts that were attributed to him and stated that he was in such a poor physical and moral state during the preliminary investigation that he had only one obsession: to save his life. Hindi mentions the physical and mental pressures to which he was subjected during the first 11 days of his imprisonment. *"I was terrorized for 11 days, and if you wish, I can give you some details"* he affirmed. The previous LF leader stated that he had been threatened several times that he would be *"transferred to Syria."* He added that *"each trip to the bathroom was a terrible humiliation. Prisoners were forced to use the toilets in front of the guardians' mocking looks."* He also remembers many references to his wife.

On February 20, Antoine Bassil told the military court that he had been mistreated and subjected to many pressures during the first days of imprisonment. According to him, one investigator had even told him: *"We don't have anything against you. We want Toufic Hindi. Either you cooperate with us or we will make you confess that you crucified Jesus."* On February 27, Habib Younes also testified in front of the military court as to the various mistreatments he was subjected to during a preliminary interrogation at the Ministry of Defence. When he was freed on November 19, he reported that he had suffered all kinds of physical, moral and psychological pressures. On June 4, the three men affirmed again in front of the Military Court of Appeal that they had been subjected to pressure during their interrogations at the Ministry of Defence.

#### 4-Arbitrary Arrest and Exile

The return to Lebanon of former Prime Minister, General Michel Aoun, who has been in exile in Paris since 1991, is denied each time he attempts to return to his country. The Lebanese authorities up-held the indictments against him, which include the taking over of power and misappropriation of public funds, each time he asks to return to Lebanon.

The former President of Lebanon, Amine Gemayel, and the President of the Popular Congress, Kamal Chatila, returned to Lebanon in 2000 after many years of exile. They say that their political activities have been severely controlled since their return. President Gemayel also asserted that he received death threats in 2001 and 2002.

Police officers have continued to arbitrarily arrest dozens of Aoun's supporters and members of the Lebanese Forces and the Liberal National Party, all of which are the main opposition movements. In 2002, these arbitrary arrests have been numerous, especially during demonstrations. Most of arrested people are released after few hours' interrogations. Others are referred to the military court, which judge and arbitrarily condemn them. However, the number of cases taken before the military court in 2002 has decreased from earlier years. Some are forced to sign documents that obligate them to cease their political activities. Accusations against them generally include: "defamation against the President," "defamation against a friendly country (Syria)," "formation of an illegal movement," "undermining the state security," and "spreading of an unauthorized party's principles."

On January 14, the Intelligence Services questioned six supporters of the Lebanese Forces in different regions of Lebanon. The supporters were subjected to pressures and threats that sought to deter them from continuing their political activities.

On February 8, the journalist Antoine Saad, who supports the Lebanese Forces, was arrested at the Beirut Airport and held for six hours. He was on his way to Paris. The president of the Journalists Union (Melhem Karam) intervened to settle the issue. He was told that Saad has to refer to the army HQ in order to obtain a travel permit.

In November, Eliano el-Mir, a senior student delegate and supporter of the Lebanese, was arrested without any charge. He was taken to the Ministry of Defense and interrogated about flyers hostile to the Hezbollah and the Syrian Army that he had distributed. He was cleared of this accusation by the Military Court, but was transferred to Saida prison and referred to a civilian court. He was freed in November, but arrested again in December and released a few days later.

On February 6, the Information services summoned two Saint-Joseph University (USJ) students: Julien Courson, who was the previous leader of the Lebanese Forces section on the Social Sciences campus, and Rabih Traboulsi, who leads Aoun's supporters at the Engineering School. Both students received written convocations that asked them to go to the Intelligence Services headquarters for an "*interrogation*" about their political activities. Julien Courson went to the headquarters, where he was interrogated. During the interrogation, he was handcuffed, his eyes were banded and he was slapped several times. Traboulsi refused to respond to the summons. On the day following this incident, a parliamentary committee for the students' defense was created on the initiative of Saint-Joseph University's rector, Father Selim Abou. This committee is charged with following cases of students who have been arrested or questioned because of their political activities.

In April, three students who support Aoun were questioned in Chekka (North Lebanon). Karim Bou Karim, 25, Charbel Esper, 24, and Fadi Khairallah, 25. They were taken to the Intelligence Services station in Amioun where they were interrogated on their opinions, their membership and political activities. They were released after several hours of detention.

The investigation on the Ehden massacre (June 13<sup>th</sup> 1978), in which the Minister Sleiman Frangie's father (Tony Frangie) and several members of his family were killed, was reopened this year. This served as a pretext to launch raids against the supporters of the previous President, Amine Gemayel, in the village of Kfar Abida (near Batroun, North Lebanon). Minister Frangie himself denounced this exploitation and accused the General Surete Director (Jamil es-Sayed) to be behind the exploitation. Those who were interrogated about this incident (Nabil Haykal, Hanna Aoun, Tony Youssef, Antoine Feghaly, Antoine Chahine, Tony Assouad) were released after a few hours.

On August 7, Toufic Hindi, who is a Lebanese Forces leader, was arrested under conditions that are contrary to human rights as part of the raids (August 2001) against Aoun's supporters' movement and the Lebanese Forces. He was referred to the military court on the basis that he was in contact with Israeli officials. The prosecutor required the death sentence for Hindi. His trial continued during the first months of 2002. Initially condemned to three years in prison, his sentence was reduced to 15 months. He was freed on November 9.

The journalists Habib Younes and Antoine Bassil were also victims of arbitrary arrests on August 17 and 19, 2002. Younes was sentenced to three years in prison by the military court. His sentence was reduced to 15 months. He was freed on November 19. Antoine Bassil, whose initial sentence of 4 years of prison and later reduced to 2 years, is still imprisoned in Roumie.

On May 27, the Intelligence Services in Zalka (Metn caza) interrogated Edmond Khazen without any charges and held him incommunicado for four days. He is a pro-Aoun student leader. He was released five days later. He reportedly was questioned as a result of distributing pamphlets that favored the election of the opposition candidate, Gabriel Murr, during the Metn partial election.

In the evening of Thursday August 29, the night before the President's visit to Metn, the Intelligence Services interrogated three students who are close to the Aounist movement. The students, Fady Hache, 18, Gino Aoun, 18, and Victor Medlej, 15, were taken to Noura army position in Sin el-Fil, where they remained in arbitrary detention for three days. Victor Medlej was not interrogated in presence of social counsel or of his parents, although he is minor. On Tuesday, Medlej was released. Arrest warrants were issued against Gino Aoun, 18, and Fady Hache, 18, for "*defaming the President.*" They were referred to a civil court. They were held prisoners at "Serail de Baabda" (Baabda city hall). The students were arrested because they tore down the President's portraits.

On the same occasion, an engineer spent 10 days at the Ministry of Defense and then at Roumie prison because he tore down a portrait of the President during the night, which was posted on his house's door, as he was coming home from a trip. He was allowed to call a relative only two days after being arrested. A pregnant woman and her husband were arrested by the police because the woman, suffering from serious nausea, threw up in front of portraits of the President.

About twenty of Aoun's supporters were interrogated and quickly released in front of Saint-Georges Cathedral on October 13. They were attending a mass for the victims who died during October 13, 1990 events following General Michel Aoun's ousting by the Syrian army. On October 16, seven students, whose names are Edouard Chamoun (President of the NLP student section), Rabih Khalifé (NLP), Charbel Khalil, Elie Chamoun (NLP), Paul Bassil (CPL), Youssef Sadek and Richard Younan (FL), were interrogated as they attempted to leave the Saint-Joseph University campus to join the demonstration against the Syrian presence in Lebanon, for the

francophone summit occasion. Injured, Younan was interrogated by the police while he was transported by the Red-Cross to the hospital. On October 31, the police interrogated about 30 students of the opposition who were trying to demonstrate against the Syrian presence in front of the Lebanese University Sciences campus in Fanar. On November 21, the police interrogated about 15 students who were trying to protest against the Syrian presence in front of the National Museum and in front of the Lebanese University's Art School and of Saint-Joseph University's Medical School, near the museum. The demonstrators were demanding the withdrawal of Syrian forces on Independence Day.

Intelligence Services' officers interrogated Fadi Chamati, who is a Lebanese Forces student leader at his office in the water company *Tannourine*, on December 16. He was released on December 20. His house was illegally searched. According to judiciary sources, Chamati was interrogated because he held papers that contained specific state security undermining information that required an investigation.

On December 20 and 21, Aoun movement activists were interrogated in the Intelligence Services station in Jbeil. Ragheb Abi Akl was interrogated on Friday, 20; the next day, Siham Younes, Marwan Saliba and Bassam Youssef were interrogated about their political activities for several hours. On December 24, another Aoun's movement activist, named Nour Merheb, was arrested in front of Saint Maron Church in Dora and released on December 27. He was handing out pamphlets criticizing Syrian workers in Lebanon.

### **5-Prisons**

The situation of Lebanese prisons does not comply with international norms. Although a prison department exists within the Ministry of Justice, the Ministry of Interior Affairs effectively manages the 18 Lebanese prisons. There are roughly 7,000 prisoners in the Lebanese prisons that have a capacity for 2,200 inmates. On October 17, the government's official Journal published a decree that authorized International Committee for the Red Cross (ICRC) delegates to choose prisoners they wanted to visit and to hold free discussions with the prisoners without any supervision or time limit. They are also allowed to record the names of the prisoners they visited. Moreover, ICRC medical delegates are allowed to choose the prisoners they want to meet and to administer medical exam. The decree indicates that a room will be set up for these exams.

Prisoners lack heating facilities, hygienic services, medical care, and other necessities. There is almost no rehabilitation program, except for a few initiatives taken by NGOs. Regional prisons are completely dilapidated.

The budget granted to prisons is decreasing: it was reduced from 3.100.000.000 LL (\$ 2.067.00) in 2001 to 2.740.000.000 LL (\$1.827.000) in 2002 (1100 LL or \$0.75 per prisoner per day). According to September 2002 UNDP report on human development; in 1999 Lebanese prisons counted 6,623 prisoners, only 40% of whom had been convicted.

Abou Obeida, who was accused of the assassination of three soldiers near Ain el-Heloue Palestinian camp in Saida, indicated in front of the military court that his detention location (during the first period of time at the Ministry of Defense) did not permit him to practice his religion like he should and to pray as many times as he was supposed to do.

### **6- Death Penalty**

Under Prime Minister Hoss's administration (until September 2000), no death sentences were executed. Death penalties are not to be executed without the Prime Minister's signature. Upon returning to cabinet, Prime Minister, Rafic Hariri announced that he was ready to sign several death sentences on the basis that "*Lebanese society is not yet ready to abolish the death penalty*". Technically speaking, Prime Minister Hariri needs

President Emile Lahoud's counter signature to issue a death sentence execution decree. President Lahoud has not expressed any reservations on capital punishment to this day, and although approximately twenty people have been sentenced to death to date, no execution has been carried out since Hariri's return to office. This moratorium against the death penalty is still in force today especially because of the pressure of the European Union.

## **b. Judicial power**

### **1) Integrity of the Judicial Power and fair trials**

The Lebanese Constitution stipulates the independence of the judicial power and gives the Constitutional Court the duty to verify the constitutionality of the laws and decrees. The military court, however, continues to use the unconditional vast powers that it received in 1967 (when the military court attributions were extended to cover civilian cases).

The Judicial Council is another example of dependence. Five jurists are assigned to study cases the government decides to transfer to them only. Sentences, including death sentences, issued by this court cannot be appealed. Judges are not elected by the judicial body, but rather named by the Minister of Justice.

We can consider that the Lebanese Forces' leader (Samir Geagea)'s trial was unfair. According to confessions given by state officials, his trial was a political issue. According to the previous President, Elias Hraoui, in a TV interview on the Arabic channel (*al-Jazira*), Samir Geagea refused to be part of the government in 1994 or to leave the country despite the advice Hraoui gave him. According to Hraoui, this is why Geagea remains in prison.

Hanna Challita, who used to be an LF soldier, was imprisoned at the Ministry of Justice without trial for 7 years. He was released in September. His case represents an unhappy precedent in the history of justice in Lebanon. When he left prison, Challita contented himself to thank the prison guards *"for teaching him the sense of discipline."* Challita, who was 17 years old at that time, was accused of the murder of Tony Frangieh (son of the former President Sleiman Frangieh) and several members of his family during the first year of the war.

On April 2002, a grenade exploded at the Beirut Engineering Superior School (ESIB). It killed two first-year math students, David Ajaltouny and Alain Khalife, and injured five others. The accident shocked the public opinion. The investigation has been drawn out and has yet to produce any results. According to the official version, Ajaltouny had brought a grenade to class. Thinking the pin was disengaged, he was handling it when it exploded. Efforts have been made to hide his classmates' version that the grenade had been in class for several days and was hidden in a mug wrapped with gift paper as a game. The authorities denied this version of the event. In a press conference in November 2001, the Minister of the Interior (Elias Murr) affirmed that Ajaltouny had the grenade with him on campus. This statement made by the Minister infringes on the judicial domain as the investigation is still not closed.

There are three other cases of investigations that have not given any results and that suggest judicial interference: Sister Antoinette Zeidane's rape and murder (January 2002), four judges' murder in Saida in 1999 (although the authorities suspected the group Esbat el-Ansar's lead by Ahmad Abdel Karim Al Saadi known as Abou Mahjan, in the Palestinian camp of Ain el-Heloue near Saida) and the Nathalie Debbas's case who reportedly died of a heart attack after being raped several times. Her father was first accused but he was released after intervention from certain political parties. The case has been quieted since. In the matter of the four Saida judges, a Lebanese of Palestinian origin, Toufic Mohammed Mahmoud Diab, was arrested in April and was referred to the General Prosecutor.

Noticeably, the investigation on the attack that was perpetrated on the Notre-Dame de la Deliverance Church in Zouk Mosbeh (Kesrouan) after which Samir Geagea (the Lebanese Forces leader) had been arrested (but then found innocent) did not get any result. Geagea was found guilty in February 2001 for murdering Dr Elie Zayek (January 1990) and was sentenced to life imprisonment. The President, Elias Hraoui, used the fact that there was still an open file involving Geagea to argue that Geagea cannot benefit of presidential grace. Only prisoners who have been judged can benefit from presidential grace. The Lebanese Forces denounced "the state's partiality" after this case and affirmed "*Elias Abdallah, the Prosecution counsellor, denounced in a report dated on February 3, 1998 the fact that the Beirut penal court neglected to take statements from certain witnesses of the defence.*"

The investigation on the identity of the journalist Paul Khalife's assailants in 1999 has not led to any result. Khalife was physically assaulted during the night by unknown people in front of his house. The day preceding his assault, he had attacked the political regime in an article.

No investigation on the death of Barakat el-Amil, Gerges Seaid and Abdel Meneem Karout in prison (former members of the SLA militia) has been initiated to this day.

The investigation into the assassination of the former Minister Elie Hobeika has not led to any conclusion. Judge Nasri Lahoud, who was military district attorney at that time, went to the scene of the attack and accused Israel right away.

Similarly, the investigation of the LF engineer Ramzi Irani's kidnapping and assassination has not produced any result.

The trial of several political opponents, including Toufic Hindi (FL officer and Samir Geagea's former advisor), Habib Younes (journalist for the daily newspaper *al-Hayat*), and Antoine Bassil (journalist for MBC TV station), the leader of the Aounist movement Nadim Lteif and of the Lebanese Forces Selmane Samaha and Antoine Keyrouz, the journalist Claude Hajjar and several LF and Aoun's activists, took place before the military court during the first months of 2002. The first three (Hindy, Younes and Bassil) were accused of collaboration with Israel, which is the most serious accusation in Lebanon. Yet, two of them ended up being sentenced to 15 months in prison and released in November. The third was sentenced to two and a half years in prison. Several journalists noticed the discrepancy between the initial sentences and the terms actually served. As to the others who were arrested, they were released. Moreover, Habib Younes was not authorized to attend his dad's funerals during his detention. In contrast, Toufic Hindi was authorized to attend his mother's funerals.

The Minister for Administrative Development (Fouad es-Saad) announced a new bill in June to establish a Mediator of the Republic, or Ombudsman. In early June, Saad organized an international congress to debate the bill with jurists, political figures, officials of the main organisms of state control, and a number of ambassadors in Lebanon. While the initiative to create an Ombudsman is positive, certain concerns to the text of bill are worth noting:

- According to the bill, the Ombudsman is appointed to a term of four years through a decree of the Council of Ministers. He is chosen among a list of 5 candidates who are proposed by the Parliament. The Ombudsman's nomination should not be made by the Executive power.
- The effective creation of an Ombudsman's office can only happen if the justice department is totally independent from the political powers. Conversely, this measure could be used to hide politicisation of the judiciary.

## 2) The Executive power's hold over the Judicial power

A new legal code was voted on, revised and voted on a second time during a two week period in August 2001. The revision and second vote was triggered by modifications requested by President General Emile Lahoud. According to an article in L'Orient-Le Jour dated August 14 2001, the President wanted an amendment "*that would facilitate the intervention of Intelligence Services in judicial affairs*".

The legal code which was promulgated on August 7, 2001 (before the modification and second vote on August 13) reduced the duration of police detainment and arrests for the needs of investigations. It acknowledged that the presence of a lawyer during interrogations was mandatory. The judicial police and district attorney's powers were reduced and the Ministry of Justice no longer controls the district attorney, as was the case under the former law. Several regulations against torture had been introduced. However, the modifications that were suggested by the President and approved by the Parliament on August 13 made the Intelligence agencies part of the judicial police. The judicial police are permitted to conduct interrogations without the presence of a defence lawyer. The power to directly investigate the crime location increases the district attorney's authority. He is allowed to put an end to any dispute between the Public Ministry at the Supreme Court of Appeal and the military court district attorney about a non-judicial permit to initiate legal proceedings. Another modification increased the duration of detention to 10 days in police custody and 6 months for an investigation. This is a flagrant contradiction to the presumption of innocence. These new powers that have been given to the district attorney increase the risk of arbitrary arrests.

President, General Emile Lahoud, exempted penalties from being imposed against Intelligence Services officers who were responsible for August 2001 raids against the opposition and for beating up students in front of the Justice Palace. The President stressed that sanctions would be taken within the military institution. No one was able to confirm if serious penalties have been taken against offenders; or for example the information about the six-month delay of the promotion of the officer who was in charge of the squad in front of the Justice Palace on August 9, 2001.

The General Prosecutor, Adnane Addoum, threatened to bring legal proceedings against opposition leaders, including former President Amine Gemayel, former Prime Minister General Michel Aoun and the Liberal National Party leader Dory Chamoun because "*they led an anti-Syrian campaign and claimed Lebanon sovereignty*." During a press conference in November, the General Prosecutor stated that he would sue all those who "*claim Lebanon sovereignty*." He resurrected the "Puma" files and attempted-in vain-to accuse the former President Amine Gemayel of misappropriating funds. The Public Prosecutor's office also mentioned the possibility of suing General Aoun for "*rebellion*" and "*misappropriation of funds*." Both files are old and are brought up every time that his return from exile is mentioned.

In December 2002, the Parliament's police force, whose jurisdiction is limited to the protection of Chamber of Deputies' buildings, used force to close eight pubs and restaurants that are located near the Parliament building. This was carried out without the possession of any order from the judicial authorities or the Ministry of Tourism. The restaurants were reopened two weeks later. There has been no follow up or investigation into this matter.

### **3) Military court**

Given its composition and haste in "due process", the military court's jurisdiction over civilians is a violation of international norms for fair trial. Proceedings before the military court are hasty and undermining the fairness of trial procedures. In 2002, the military court received 11309 complaints, 10422 of which were processed and ended; which means an average of 40 cases per working day. The court usually holds sessions three days a week. More than 100 cases are sometimes dealt with in one day. This happened, for example, for the trials of South Lebanon officers and soldiers; in such conditions, trials are hardly fair. Moreover, based on the current composition of the court, four of the five judges are military officers and not necessarily judges or lawyers. The fifth member is a civilian judge. A court composed of four military officers and one civilian judge can hardly ensure objective conditions of fairness.

The trials of SLA militia members that took place in 2002 were not fair. The prisoners on trial did not have access to defence in accordance with international norms.

The trials of several opponents, including the journalists Habib Younes, Antoine Bassil, and the LF leader Toufic Hindi took place before the military court. In June 2002, the military Supreme Court of Appeal condemned them for "*contacts with Israel.*"

### **c. Freedoms**

In his government's speech to the parliament in December 2000, Prime Minister Rafic Hariri acknowledged that freedoms were violated in Lebanon. He committed himself to enforcing the respect and protection of freedoms during his office.

The power that the Intelligence and Security agencies have is a hotly debated issue in Lebanon. The President and the Prime Minister in 1969, respectively Fouad Chehab and Rachid Karamé cosigned a law dated December 16 1969 that mentions the attributions of the *General Sureté*. "*Article 5 of this law entrusts this organization with such large powers that all aspects of the Lebanese political, economical and social life are a matter for its concern*" according to the journalist Emile Khoury (L'Orient-Le Jour, Monday June 11, 2001). In addition to the counter-espionage mission and the fight against subversion, banned parties, secret or banned organizations, the *General Sureté* has the right to obtain information about activities related to familial, non-profit, religious, sports, cultural, scouts, labour union, and employers associations, and to supervise authorized or unauthorized meetings.

#### **1) Religion and freedom of worship**

The Constitution gives civil rights to all the citizens from the 18 communities recognized by the state. Any person who does not belong to one of the 18 communities does not have civil rights or personal status, cannot get married, apply for public offices, run for elections etc. In Lebanon, no law authorizes civil marriages (even optional). Religious institutions (both Christian and Muslim) continuously criticize and thwart the idea of allowing civil marriages. The 18 communities' own religious courts to examine divorce and parental authority affairs. Contrary to Christians, Muslims' inheritance affairs are also dealt by religious courts (*Shari'a*).

If a group wants to be recognized, it must set forth its doctrine and principles to the government to ensure that they do not contradict the Constitution or public values. The group must also have a certain number of members to be recognized as a community. It must also ensure its continuity.

The government requires that the religious affiliation be coded on the new identity card.

In 2002, there was a strong resurgence of sectarian speeches in political circles, especially in the context of criticizing religious communities.

In an interview on Future TV channel in March, Prime Minister Rafic Hariri alleged that the Maronite community had a negative effect on Lebanon and said it was responsible for the economic crisis.

MP Bassem Yammout and Nasser Kandil initiated a campaign calling for confessional hatred against what they called "*Judeo - Christianity*," that is, protestant and evangelist communities.

After the murder of an American evangelist missionary, Bonnie Penner-Witherall, in Saida on November 21, the Saida Islamic leader, Sheikh Maher Hammoud, refused to condemn the act and accused the American woman of "*trying to convert Muslim children*." Hammoud said the murder was "*a response to the United States' criminal behaviour*" and he expressed "*the Muslim condemnation of American policies*." On the other hand, Saida Greek-Orthodox Bishop George Kouayter said that Bonnie Penner-Witherall "*did not have the right to preach because there are only four legal Christian communities in Lebanon*" and "*one who does not belong to one of these communities cannot preach the word of God*."

The day before Fitr Day (A Muslim holyday on December 4<sup>th</sup>), an explosive charge (50kg) completely destroyed a Sunnite Muslim pilgrimage site in Majdel Anjar (East of Bekaa). The explosion did not kill anyone but it destroyed Nabil Aziz el-Jalil's, or Nabi Zaarour, (a Sunnite figure) 800 years old tomb. Muslim and Christian communities interpreted this act as "*a will to sow confessional discord*" and unanimously condemned the attack.

A bill on the institution of optional civil marriage was presented on March 18 as an initiative of 75 NGOs, several political parties and 10 MPs.

Several religious groups or sects, such as the Jehovah's Witnesses, are still legally banned despite the fact that there is no physical and moral danger proven by their activities. As part of the campaign led by the Ministry of the Interior against satanic sects, whose activities have been increasing, several abuses against young people with long hair or wearing T-shirts with hard-rock singers' portraits have been recorded.

## 2) Freedom of expression, thought, and opinion.

The Constitution acknowledges freedom of expression, but the government limits the number of political publications. Since newspapers and the media cannot freely express their ideas, they practice self-censorship. The General Sureté also exercise censure over foreign publications and films that contain violent and sexual scenes, scenes that attack certain communities, scenes that have something to do with Israel (they are totally deleted), music (especially "hard rock" music because it is considered as satanic music and singers who are Jewish, Israeli or who have a Jewish name). This measure is arbitrarily practiced.

In 2002, the General Sureté sued and exercised censorship over several newspapers. On Thursday January 3 2002, the daily newspaper "*Asharq el-Answat*," which is based in London and simultaneously published in several capitals, was subjected to prior censure (this prerogative is supposed to be the Minister of the Information's responsibility). The General Sureté claimed that it was "a foreign publication" and retained it for several hours before its delivery. Three days earlier, the daily newspapers' front cover revealed an attempt to assassinate the President Emile Lahoud on December 28 in Monte-Carlo. In addition to receiving a delivery permit from the General Sureté, the newspaper used to automatically receive an export permit. Permits began to be given on a day-to day basis. The daily newspaper's Saudi Editor in Chief Rahman Hamad Abdallah el-Rached was sued. He was arrested in Beirut airport and banned from leaving Lebanon. However, the case was settled the next day and

the man got on the plane. Finally, on January 10, the General Sureté lifted the ban and indicated that the newspaper was Lebanese and as a result it could not be subjected to prior censorship.

On January 8, legal proceedings were initiated against the head of the daily newspaper ad-Diyar Youssef Hoyek because he published a former MP's (Yahya Chammas) complaint against Beirut's examining magistrate Sakr Sakr and "damaged the reputation of the justice and of this judge."

On January 28, Beirut's investigating judge called for a sentence of one month to three years against Mr. Mohammed Walid Zaki, the head of the magazine named *al-Watan el-Arabi*. He also initiated an investigation of Said Kaiss' complete identity. Said Kaiss wrote an article that mentioned the presence of several thousands of Syrian soldiers in the Lebanese Army and at the head of some Lebanese military units. The accusation says that "the article presents false information, damages the Lebanese and Syrian soldier's dignity, morale and reputation, and incites confessional dissensions."

Legal proceedings were initiated against Saada Aalao, who is a journalist for the daily newspaper *as-Safir*, because she denounced the slowness and ill functioning of the judicial system. She was referred to the printings' court on April 8, 2002.

At the beginning of January 2002, the General Sureté organized police raids in *Virgin Megastore*, Beirut. They seized DVDs and CDs under the pretext that they "offended religious sentiments, customs and the regulations of the boycott against Israel." Among the seized movies, there were "*My Fair Lady*," "*Ben-Hur*," and "*Jesus of Nazareth*." These movies are regularly played on Lebanese TV channels (and TV programs are controlled by the General Sureté). The reasons for seizing the movies are the following ones: either names of actors, directors, producers, who have been banned for their "pro-Zionism" by the Office of Boycott against Israel, appear in the naming of these movies - among them, figure Stanley Kubrick, Paul Newman, Elisabeth Taylor, Jerry Lewis, Edward Robinson (*Ben-Hur* producer), and Merrish Corporation (which used to make movies with MGM but does not exist anymore); either some scenes are related to Israel's Jewish community, Hezbollah and Christian or Muslim rituals (*Keeping the Faith*, by Edward Norton, *Strip-Tease* with Demi Moore, because Burt Reynolds wears a Jewish yarmulke in one scene, *The Insider*, in which Al Pacino interviews a Hezbollah cheikh in Beirut...); either comprise erotic scenes (*Sense Empires*, by Nagisa Oshima). The CDs that have been seized were rock CDs (for more information on this issue, see our report on censorship in Lebanon).

Censorship at the municipal level appeared this year for the first time in Lebanon. On January 28, the president of the town council of Kornet Chehwane, Ain Aar and Beit el-Kikko (Metn) decided to ban the broadcasting of pornographic movies on cable TV channels in his local administrative area. It should be noted that his prerogatives do not give him this power and an official censure already exists.

The Nahar daily newspaper CEO, Gebrane Tueni, member of the opposition group Kornet Shehwane, was banned from a local talk show on LBC TV station in November. The programme was cancelled and other speakers were invited to replace Mr. Tueni.

Legal proceedings were initiated against the opposition TV stations (LCBI and MTV). They were accused of "inciting confessional discord" the day following Maazra massacre at the "Fund for private school teachers' benefits" on August 31.

On September 4, MTV station *Radio Mont-Liban* and Jabal Loubnane radio stations (they all belong to Gabriel Murr, who is the opposition candidate at Metn partial elections) were closed by the Printings' Court because they were accused of electoral propaganda during Metn partial elections. The Supreme Court of Appeal confirmed this act in December. The police (ISF) expelled by force all the TV station personnel. Several

employees were interrogated for a few minutes. Some employees, like Michel Aache, were beaten and trampled. The interior security soldiers did not have the authorization to close the TV station when it happened.

Demonstrators who protested against the closing of the station were knocked over by ISF soldiers and Intelligence agents in plain clothes. Tony Orian, who is one of the demonstrators, was hit on the head and was transported to the hospital. The Minister of Information Ghazi Aridi said it was a political decision. The Printings' Court built its decision upon Article 68 of the electoral code. This article allows the court to immediately close any media that violate electoral law. MTV was accused of broadcasting clips in favour of Gabriel Murr during Metn partial elections three months earlier. The court that reached this decision was on judicial vacation when the file was transmitted. It brought in an arbitrary verdict without the presence of the lawyers for the TV station, thus depriving the station of its defence rights. The matter was referred to the Printings court, on mere administrative transmission from the Prosecutor although the latter did not initiate public action and no complaints had been lodged against the station. This violates the penal procedure code and makes the judgment "inexistent" according to several Lebanese lawyers. This judicial theory indicates that a judicial act of which one element is missing is considered as inexistent, despite the fact that no text says this and that no court is needed to investigate (in this case, the absence of complaint and the disrespect of the defence's right). Moreover, the article of the legal code, which forbids electoral propaganda from the date of convocation of voters through the result proclamation, was specifically created for the electoral period, in order to assure elections' good unfolding. Therefore, this text is only applicable during the electoral period, which ends with the results' proclamation. Once the elections are over, the court does not have any reason to apply this article. Since this measure is preventive, it cannot be introduced three months after the end of the elections. However, the formulation of Article 68 is ambiguous and could allow any media's arbitrary closing. It is therefore necessary to amend this article in order to avoid any interpretation that could lead to an arbitrary decision. Finally, Justice Ghada Aoun, who is one of the three members of the Printings' Court, said the clips that MTV broadcasted during the elections were aimed at promoting the electoral process and encouraging people to vote, without advocating one specific candidate. The closing of MTV station created a real social and economic issue by throwing 453 families out on the streets.

In December, the Supreme Court of Appeal rejected the appeal called by the defence lawyers. The measure was motivated by the fact that the initial appeal (in front of the Printings' Court) did not take into consideration that the first decision was gracious. During the whole procedure, the station's lawyers were not able to equitably defend the channel. They only were able to discuss the form of the file and no court has ever examined its substance.

Legal proceedings directed at New TV station satellite transmission were initiated in late December. After the channel advertised a program on Saudi Arabia (which was supposed to be broadcast live), the Prime Minister himself interceded with the General Prosecutor in order to stop the program satellite broadcast, without any judicial proceedings. The General Prosecutor said his decision was "preventive" because the program was intending to insult the Saudi Arabian royal family and, consequently, it could jeopardize the relations between Lebanon and Saudi Arabia and he could not wait for the end of the broadcast to initiate proceedings. After being stopped for 4 days, New TV satellite broadcast was re-established at the beginning of January (2003) by the Ministry for Telecommunications without any judicial proceedings. According to the (contested) law on television and radio, such a decision falls within the competence of the Council of Ministers. The Prime Minister Hariri justified his "personal and preventive" decision by the urgency of the affair (consequences on the relations between Lebanon and Saudi Arabia).

On November 15, the director of the Law and Political Sciences Faculty at the Lebanese University (Section II) prevented some LF students from demonstrating inside the university to call for one of their friends' liberation.

A presenter of a cultural program, W.S., which is broadcasted on local TV (NBN), was suspended until the end of the year because he denounced the police behaviour towards USJ students who demonstrated during the French-speaking world Summit. His program was suspended until the end of the year.

On July 2, a sentence of one to three years of prison was requested against two figures of the opposition: Rafi Madayan and Joseph Nasr, the head of the daily newspaper an-Nahar. Both men were referred to Beirut's Court of printings. On August 9 2001, An-Nahar published a Rafi Madayan's article, which "undermined the army's reputation." More than one journalist was subjected to pressure from the Intelligence Services or from some of the regime figures because of their articles.

In December 2002, the Minister of Information Mr. Ghazi Aridi banned the broadcast of a program about Muslims' daily life in the United States, which had been prepared by an American Association (Council for American Muslim Understanding - CAMU), because of the "American political propaganda conveyed in the film." Despite Aridi's decision, the Future Television station broadcasted the program and received a "warning" by Aridi. The following day, the Minister justified his position by saying that "the United States are at war with Muslims and Arabs and that his decision was similar to the Egyptian authorities' and that it was previously confirmed by the President of the Republic and by the Prime Minister" (who yet owns Future Television channel). Aridi's justification was restricted to political motives and did not refer to any valid motives to ban a TV broadcast.

### **3) Right to peaceful meetings and demonstrations**

Since 2002, any group that wants to organize a demonstration is required to obtain the authorization from the Ministry of Interior Affairs. The Ministry of Interior Affairs grants its authorization infrequently and only according to the situation. A series of conditions must be fulfilled in order to get authorization. The demonstration coordinators must give 10% of the protestors' names, addresses, and telephone number ten days in advance. These people will be held responsible in case of material damage or human assault. Even when these conditions are fulfilled, the Ministry of the Interior reserves the right to grant or refuse the permit. The Ministry often refers to "State reason" or to "the precarious regional situation" in order to ban a demonstration. At least twice in 2002, the Ministry of the Interior used these pretexts to ban demonstrations.

A similar Ministry's agreement is necessary in order to create an association or organization. This provision is even contrary to the Lebanese legislation (dated 1909), which requires from people who want to create an association to inform (or to notify) the Ministry and which only gives the administration the right to take note of their desire to create an association. The Ministry of the Interior transformed in practice this notification (Ilm wa Khabar) into a prior authorization and this is contrary to the laws in force, namely the law dated 1909.

Noticeably, the Council of Ministers published a decree in January 2002 on Youth and Sports associations. The new decree confirmed the principle of the Ministry's prior authorization and the annual control over every association's entire correspondence.

Lebanese authorities took security measures that are similar to the measures taken in situations of a siege (massive deployment of army, police and Intelligence services officers in plain clothes), as a mean to prevent opposition students from demonstrating. The police used excessive force (using their gun barrels) to repress and break up peaceful demonstrations several times in 2002. They used Civil Defence trucks' water jets and injured several protesters by directing the jets at them. As compared to previous years, demonstrations in 2002 were more violent with stone throwing between students and the police becoming more frequent. According to many, the military personnel's impunity after the events of August 9, 2001 (when the Intelligence agents in plain clothes knocked over students) legitimated the use of force against the protestors.

On February 4, police officers hit leftist students with sticks in the Parliament district when they were trying to go through the security cordon in order to demonstrate in front of the Parliament.

On April 3 and 12, tear-gas grenades, which were directly shot on leftist demonstrators in front of the US embassy in Awkar, injured several students. A tear-gas grenade hit the eye of a leftist activist, member of "Democrat Young People Union." Another activist was hit in his arm by a tear-gas grenade that was shot at point-blank range. Her medical condition required surgery. The police also used water jets, sticks, and gun grips to put down demonstrators. The latter threw stones at police agents and injured some of them, according to the ISF.

On Thursday August 29, the Council of Ministers decided to dissolve the Mohammed el-Amine Association, which is in charge of building a Mosque next to Saint-Georges Cathedral. This dissolution, which was decided by the executive authority and not by the judiciary, was not officially justified. The press reported a conflict between the Sunnite mufti and the Prime Minister on one hand, and the Sheikh in charge of this association on the other. No judicial proceedings were initiated against the association.

On October 13, Intelligence agents burst in the conference centre where a meeting of International Assembly for French-speaking institutes and networks for the defence of Human Rights, Democracy, and Peace was taking place in Beirut. This session was happening under the aegis of the Order of Lawyers. The Intelligence agents asked all documents related to the congress, as well as the participants and coordinators' names.

Students who protested for MTV's reopening were knocked over in the centre of Beirut on September 7. Civil Defence's trucks tried to disperse protesters with water jets, which were directed at blank-point range on students. The anti-riot brigade also hit protesters with sticks. Seven people were injured. Two of them, Tony Orian and Michel Hajj (from the pro-Aoun movement) spent the night at the hospital. Hajj had to undergo forehead surgery. On the same evening, ISF soldiers broke up a sit-in that had lasted for three days in front of the MTV offices in Achrafieh, by threatening protesters that they would use force.

On October 16, during the Francophone Summit, the police quelled students with gun grips and sticks because they were trying to leave Saint-Joseph campus (on Huvelin Street) in order to demonstrate in front of the campus against Syrian presence in Lebanon. Four students were injured during the clash. Cynthia Zaraziri (aged 19) got her shoulder dislocated and her back prostrated. She was beaten on the back, neck, shoulders and ears with a gun grip. The wounds due to a surgery that she had gotten a few days earlier reopened because of the blows.

On October 31, the police suppressed pro-Aoun students, who wanted to demonstrate in front of Lebanese University's Faculty of Science, Fanar, with gun grips and Billy clubs. About fifteen students who had managed to get out of campus were pinned to the ground by water jets that were thrown at clank-point range from a Civil Defence truck. At least five students got injured. On the same day, the police set up checkpoints in Achrafieh in order to stop protesters.

On November 21, ISF soldiers severely repressed opposition students with gun grips in front of the National Museum. USJ students were also beaten up with gun grips as they were trying to get out of the Faculty of Medicine (on Damascus Street). Alain Bejjani, who is a student representative at USJ, was hit in the head. The Red Cross evacuated him, as his head was in a collar and his forehead was bleeding. ISF soldiers confiscated journalists' cameras in front of the National Museum. Journalists were not allowed to walk in the Art campus, which is close to the Museum.

On November 15, the head of the Faculty of Law and Political Science (Lebanese University's Section II) forbid the LF students to hold a sit-in inside the university.

#### **4) Freedom of movement**

This freedom is ensured by the Constitution. However, in practice, trips to Israel are forbidden. Young people between 18 and 20 years old are not allowed to leave Lebanon because of compulsory military service. Otherwise, they must get a special permit. Palestinian refugees can only leave camps after they have been searched at army checkpoints at camps' entrances and exits.

The Lebanese army set up check points around Beirut city centre in order to stop pro-Aoun militants from attending a mass in commemoration of General Michel Aoun's expulsion and Syrian army forces' entrance in Eastern regions on October 13, 1990. The military searched activists' cars. The police put Saint-Georges Cathedral -where the mass took place - under tight surveillance.

### ***d – Participation in Public life***

#### **1) Elections**

The constitution guarantees citizens the right to change the government through periodic, free, and equitable elections. Yet the lack of governmental control over the different regions, as well as the wide Syrian influence caps this right.

Legislative elections take place every four years, and the Parliament elects the President for a six-year mandate. The President, after mandatory consultation of the Parliament, nominates the Prime Minister who in turn forms his cabinet. Since the Taëf accord (1989), Parliament is divided equally between Christians and Moslems.

The 1992 and 1996 legislative elections were marred by a number of breaches in the democratic process, as well as its impartiality; those of 2000 did not fare much better. Several times, the government intervened in areas ranging from electoral law to the actual proceedings on Election Day. Furthermore, the Lebanese and Syrian intelligence agencies intervened directly more than once in electoral coalitions' formation.

Emile Lahoud, commander in chief of the armed forces (1989-1998), was elected President by virtue of an amendment to the Constitution by the Parliament. This enabled him to bypass the two-year delay usually required before re-election. The electoral procedure was heavily influenced by Syria. The last municipal elections took place in 1998, after a 35-year gap. The next municipal elections will take place in 2004.

The electoral process behind the partial elections instituted to fill Late Greek orthodox deputy Albert Moukheiber's chair, has been marred by a number of irregularities; the details thereof are listed below:

- **Before the elections :**

The partial elections were carried out under the same electoral laws as in 2000. In our previous report on the 2000 legislative elections, we had brought to light various problems, including the poor representativity resulting from the electoral repartition, as well as the injustices and general chaos associated with the campaigns and the information that was associated with them. On his May 30 television appearance, the Minister of Interior affairs made threats against members of the opposition, based solely on classified information, and

outside any legal proceeding. Several media sources reported that intimidation and bribes in exchange for votes were common practices for more than one contestant. No legal measures were taken to stop these illegal activities. At least one member of the opposition was threatened by telephone, and instructed not to take part in the upcoming elections. Other such incidents were reported but we have not been able to confirm them. On the eve of the elections, the Interior Minister published a circular asking that polling station managers tolerate that votes be cast outside of the polling booth, a document that flies in the face not only of Lebanese law, but also of the country's international engagements. It must be noted that the polling booth guarantees confidentiality and thereby assures the voter's security; to make its use optional, as was enforced by the Minister, effectively negates its very *raison d'être* and turns it into an instrument of pressure and intimidation, rather than the guarantor of the vote's integrity. The scandal involving the Armenian community and the newly naturalized Lebanese was exploited in a very humiliating fashion by the loyalist parties, and also in a discriminatory manner by certain members of the opposing parties. According to the information that we have accessed direct and indirect pressures were exerted upon groups of naturalized individuals, in order to have votes cast in favour of Mme Myrna Murr Aboucharaf (loyalist candidate). Furthermore, a number of racist statements were pronounced, sometimes in the media. The authors of these statements have never been prosecuted.

- During the elections :

The polling booth was not systematically used. Thus, various candidates' delegates therefore, were able to note the elector's choice. It has been reported that security personnel were illegally present inside a number of polling stations. In the village of "Mar Boutros", Lebanese citizens were assaulted and brutalized by individuals supporting Mme Myrna Murr Aboucharaf. Nobody was prosecuted despite the fact that the events were caught on film by journalists. MTV reporters (belonging to the television station owned by opposition candidate M. Gabriel el-Murr) were barred from covering the Interior Minister's press conference, despite the fact that they had obtained official permission by the Ministry through due process. The electoral lists in the various polling stations contained several errors. Tens of citizens complained that their voting cards had been delayed (and sometimes never even delivered) by the ministry of Interior Affairs.

- After the elections :

The Ministry of Interior Affairs did not publish the official election results, and, after a 48-hours delay, announced only the scores of the candidates without officially pronouncing a winner. This violation occurred in the context of the general confusion that reigned around the ballot counts, the process of which was relatively opaque. Supporters of Mme Myrna Murr Aboucharaf assaulted opposing candidate Gabriel Murr's motorcade. Despite the fact that several people were arrested, none of them were referred to the appropriate tribunals. Three days after the election, a sound bomb exploded in front of M. Ghassan Achkar's home, a Metn (Syrian National Social Party) loyalist deputy. Those responsible for this violent act have not yet been identified. Opposing candidate Gabriel Murr, who won the elections before its invalidation, mentioned several times to the press that seven ballot boxes had been exchanged, and that there were in fact 1500 votes distancing him from Mme Myrna Murr Aboucharaf (three votes according to the official results. The third candidate, Ghassan Moukheiber, gained only 2% of the vote. Two days after his daughter's defeat, Mme Myrna Murr Aboucharaf's father, former Interior Minister Michel Murr, announced to the press that she was "*retreating*" from the electoral process. Only then was Gabriel's Murr's victory announced. Mme Myrna Murr Aboucharaf subsequently brought an invalidation case to the Constitutional Court. On November 4, the Court invalidated M. Gabriel Murr's deputation under the pretext that he "*made use of electoral propagandd*". It must be noted that, following M. Gabriel Murr's invalidation, the Constitutional Court did not find it necessary that new elections take place. "The electoral dispute can be analysed as a dispute of plain jurisdiction and not as a dispute of mere cancellation" therefore, "*nothing is stopping the Court from proclaiming the election of a different candidate, which makes*

*another partial election superfluous."* Ghassan Moukheiber was then proclaimed as winner of the partial elections with only 2% of the vote. Regarding this, the Court established that the number of the votes was not relevant, as *"the legislation does not fix the limit to a majority (...) and takes the violations that have occurred into account."* What is most surprising is the justification offered by the Council as to why new elections were never organized: the *"delicate period through which this region [Middle East] is going through"* as well as the fact that new elections *"could undermine the Lebanese community"*. The Court therefore invoked the State reason in order to invalidate new elections, thereby destroying the democratic principle of election by the people of their representatives in government.

In an October interview published in the daily newspaper, *as-Safir*, Interior Minister Elias Murr asserted that deputy Farès Souheid *"had slept over at the Intelligence agents in 2000 so as to win his deputation."* In addition to the fact that this revelation is a political attack on an opposition deputy, it constitutes an acknowledgement - by the minister who is personally responsible for overseeing proper democratic processes - that these agents were interfering during the elections.

Speaking to the Parliament in February, deputy Boutros Harb denounced General Jamil es-Sayed, General Director of the General Sureté, as having made explicit threats according to which *"if ever his name was mentioned over the course of parliamentary sessions (accused of something), he would claim that, during the previous electoral campaign, I had begged him so that he might intervene in order for my name to figure on the electoral list."* (L'Orient-Le Jour 1-02-2002).

In June 2002, a law proposal to set the legal voting age at 18 was not adopted by the Parliament.

## **2) Corruption**

On September 13 2001, the government approved a document about the strategy of the administrative reform that was presented by the Minister for Administrative Reforms, Fouad as-Saad. The document called "The Citizen's Charter," aims at improving the state's relationship to citizens and modifying the administration's traditional way in dealing with them. This Charter is the first official document that establishes citizens' rights and duties vis-à-vis the administration. It comprises the following themes: "Formalities: easiness and rapidity - The Public Function's Ethics - The Citizenship's Ethics - The right to information: transparency and struggle against corruption - Responsibility, Participation, and penalization." The Ministry's practical steps to struggle against corruption are still awaited.

The Ministry of Interior affairs published "the municipal citizen's guide" in collaboration with New York Albany University and thanks to funding from the United States Agency for International Development (USAID). This guide informs citizens about all the documents they need for municipal formalities. The guide is available in all municipalities.

In 2002, several telephone numbers were put at the citizens' disposal in order to facilitate their access to administrative formalities. No global reform, however, has commenced to date. Furthermore, no judicial proceeding has been initiated after many accusations against deputies, politicians or journalists for funds' misappropriation.

## **e) Private Life**

### **1) Searches**

The Law requires police officers to have an arrest warrant in order to search someone's residence, except in case of armed chases or attacks.

Unknown people broke into MP Mansour el-Bone's house at the beginning of April. MP Mansour el-Bone is a member of the opposition movement Kornet Chehwane. No theft was reported but the house was ransacked. Mr Bone alerted the authorities but refused to lodge a complaint, saying that it was a "*political incident*."

## 2) Phone-taping

According to parliamentary sources, phone lines have always been taped. This practice is a serious violation since security organs and not an independent judicial authority perform phone taping. When Prime Minister Hariri returned to power in December 2000, he expressed to Parliament that he wanted to put an end to phone taping. He reported that a phone conversation with the Chamber President Nabih Berry had been spied upon. Phone taping involves both the regular phone network and the cell phone network. Several MP launched an investigation against this practice but in vain. The law allowing phone taping has not been changed.

# III - Economic and Social Rights

## a) *Labour*

All employees, except government employees, have the right to create labour unions and to strike. In Lebanon, there are about 900,000 workers. Among them, 42% are members of 160 unions labour unions and/or and labour associations. The General Confederation of Lebanese Labour (GCTL) represents twenty-two of these syndicates. The GCTL has about 200,000 workers as members. In general, the government does not control union organizational activity. However, some figures of the political regime, like the supporters of Speaker Nabih Berry, interfered in the elections of the GCTL's leaders. GCTL's President, Elias Abou Rizk, was forced to resign and a loyalist, Ghassan Ghosn, replaced him. Several GCTL members considered the elections that led to Ghosn's victory to be illegal. They said the organization of the elections was irregular. Unions are free to organize themselves in federations or confederations in order to collaborate. They can negotiate with employers and bosses on behalf of the workers.

A lack of state control engendered the disrespect of the working code's provisions concerning Child's labour. Additionally, some children, foreign workers, and maids suffer the consequences of forced labour, which is not forbidden by the law. Working conditions are generally acceptable. The minimal salary is 300,000 L.L. (about \$200) per month, but this sum is not always sufficient for a worker and his family to maintain a good standard of living: 6 working days, 48 hours a week, and 24 hours of rest.

Maids, who are mostly foreigners from Sri-Lanka, Philippines, Togo...etc, work according to a contract between the employer and an agency. They do not, however, participate in the contract. Employers confiscate their passports and do not follow labour legislation. They work about 18 hours a day and generally do not have vacations. Their salary is about \$100 per month. On April 30th 2001, the International Organization for Migrations (IOM) spokesman confirmed that several Ethiopian women had been subjected to violent acts that they suffered while working in Lebanon. According to IOM, some were burnt with acid and others were violently beaten.

A series of socially protest movements against the government's management of public affairs occurred in 2002. These movements were led by Lebanon Electricity Company's employees, Beirut port's personnel's union, Lebanese University (public university) professors and public school teachers, the GCTL, hospital sector personnel, or Social Security National Fund's employees.

At the beginning of the year, the introduction of Value Added Tax (VAT) aroused a reprobation campaign because of its timing (socio-economic crisis). During the first few weeks of the campaign, several irregularities happened, such as the lack of efficient price control over merchants. Several economic and financial experts denounced these irregularities. There was no control done by consumers' protection department. As soon as the VAT was launched, certain merchants increased the selling prices of food products. Although this is contrary to the Ministry of Finances' instructions, they argued that raw materials used to make these products were imported from abroad. The GCTL asserted, "*Workers represent the population group that is the most affected by this new tax.*" They criticized "*the rapidity with which the VAT was imposed*" and specified that "*the moment is not appropriate and that citizens are not ready to bear new fiscal charges.*"

## **b) Social Security**

The Law compels employers to ensure their employees the right to medical care and social security. Theoretically, the Ministry of Labour must ensure that this right is respected. However, this is not the case in practice. A high percentage of employees are not covered due to the high rate of deduction, 23%, of the monthly salary. Professional workers do not benefit from social or medical coverage, except through private insurance. Governmental hospitals have very small budgets and, consequently, offer low quality services. People who are over 60 do not benefit from any social plan. A bill on social coverage for people older than 60, drawn up by the Hoss government, was withdrawn by the current government for revision. The Social Security National Fund created (optional) social and medical coverage for professional workers, but it is still not operational. According to the September 2002 UNDP report on human development, 40% of the Lebanese population do not benefit from social coverage.

In October, the President of the Social Security National Fund (CNSS), Mohammed Karaki, decided that mothers, who contribute to the Fund, could no longer extend benefits to their children unless the father also subscribes. Mr Karaki justified his decision claiming that the law concerning the Fund mentions the "*beneficiary,*" which only refers to males. On October 31, The Council of Ministers cancelled this decision and clarified that the term "*beneficiary*" referred to both sexes.

In January 2002, political motives delayed the CNSS General director's nomination. This endangered CNSS beneficiaries' safety. According to the press, several files, including cases of open-heart surgeries, were frozen during the administrative moratorium period.

## **c) Discrimination**

### **1) Women**

Women are often victims of violent behaviour and physical aggression. The press frequently reports rapes, although rape is still considered taboo within the Lebanese society. Few women report being raped. The same happens with domestic violence. Experts think that women who demand medical assistance are rare. NGOs for women's rights have been active and have worked to improve women's situations and reduce violence against

them. But no efficient governmental programs for women's protection against rape, illegal prostitution, and domestic violence exist up to date. Moreover, the lack of judicial and economic support fosters young victims.

Honour crimes represent a punishment that is still in force in certain parts of Lebanon. Committers of honour crimes benefit from mitigating circumstances. Only men can benefit from them. But judgments of honour crimes are increasingly severe.

The idea that a woman holds a career is not acceptable in certain communities, especially where men still have an important cultural influence over a woman within the family. According to a USJ report published in 2002, men's activity rate is superior to women's (75.7% against 24.3%), but women are increasingly working or looking for a job (21.7% in 1997). In 1994, the Parliament abolished a law that required women to receive their husband's permission in order to start a commercial company. A man, however, is still able to stop his wife from travelling.

Lebanese nationality is passed on to children only through the father, not through the mother. Laws on civil status are specific to each religion and differ from one sector to another. Therefore, a woman's status can differ from one religion to another. Introducing a civil law is the only way to establish total equality between men and women in front of the law.

## **2) 2) Children**

The government has acknowledged the complexity and importance of children's problems, but it has not allocated the necessary funding to deal with the problem. Education is not mandatory and illiteracy rate is 37.5%. It is only 2% among children below 12 years of age. Many children, especially in rural areas, begin working at an early age in order to help their parents support their family. Boys have priority over girls in obtaining an education. The problem is increasingly serious with the progressive rise of school fees and the lack of seats available in public schools. According to UNICEF's latest statistics (2000), 20% of working children are below 13 years of age and 75% are paid less than two-thirds of the minimal salary. According to the same report, there were 31,949 children working in 2000. This trend is mainly due to the lack of governmental programs for children's well being. The inefficient and precarious control over mandatory education (a law that is not in effect yet) creates a phenomenon of street children, which has been spreading throughout Lebanon. An undetermined number of children are abandoned and thus fall victims of all kinds of abuse. They are exploited and even sold to adoption agency. Many of them become street beggars. The failure rate is very high because of the lack of an efficient program to follow up with children's situations. Juvenile delinquency rate is also increasing. The Superior Council on Childhood, which was founded in 1993, works with the private and public sectors in order to improve the situation as well as the legislation. Its activities, however, are strongly impeded by financial and administrative difficulties.

A few years ago, the UN International Centre for Crime Prevention launched a program in the juvenile section of Roumieh central prison, in partnership with some local NGO. This program noticeably improved the situation of minors who had committed illegal acts. However, juvenile rehabilitation programs are limited due to a lack of human and financial resources. This also has a negative effect on minors' interactions within this program. The mechanism of reporting an abuse is not very efficient and depends mainly on the prison (military) commander's good will and cooperation. In 2002, "Terre des Hommes" Foundation, in partnership with NDH-Lebanon, launched innovative training sessions on citizenship and human rights in the minors section of the prison.

The law on minors' protection, which was co-prepared by the UN International Centre for Crime Prevention and the Ministry of Justice, spurred criticism from the civil society and UNICEF. Opponents of the law claim that it legally sets forth a principle of "prisons for teenagers" and not "closed centres for rehabilitation" and, further, for maintaining the legal age of 7 instead of 14 years as it should be. They also protest against the

Ministry of Justice's role and right of inspection at the expense of civil society. This said, however, the law does comprise some positive elements. This includes a reduction of the period to contact a social assistant from 24 to 6 hours and the limitation of imprisoned minors to 50 (the current average is about 170).

### **3) Disabled People**

During the civil war, the number of disabled people reached 100 000. Their families often assumed responsibility for the disabled persons. Organizations that work for these people deploy multiple actions as they have little funding to help these people. The law on constructions does not demand adequate access for disabled people but several municipalities, private institutes and "Solidere" (project of reconstruction of Beirut city centre) have launched projects to ensure accessibility for disabled. Under the initiative of "Arc-en-Ciel" (a Lebanese NGO), a bill, which was co-elaborated with the Ministry for Social Affairs (Access and Rights Program) was adopted in 2000. This law establishes a social and medical coverage for all disabled people and quality standards for services and equipment. It further requires that private companies and public offices recruit 3% to 6% of their employees among disabled people. Not all decrees necessary for the proper application of this law have been promulgated up to this day.

### **4) Refugees and Asylum seekers**

According to the United Nations, there are 370,000 Palestinian refugees, although informal reports say that there are between 200,000 and 580,000 of them. This margin of error is due to the lack of official statistics and to the uncontrolled emigration and immigration flux since 1948. Palestinian refugees live in overcrowded and unorganised camps in very bad conditions. In 1991, the government abolished the interdiction to deliver work permit to refugees. Few have received permits since then. Due to political issues, Palestinians and Kurds are not equally treated as other foreign people. They do not receive medical care from the state, but from UNRWA (for Palestinians only) and this aid decreases every year. Some 18% of street children are said to be Palestinian. Diverse Palestinian factions' armed militias keep order in the camps.

The second paragraph of the first article of the law on real estate owned by foreigners (voted by the Parliament in April 2001) forbids Palestinians (without specifically naming them) to own land in Lebanon. The law stipulates: "*Any person whose nationality is not internally recognized cannot own real estate if it contradicts the Constitution's clauses on resettlement.*" This term refers to Palestinian refugees in Lebanon. The law distinguishes between one group of people and another because of their nationality or because of the juridical and political state of their country.

A controversy over refugees and asylum seekers' situation occurred between the General Sureté and the United Nations' High Commission for Refugees (HCR) in March 2001. The HCR admitted that its services were not coordinated with Lebanon's General Sureté for the deportation of immigrants and asylum seekers. This situation changed in 2002 and better coordination now exists between the HCR and the General Sureté. The HCR stated that it was not informed of the expulsion of asylum seekers although such a measure is included within its humanitarian mandate. This affects several Sudanese and Iraqis who are expelled from Lebanon. The death of at least one Sudanese citizen in the General Sureté detention centre was reported during the last few years.

### **5) Drug addiction**

The number of drug addicts in Lebanon increases every day. Mainly young people, especially students and pupils, are affected. Hard drugs, which are imported from South America, are very cheap. The government and the Ministry of Interior affairs announced that 2002 would be devoted to fighting illegal opium plantations and drug

dealing. The ISF removed hashish plants from several kilometres of land in Bekaa. Deaths of several young people due to an overdose are reported every year. It is possible that the number of overdoses is higher as victims' families prefer to hide the real cause of death as a result of social taboos. While no recent official statistics have been produced, the police estimates that 17% of young people use drugs, 6% of whom are girls. According to an investigation jointly conducted by IDRAC (research institute) and the United Nations Office for Drug Control and Crime Prevention (ODCCP) in May 2002, young people start taking drugs at 15 years of age, some children even start at the age of 10. Some 30% of those currently undergoing treatment for drug addiction have been arrested in the past. Additionally, 30% of the people who are serving a prison sentence for drug possession have already undergone, in vain, such treatment. In Lebanon, drug consumption have noticeably increased over the past 10 years among young people, especially students. Those who undergo treatment for drug addiction formerly abused heroine (65%) and cocaine (17%). Reportedly, 2.8% of high school students have done ecstasy, then cocaine and finally heroine. 85% of drug addicts who have tried treatment discontinued it before completion. One third of drug addicts injected heroine with a syringe. One third of them used a syringe that had been used before. 25% had unsafe sexual intercourse under the impact of drugs. The Ministry of Interior Affairs has had a harsh campaign against drug addiction, which perturbed drug-dealing networks. During an interview on TV in December 2002, the Ministry of Interior Affairs accused international and local mafias to back up drug trafficking.

#### **6) Homosexuality**

In Lebanon, homosexuality is a crime. Homosexuals are not allowed to create an association and they are hunted down and attacked by the Morals brigade.

M. Kamal el-Batal, head of the Human Rights NGO MIRSAD, was sued by the military court for defamation because he criticized the Morals brigade's aggression against the Internet Company "Destination". He took his case to the Supreme Court of Appeal 2002 and was given back the fine he paid in 2001, when the military court condemned him to pay 300 000 L.L. (\$200).

#### **7) Exploitation and Human traffic**

Lebanon appears on a "United States of America" list of 19 countries involved in human traffic, a report that was published on June 5th by the State Department. Washington's report mentions that most of the victims are from Ethiopia, Sri Lanka, or the Philippines. The State Department added that the Lebanese government "*does not completely respect the minimal required measures to eliminate this traffic.*" Most of the victims arrive in the country looking for a job and some of them are treated like slaves or are sexually exploited. Lebanon is in the third category of countries according to an American NGO's international report on human trafficking published in July 2002. This third category regroups countries that have not displayed any will to improve the situation. According to the report, "*the Lebanese government does not have the basic criterion to struggle against human traffic and does not make sufficient effort to face this problem.*" The report specifies that in Lebanon there is no law that punishes human trafficking. The report states that rare efforts are made by the authorities, such as NGO's free access to the detention centre for foreigners, the closing of 10 maid-recruiting agencies that violated the laws, and warnings to private clubs for adults. As far as the protection of a victim is concerned, the report reveals that Lebanon continues to deport foreign workers in irregular situations and does not offer any social, legal or psychological aid to victims.

## **IV - Ecology**

Laws and regulations on urbanization and territorial development are adopted without any environmental assessment or impact considerations. No efficient measures are taken to prevent fires, which burn hectares of

pine forest every year. People who set fires enjoy complete impunity. The Ministry of the Environment has promised to find a solution to this problem.

Natural or tourist sites are not always protected. An example includes the Deir-el Qalaa site in Beit-Méry where the Syrian army settled until March 2002. The Umayyad site of Anjar is a Syrian military zone. In an interview to *L'Orient-Le Jour* dated May 3 2002, Mounir Bouchnaki (UNESCO General Director Assistant) states, "*He was shocked to see Syrian soldiers playing soccer in Umayyad Palace courtyard.*" The arbitrary restoration of an archaeological site in Hasbaya (South Lebanon), named Souk el-Khan, seriously damaged the building's edifice, which was built in the fourteenth century. Urban expansion problems also damage Lebanese sites that are classified as World Heritage sites.

Air pollution is a real problem, especially in cities. Diesel engines have been finally forbidden. However, this prohibition has been practiced very selectively since it only applies to taxis and minivans, although the sources of pollution are trucks, buses, army vehicles and industrial plants. Therefore, the problem concerns the quality of imported diesel rather than its use by taxis and minivans. The government did not justify this selective measure and did not explain the reason for continuing to import low quality oil.

Toxic odours continue to emanate from Dora waste incinerator and causing health problems for the inhabitants of the area. Several insecticides, which are banned in other countries, are still allowed in Lebanon. According to an unpublished official study conducted by Dar el-Handasah in 1997, there was 18,000 tons of industrial solid waste in 1994 in Lebanon. This amount is expected to increase to 64,000 tons in 2020. Over the same period, the volume of liquid waste is supposed to increase from 61,000 to 200,000 cubic meters per day. The lack of national policy on rural regions' waste stocking in unequipped sites represents a real danger of ground water pollution. According to the Minister of the Environment who mentioned a study on the environment in Lebanon published in 2001, the annual hospital costs resulting from water pollution are more than \$ 7.3 million and Lebanese people spend \$7.5 million per year on bottled water. On May 3, toxic barrels containing dangerous chemical products were discovered in the village of Bchaali, caza of Jbeil, near Blatt. On October 6, barrels containing styrene, which is a carcinogenic product used for making polystyrene, grounded in a small creek in Halate-sur-mer (Kesrouan). Styrene is carcinogenic when it is inhaled and does not have any direct effect on the fauna and flora.

There are more and more quarries in the mountains. This makes the landscape ugly and damages the environment. Some illegally operating quarries however have been closed according to a decision of the Ministry in effect since October 2002. A new project has been put in place to preserve landscapes disfigured by the brutal exploitation of quarries. A restriction now puts the number of quarries' zones to 3 in the anti-Lebanon chain of mountains. Contractors have underlined the fact that these sites are not technically appropriate for quarries. Contractors had to handle a staggering increase in prices of gravel and asphalt due to the hasty application of the new decree, which has not anticipated alternative measures for the transitory period due to the lack of control over the price of imported gravel.

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**LEBANON**  
**THE MINISTRY OF DEFENSE DETENTION CENTER:**  
**A MAJOR OBSTACLE TO THE PREVENTION OF TORTURE**  
**Forgotten victims, unpunished executioners**

By  
**Marie DAUNAY**  
President of SOLIDA -France  
Paris, France  
October 5, 2006

SOLIDA wishes to salute in particular the courage of all those victims who dared testify to the atrocities to which they were subjected at the Ministry of Defense, and without whom this report would not have been possible...

May this document begin to shed light on what those victims went through, do them the justice they deserve, and abolish the practice of torture in Lebanon in the future.

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## INTRODUCTION

This report is above all a tribute, a tribute to the silent victims of faceless and nameless executioners, who tried with impunity to break their humanity in the dark basements of the Ministry of Defense.

This report is a tribute to those who died under torture in Lebanon.

This report is a tribute to the families of these victims, who suffered, along with their loved ones, the disgrace and great injustice which is torture.

This report demands truth and justice for the families of the victims of murder, attacks and all sorts of atrocious crimes, who expected the Lebanese justice system to conduct genuine investigations and to whom the only compensation offered was the mere designation of a "guilty party" who had been forced beforehand, under torture, to sign confessions without having even read them.

This report is a cry, a cry that says "Enough!"...

A cry for this not to continue...

A cry that justice be done...

In 1997, thanks to the testimonies of former detainees, the SOLIDA movement published a factual report on arbitrary detention, the ill treatment and torture in the basements of the Lebanese Defense Ministry.

Today, dozens of people are suffering the physical and psychological consequences of the hell to which they were subjected at the Ministry of Defense. Many of them live in fear and are still victims of intimidation and oppression.

The Lebanon under Syrian custody and the Lebanon under Israeli occupation no longer exist. Lebanon is a sovereign state that boasts to have become a democracy. But can a democracy without justice exist? Is a democracy, whose Security Services torture and persecute the citizens with impunity, really a democracy?

SOLIDA will not accept that the suffering of torture victims be reduced to a mere one-line item in the balance sheet of the countless violations of Human Rights to which Lebanese citizens have been subjected. SOLIDA

will not accept that this continue, while the practice of torture is pervasive within the Lebanese Security Services as a method of interrogation and punishment, or as a practice considered ordinary in the “justice” system of the country.

The practice of torture must cease in Lebanon, no matter which security service is guilty of it.

It is time to speak up...

It is time to give this scourge a name and denounce it...in order to be done with it, once and for all.

## TORTURE IN LEBANON

### **Generally:**

According to the Convention Against Torture, torture is defined as follows:

"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

The practice of torture in Lebanon is a widespread phenomenon which has been used by virtually all the forces that were parties to the conflict during the 1975 – 1990war in Lebanon.

After the Taef accord which ended the conflict, three major parties can be named as directly responsible for the practice of torture in Lebanon, namely: The Israeli forces up to their May 25, 2000 withdrawal; the Syrian forces up to their April 30, 2005 withdrawal, and various security services which are still active today and which report directly to the Lebanese State

In 2000, Lebanon ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (see Appendix 1), but none of the provisions stipulated by the Convention is implemented in Lebanon.

However, and more importantly, the crime of torture does not exist in the Lebanese Penal Code, which prevents the victims from asserting their rights, and this is in stark contradiction, specifically, of Article 4 of the Convention, which stipulates that "Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture."

This lack of inclusion of the crime of torture in Lebanese domestic law makes a large number of articles in the aforementioned convention unenforceable since those articles stipulate the full spectrum of measures to take in case the practice of torture is identified.

We can also take stock of the fact that, to this day and to our knowledge, no steps have been taken by the Lebanese State to open investigations on allegations of torture, to prosecute those presumed responsible for them, to prevent confessions made under torture from being used as evidence in trials, and to prevent the practice of torture by the Security Services. Information in our possession makes us also believe that persons who risk torture in their country of origin have been expelled from Lebanese territory (see Appendices 2 and 3)

. All these breaches constitute violations of the provisions of the Convention, if not an absolute refusal to implement them in Lebanon.

This reluctance by Lebanese authorities to implement the Torture Convention is confirmed by the behavior of the Lebanese government which, under article 22 of the Convention, did not recognize at the time of the ratification of the Convention the authority of the Committee Against Torture established by the United Nations. This preemption ensures that no victim of torture in Lebanon has the possibility of lodging a complaint with the Committee Against Torture.

The ratification of the Convention Against Torture has therefore not in any way changed the practices that are in force in Lebanon, and cases of torture by the Lebanese Security Services have been reported to us up to August 2006, which suggests that it remains an ongoing practice.

### **To the Lebanese Defense Ministry:**

One of the ways to prevent torture would be to give access to the ICRC (International Committee of the Red Cross) to Lebanese places of detention. In 2002, a presidential decree gave this right to the ICRC, but this has not been implemented because of the refusal of the Lebanese authorities to allow access to the places of detention managed directly by the Intelligence Services of the Lebanese Army, mainly the detention center of the Ministry of Defense located in the basements of the building.

**This is the main reason why we believe that the silence surrounding this place of detention must be broken, which thus becomes a major obstacle to the prevention of torture in Lebanon.**

The second reason motivating SOLIDA's decision to shed light on the situation at the Ministry of Defense in particular is the gravity - and the systematic and chronic nature - of the violations identified in this place. The gravity of the acts of torture and the mistreatment perpetrated against the prisoners are beyond imagination. Hundreds of people have been detained there in secret and have been detained arbitrarily and/or interrogated under torture. SOLIDA has documented cases of torture and cruel treatment perpetrated at the Lebanese Ministry of Defense from 1992 to 2005, which does not entirely exclude serious violations having probably taken place before 1992 and during 2006. The alleged perpetrators of these acts of tortures enjoy total impunity and some are still active in intimidating, and even persecuting their victims with the goal of preventing them from publicly denouncing their practices.

The basements of the Ministry of Defense serve as an interrogation center and a secret detention location since 1992 at least according to the earliest testimonies we were able to obtain.

Those basements were granted legal status by the Lebanese Government in 1995 as "Detention Centers" in the context of the Geagea case, with the goal of legalizing the holding of interrogations and the detention of the accused, and subsequently of the sentenced individuals, in this location. The violations lasted until **at least** July 2005

Today it is extremely difficult to obtain information on this "prison" for a number of reasons:

- It is under the exclusive control of the Intelligence Services of the Lebanese Army.
- Humanitarian organizations are denied access to it.
- In some cases, even the lawyers of the detainees are denied access to it.
- A parliamentary delegation paid a visit to two prisoners and a detainee in 2004, but was unable to gain entry to the entire detention center whose precise dimensions and detention capacity are unknown. The

parliamentary delegation was thus unable to corroborate whether or not other detainees were held there as well.

Over the years, two main categories of detainees were to become prominent, namely: Christian opposition members who are often classified by the Intelligence Services as “Israeli collaborators”, and Sunni opposition members who are often considered as “Islamic terrorists”. To these two broad categories are added those whom the authorities have an interest in pressuring and persons suspected of posing a specific threat. The presumption of innocence does not, in fact, exist in this place.

The Ministry of Defense Detention Center was used in a number of legal cases to “manufacture guilty individuals”, coerced into signing confessions of guilt under torture, and destined to be used by the principal “partners” of the Army’s Intelligence Services, namely the Military Tribunals and the Judiciary Council. None of those cases has been reviewed, and to our knowledge, not one allegation of torture was ever investigated, and anyone today who stands to testify to what they were subjected to, are often subjected to pressures.

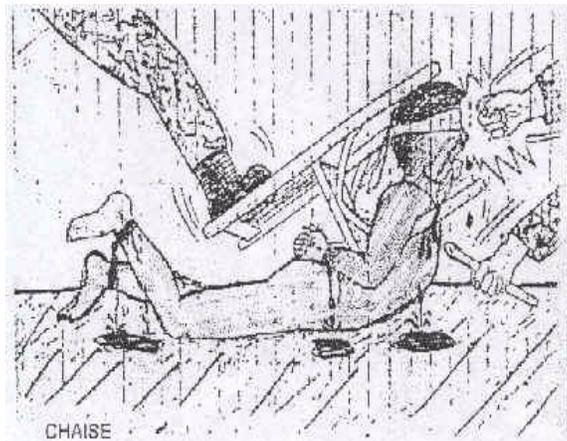
We will not address in this report the interrogation methods and the general detention conditions at the Ministry of Defense, since these were covered in detail in the SOLIDA report of 1997 (See Appendix 4). However, several individual accounts do give an idea of the seriousness of the situation.

In short, this “Ministry of Defense Detention Center”, whose set of practices are flagrant violations of Human Rights, and which is still in operation as an official detention place, represents *the* symbol of all that is arbitrary in Lebanon, a terrifying place that sets itself as an emblem of the “Non-Rights” zone where, at any moment, anyone who dares to disturb the authorities could be dispatched.

**We therefore raise the question openly today: How can we accept that the Ministry of Defense remains an official detention center? And how can we tolerate that such practices continue to go unpunished and, thus, recurrent.**

## TORTURE METHODS AT THE LEBANESE DEFENSE MINISTRY<sup>[1]</sup>

The “Chair”



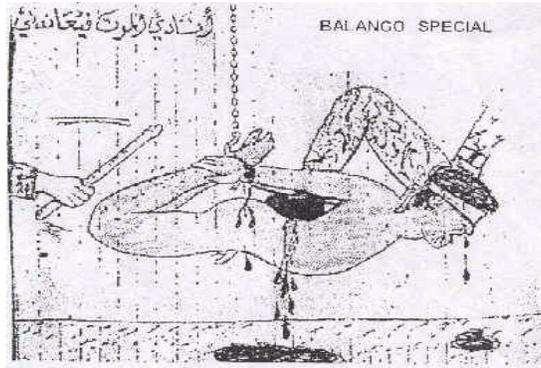
**Drawing: George ALAM**  
**" The Pepsi "**



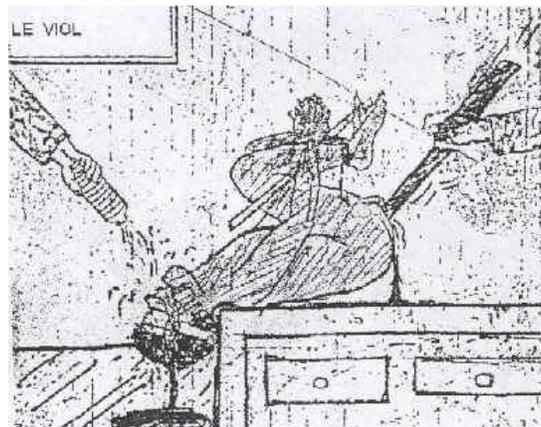
**Drawing: George ALAM**  
**The "Balanco"**



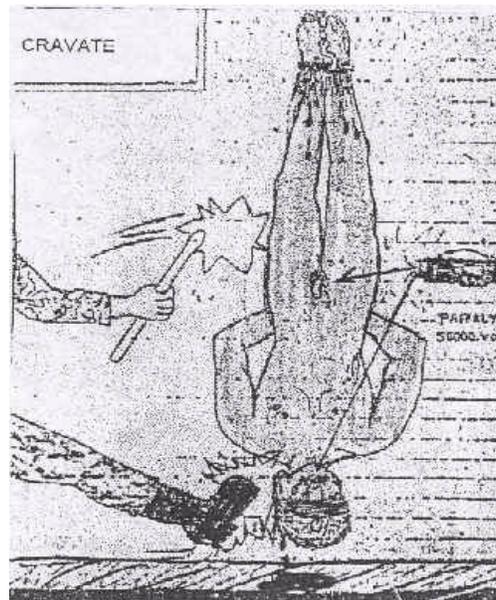
**Drawing: George ALAM**  
**The "Special Balanco"**



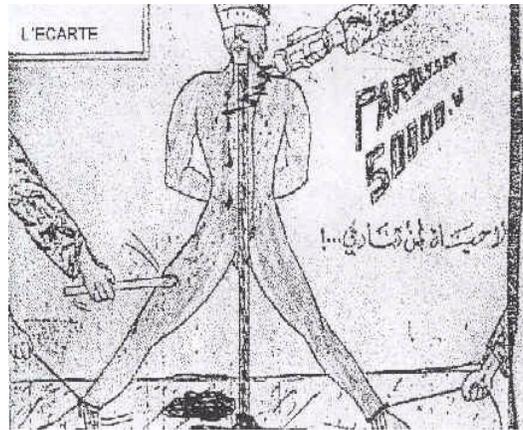
**Drawing: George ALAM**  
The "Rape"



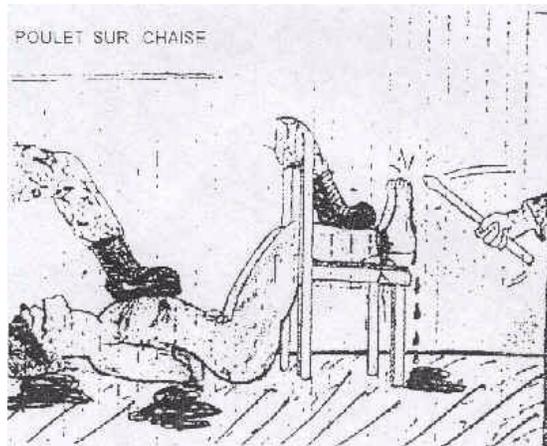
**Drawing: George ALAM**  
The "Necktie"



**Drawing: George ALAM**  
The "Spread"



**Drawing: George ALAM**  
**"The Chicken on the Chair"**



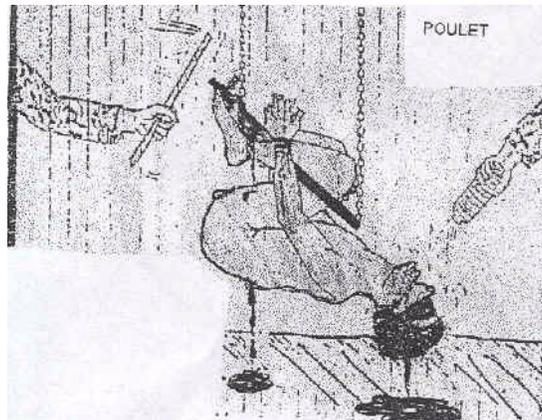
**Drawing: George ALAM**  
**Electrolysis**



**Drawing: auteur inconnu**  
**"On the Knees"**



**Drawing: George ALAM**  
**"The Chicken"**



**Drawing: George ALAM**

“Every time I heard someone scream when he was on the Balanco or being electrocuted or I heard the squeak of a door I would feel a terrible pain in my stomach. I would shiver. I felt myself at the edge of utter despair trying to shut out the sounds of the screams. Even so I would hear every one of them, every electric shock.”

Jihad Sleiman, May 5, 1995

### JIHAD SLEIMAN'S TESTIMONY

(STATUTORY STATEMENT - May 5, 1995)

I was in charge of the security of Dr. Samir Geagea, the leader of the Lebanese Forces. I would like to speak about the conditions of my incarceration in the Ministry of Defense in Lebanon.

On 28<sup>th</sup> March 1994, we were besieged in Ghodras (the headquarters of the LF). Whilst leaving the area, I was arrested by the Lebanese Army. They gave my name on the wireless then a group arrived, they took hold of me and covered my head with a jacket. I was thrown inside the jeep and taken to the Ministry of Defense.

There was no arrest warrant issued. On the way I was beaten up violently and my covered head was being kicked repeatedly by the soldiers. When we arrived at our destination a soldier took hold of me whilst being blindfolded and ordered me to run rapidly with him whilst guiding me. I smashed my head into the wall and collapsed on the ground in the midst of laughter from the soldiers whom I did not know by name. I was beaten with the butts of rifles until blood came out of my hand. Four to five hours later and whilst I was standing blindfolded, I was summoned for interrogation. After I had been relieved of the blindfold I saw an officer who told me "You're now in the Intelligence Section of the Ministry of Defense, we do not want anything from you but need you to answer every question we ask, it is the only way you will enter decent and respected and you'll walk out clean and whole. Do not give us any reason to show you the other alternative ...". They called out to a jailer (every jailer was called ATTIEH). They shouted "Attieh blindfold him, take him to the bathroom, give him a pad of about one thousand papers and tell him what to do." The jailer took me and threw me onto the floor of a bathroom, he handed me the pad and told me "You've got to fill up all these papers and you've got to tell us all the sh.. you've done, all the atrocities that you've perpetrated in your life, all those you've assassinated, all the drugs you've taken, the thefts, the women you've raped, everything your master Samir Geagea delegated you to perform: the killings, the bombings, the assassinations etc... and if you do not write, you poor thing, you'll never know what will happen to you." I took the pad and started detailing the period of my life with the Lebanese Forces starting from 1980 to the present date. I filled about 20 pages and then handed them to the interrogator. About one minute passed before he shouted at me "What is this? Are you laughing at us? Don't you know we are aware of all this? We want the atrocities you have perpetuated, we want everything your master Samir Geagea ordered you to execute: the people that you killed; tell us how you bombed the church, how you killed President René Moawwad, Dany Chamoun, how you assassinated Rachid Karameh, you have to tell us all that in details, I am going to give you one more chance; go and write again".

I took the pad again wondering what else to write especially when I was certain that we had absolutely nothing to do with all these crimes so I started thinking: I already told everything on the Lebanese Forces and on my role within it, about how the Lebanese Forces changed from a militia to an institution, about the rehabilitation programmes, about the political school, about the military college and the graduation of officers, about the social and charitable programmes like the public transport, the twinning programme, the medical and education subsidies. I even told them about our structure and the who is who in our hierarchy. I detailed my training, the battles I fought, the duties I assumed in the military police and all the details of the period in Ghodras, the guards stations, the different offices, even the details of Dr. Geagea's home.

I felt I had nothing more to say; I knew that the Lebanese Forces had nothing to do with all the killings, the bombings and the atrocities mentioned. I felt that a big scenario is being prepared and that they need to use me in order to arrest Dr. Geagea. I handed him the pad back. He said "Attieh, it seems that this animal is not understanding us. In any case he will be made to understand. Does he think himself more important than Fuad Malek?" And here the long road of Calvary started.

Attieh took me and the torture began. I do not know where to start from. The first thing I remember was being tied to a chair with my feet caught between the seat and the back and being hit on the soles of my feet with an electric wire until my feet were bleeding profusely. He then untied me and threw me into a cell and told me "I'm giving you 10 minutes, think hard and tell us what you've been asked to execute recently by Dr. Samir Geagea. If we do not get what we want after those 10 minutes, you'll experience something you don't like."

The ten minutes passed and I gave the same answers as before. "I was not asked to execute any mission that involved any illegal attack on security or order". The jailer took me and hanged me on the "balanco". It is indeed the most difficult tool of torture that I suffered and I suppose this is true also for all my friends who were detained in the Ministry. The interrogator told me "you will not come down off there until you start speaking". Here I would like to stress that those interrogators arrest people and accuse them all of imaginable crimes.

Their end target was to formulate a scenario and extort all its predetermined elements through degrees of torture little by little until the victim learns the lesson and follows neatly their plan. They started increasing the dose of torture and used a variety of methods. More than once they told me to "Speak and have pity on yourself because you have one of two alternatives: either ending up in the lunatic asylum like Georges Alam or becoming paralyzed and your relatives will visit you in the Centre for the Disabled of Beit Chabab".

I first thought these threats were exaggerated but slowly the Calvary became more and more heavy. After the beatings I progressed onto the "Balanco" and from there a new method called "Magic Carpet" was used at the end of which I was thrown into a cell with bilateral sprained and greatly swollen ankles. A person entered the cell and asked me if I was ill. "Do you need a doctor? Do you lack anything?" I answered "my legs are hurting" and he asked me "why". I did not dare and tell him that the reason was torture. I answered "because of a missed step." He replied "a missed step or a beating on the soles?" I said "the torture Sir". He replied "It seems that you are not accustomed to tell the truth". He started shouting at me "if you do not tell them what they want, you are to suffer even more". He left and I knew this was the medical doctor. The interrogator returned and told me "I will try and speak to you once more. We possess reliable information that you and a few others from Ghodras know details everything about Dr. Geagea. You have to tell us everything." I replied " I said everything I knew already". He called to Attieh and order him to do a good job. Attieh knows very well that in order to please his master he will induce the most suffering imaginable. He asks me to undress completely and wash and then orders me to bend forward in order to introduce a bottle in my back passage. I started begging him and implored him not to; another one arrived and started whipping me; a third one punching me. They brought the bottle and put it underneath me and ordered me to sit on it. I started shouting; here an interrogator came and I begged him to give me time to speak. He took me and said "son, we do not want anything from you personally, you are very small fish. We want the head of your leader; we want to crush him. Nobody is allowed to stand in our way. You will tell us how you bombed the church". I answered "but Sir, I know absolutely nothing about the whole question of the church. I never took part or knew anything that related to it or other illegal activities". He said I am trying to help you, why suffer all this torture because they are determined and they know that you took part in the bombing, tell us or else it will be very difficult on you". I reiterated my innocence and the certainty that we had nothing to do with this. I detailed the meeting of Dr Geagea in support of our innocence. He replied "In this case I wash my hands and let "the butcher" take over".

The butcher is an interrogator. Others were nicknamed Hitler, Romel etc. The butcher ordered to hang me onto the "Balanco" once more. The Calvary started again. He left me hanging for about half an hour during which I was crying and shouting in pain. He came back and said "you have bombed the church isn't it?" I told him "As you wish sir, anything you say sir" and thus in a moment of weakness and pain I crumbled and accepted to say what they wanted me to say in order to avoid any further suffering. I felt that whatever I am obliged to do now I would refute later on in court. From there on I agreed to everything: that I killed President Moawwad (they insisted at first of accusing me and the Lebanese Forces then they dropped this accusation); that we killed Mr. Karami (the Prime Minister). They tortured me very much to confess that I killed Monsignor Khoreish only to realize later after my release that I was in Germany at the time of the killing. They accused me of killing Mr. Dany Chamoun. During all this time I was hearing the same methods of interrogation and the same questions being asked to other friends of mine who were responding that they knew absolutely nothing about it. Returning to the church bombing, and after collapsing into submission, I was asked "you brought the time fuses didn't you?" I answered "yes sir". He said "to whom did you give them". I answered "I bought the time fuses and gave them to Joseph Rizk". Here the interrogator was seemingly satisfied that I was beginning to understand them so they started to increase the level of torture and intimidation he said "son this does not fit in well. It is not Joseph Rizk that took the time fuses it was Dr. Geagea wasn't it?" I answered "Yes Samir Geagea sir. I brought the time fuses and gave them to Samir Geagea." He replied "Samir Geagea is not going to keep the time fuses in his office is he? He told you to give them to an engineering officer isn't it,

animal?"

I felt that everything was being drawn according to a predetermined scenario at the end of which anybody will deduce that Dr. Geagea was behind the bombing of the church. From there on I remember that between each and every word I was being subjected to electric shocks. I still carry on my body the evidence of this.

I was hoping to renounce all these fabricated confessions in front of a Judge of Interrogation or a Court within a fair system of justice. So when they were threatening me about referral to the Judge I hoped, deep into my heart, to be able to escape from the hell I was living in and tell the whole truth. I was looking forward to being moved to a civil jail and then I will be able to consult with a lawyer. I should also stress that until this time I was prevented from receiving any visitor, family or lawyer.

On one occasion I gathered all my strength again, and whilst praying I decided to fight back. I waited to be seen by the Judge again and told him "all my depositions were made under duress" If you want the truth I do not have anything to do with all these bombings, assassinations or anything else". After this they took me again through the road to Calvary with more and more sophisticated torture. During all the period from 28.94 until 16.4.94 I was kept standing, deprived of food, water and sleep for a span of three to four days at a time. I was naked, blindfolded, my hands tied behind my back whilst I was facing the wall with my legs spread widely apart. They used to walk on my toes, electrocute me at will and at times when I could take no more I used to collapse on the floor. I also experienced a weird feeling of detachment from my environment called in medical terms a Trance or Fugue. I imagined myself back in Ghodras assuming my usual responsibilities. They used here to hit me and kick me in the head. They used to come and wake me up with electric shocks. I know during one of those times I collapsed and was wounded on my head. It was a big deep wound; they carried me; threw me back into my cell and left me to sleep for a long time. They woke me up and asked me to get dressed and try to make myself look smart. I thought my parents or somebody else was coming to see me at least. They took me to a room and removed my blindfold. I saw in front of me a man dressed in civil clothes. I knew him straight away he was the Interrogation Judge Joseph Freiha. I had seen him on TV before my arrest, making declarations and accusing the Lebanese Forces of the church bombing. He said to me "stand up and put your hands behind your back son". I blessed myself and did as he asked. He looked at me and started shaking his head saying "if you see me in civil clothes, do not think you can take advantage". "No sir, but this is a new and different environment. It is only for this reason that I blessed myself", I replied. Then he started the interrogation. I quickly realized that nothing had changed. From the room of Judge Freiha you could still hear the screaming and crying from the other rooms, as before, it was so loud on one occasion that the Judge had to ask the soldiers in the room to go and calm it down so that we could hear each other. Despite all this, I was still hoping the Judge was going to move me into a civil jail and allow me to appoint a lawyer for myself or release me because I was innocent. I was grabbing at straws. All of a sudden after a silence, the screaming commenced from the next room. I recognized the voice of my friend Fawzi Al Rassi. I could hear Fawzi saying "I had nothing to do with the story of Dany Chamoun, I know nothing about it". I heard another voice ordering "Attieh, hang him on the Balanco". I heard a noise which sounded like they were hanging someone on the Balanco. I could hear from the screams that they were electrocuting him. I heard another one say "get the acid and dip his feet in little by little". I could hear Fawzi screaming in terror, "No, No", then suddenly his voice stopped. I heard lots of movements but I never heard his voice again. I didn't know then what happened but I found out after I had been released that he died on that day at their hands. When the judge had finished with me, they took me to a corridor and made me stand facing the wall. Someone gave me a sandwich; a man called "The Big Master", the head of the intelligence unit, the officer Jamil Sayed passed and saw me eating. (They used to call him Abou-Hamam - the father of pigeons). He said "who allowed him to eat or sleep before he tells the truth". I told him "Sir I just told the judge all what I know". He replied "what truth is that". The judge himself asked us to punish you. Now you will not sleep or eat". One of the guards grabbed the sandwich from my hand and I know that for more than three days they

kept me standing with my legs spread open without food or drink until I collapsed unconscious on the floor.

Because of the lack of food and sleep and because of the torture they realized I was beginning to break down. They devised a new method of torture whereby they made me stand, arms and feet apart, and scream "the pigeons are flying" and lower my arms screaming "the pigeons are landing" thus the naming of Abou Hamam. This was repeatedly endlessly for days and nights. I lost my sense of time. Because I was dehydrated, my mouth was so dry at times that I would not speak, they responded by giving me electric shocks or punching or lashing me with the whip. They used to gather, seven or eight of them, to watch the show. The man Abou Hamam was given me for seventy days at least in the Ministry of Defense. They treated me like a clown. When they began to allow me to sleep one of them used to wake me up and told me I had an interrogation. He would blindfold me, cuff me and say to me "fly fly bird". They used to make me sing, I used to hear the "big master" and all his subjects laughing.

Because I was an officer in the headquarters of the Lebanese Forces I knew most of the people who were arrested in this section i.e. around 70 or 80. Every time there was a new prisoner they would make me go into a room with them and say whatever they told me. They would ask me questions and make me repeat pre-prepared answers to demoralize the new prisoners. They would make me say that their wives or mothers were having affairs with X,Y,Z. They would ask the new prisoner "do you know Jihad Sleiman", he would reply "Yes he's an officer in Ghodras" (headquarters of the Lebanese Forces). They would say "look what happened to him. If you don't tell us what we want (meaning their prepared statement) the same thing will happen to you". The interrogator would then scream "bring Abou Hamam". When the boys saw me they were afraid and demoralized and would begin telling stories thinking it would save them from the same torture. They would call me three or four times a day to play this game. I know this is what happened to the prisoners Rafiq Saade, Kamil Karim, Girges El Khoury, Hanna Attiq and many others.

What I want to say now is very important. They were pushing me to admit my involvement in the bombing of the church and the assassination of Dany Chamoun and his family, telling me I would be released if I said that. Because, according to them, I was very small fish and they didn't want me, they wanted (the head) my boss. I denied any involvement. One of the soldiers said "sir, it's okay, the animal in the other room just admitted his involvement in Chamoun's case". The investigator would turn to me and say "admit you've done the church and let's finish. Then you can go home. We know you're just a soldier following orders. We will bring your boss to the prison."

It was one month before I was allowed to see a lawyer and instruct him to defend me. Even then they did not allow him to talk to me. They just asked him to obtain permission from the interrogation judge before he saw me again. After a few days my interrogator said to me "Abou Hamam, they are saying outside you are either dead or crazy and now they are sending one of your religious people in black, you call him what a priest or a bishop, to ask about you. Now you are going to meet him. You will tell him everything is OK and there is no torture whatsoever. If you don't we will kill you when he has gone. You tell him you're here for questioning because the party you belong to is involved in serious allegations." They took me up to see the Bishop, Bechara Al-Rahi, sitting between the two judges Freiha and Hounein and a few other people. The judges were telling him "Don't worry father we're the protectors of the Christians and the boys are OK in here. I had to tell the Bishop that everything was OK. The Bishop told me that they were going to tell this to the press. When we had finished they sent for me. The interrogator said "Good you've done well. Not like this animal Hanna Attiq who said things he shouldn't have. It comes to my mind now that my old friend Hanna Attiq ended up a few days later in hospital in a coma for ten days.

After that event they were easier with me, but I could always hear my friends screaming "I don't know", "this is the truth" or "Mother Mary Jesus please save us". I could hear the interrogator saying to them "forget it, neither

Jesus nor Mary is going to help you here. Screaming won't help. Here you have to say "yes sir" and tell us about the involvement of Samir Geagea.

Every time I heard the screams I couldn't eat or sleep. I stayed there for 90 days hoping that they would move me to a civil prison. Every time I heard someone scream when he was on the Balanco or being electrocuted or I heard the squeak of a door I would feel a terrible pain in my stomach. I would shiver. I felt myself at the edge of utter despair trying to shut out the sounds of the screams. Even so I would hear every one of them, every electric shock.

I will describe this prison for you. There is a long corridor with 16 rooms full of prisoners. In the corridor were 50 prisoners cuffed, blindfolded and lying on the floor. Everyone could hear all the interrogations, the torture and the screams.

Finally, it is really terrible that they are continuing with court cases built on statements signed by us under duress.

After torture we were forced to sign these statements, blindfolded, by a man called Mukhtar (the Mayor). The same man used to stand under that Balanco with a piece of paper; he would say "sign this paper and go home or stay on the Balanco". The same man used to hand those papers to the judge of interrogation. He belongs also to the intelligence services. The interrogators were on very good terms with the Judges and I know the Judges were fully aware of the methods of interrogation used to obtain "depositions". At the end I saw the faces of my interrogators and I recognized them as the men present in the office of Judge Freiha during my first appearance there.

I feel terribly bitter at being tortured for 90 days in the Ministry of Defense, accused of bombing a church I had defended with everything I have for 15 years, only to find that they wanted to put Dr. Geagea in jail. I would like to challenge the Lebanese government through the media present today, that with accurate guarantees I am prepared to face and challenge every person who was mentioned in this press conference with all the facts that were detailed and bear witness to the truth.

‘I was transferred to the Ministry of Defence Detention Centre in al-Yarze. I was full of fear and was praying to God to be dead before my arrival so they could not touch me.’

One of the detainees to Amnesty International, May, 2003<sup>[2]</sup>

### **THE STORY OF Dr. MUHAMMAD KHALED<sup>[3]</sup>**

One of the detainees in the Ministry of Defense, Dr. Muhammad Khaled, a teacher born in Tripoli in 1962, with dual Lebanese and British nationalities, was arrested on 24 January 2000. About three weeks before his arrest, he received anonymous phone calls telling him that he was being sought by the security forces. When he was called a second time, he decided to report to the security forces with his brother and another relative. There he was told that he had to report to the Ministry of Defense. On arrival at the Ministry of Defense, he was forced into a room where he was ordered to take off all his clothes, and then was allowed to put some of them back on. All his belongings, including his mobile phone and money, were taken away. He was moved to another room where he was blindfolded and handcuffed, his hands bound behind his back, and ordered to stand with his face against the wall with his legs stretched apart. He remained in this position for seven hours without food or drink; he was not allowed to talk and was beaten from time to time. He said he was interrogated for hours while being tortured and that this would be interrupted only when he was unable to talk, at which time he would be given some water. The beatings stopped when his left leg and arm swelled severely.

He said he heard the screams of people being interrogated under torture. He stated to Amnesty International: “After about six days of interrogation under torture I was ordered to quickly sign some papers without reading them. I was told that I had no choice but to sign because the other option was torture. When I insisted on reading the documents first, they threatened to rape my wife. At the time, I was blindfolded and handcuffed and they continued to insult and humiliate me. They told me that my wife was also in detention and that they would let me go if I signed the papers. I was then shown where to sign and I put my signature there. Then, mockingly, they told me: ‘You are signing your death warrant.’”

“After that I remained held incommunicado in solitary confinement and was later transferred to a nearby building, apparently to allow the marks of torture, including the swelling, to heal. On 12 February I was taken blindfolded to somewhere which I thought was another place of detention only to be told that I was being brought before the investigating magistrate. I was told that I must not deny or change the statement I signed, otherwise torture would be repeated. The magistrate was accompanied by two plain clothes intelligence officers and a clerk. Later on, we were joined by another man who I was told was a lawyer appointed by my brother to defend me. I told the magistrate that I had not read the papers that I signed and he said that was not a problem. He didn’t appear to take notice of what I said and continued his interrogation on the basis of the papers presented to him, despite what I told him about my torture.”

Apparently detainees were routinely held for prolonged periods in fixed positions in underground cells at the Ministry of Defense Detention Centre. Some were subjected to electric shocks and the balanco (hanging by the wrists which are tied behind the back) mainly to coerce them to make “confessions.”

«I am the scapegoat that spent 11 years and four months in a prison grave... My 3-floor underground prison cell throughout my incarceration was a grave, not only a dungeon without sunshine or fresh air... And in fact it was worse than a grave because I was breathing in it. I would have been much better off dead »

Gerges al Khoury, right after his release, July 21, 2005<sup>[4]</sup>.

### **GERGES AL KHOURY: 11 years and 4 months in a dungeon – A CASE STUDY**

The detention of Gerges Al-Khoury at the Lebanese Ministry of Defense will undoubtedly remain in our memories of Human Rights defenders as one of the worst series of violations committed against a single individual by the Intelligence Services of the Army and the Lebanese Justice system, with the consent of the political authorities that have remained silent over the case since 1994.

#### **An Arbitrary Arrest**

On 15 March 1994, Gerges Al-Khoury, a 25-year old information technologist turned himself in to the Military Intelligence Services which had arrested his father and two of his brothers, and had sequestered his little sister, then 10-years old, to force him to come forward but without ever stating the reason for his summoning. After his arrest, he was made to believe that he was being heard as a witness, but from his role as a witness, he was to quickly be turned into an accused in the February 27, 1994 attacks against the church in Zouk, without any element of the due process that is required by Lebanese law having been upheld. A crime for which he has not stopped claiming his innocence.

#### **Extreme Torture for More than Two years**

After his arrest, Gerges AL KHOURY spent more than two years under torture at the Ministry of Defense Detention Center for the duration of his trial. The tortures to which he was subjected were aimed at making him sign his confession of guilt of the charges leveled against him. Among the tortures he was subjected to:

The “balanco”, electric shocks, repetitive sleep and food deprivation, forced to drink dirty water, crushing of the toes, hair and nail pulling, death threats against his family... (See Appendix 5.)

### **Tortured for Denouncing the Practice of Torture**

At the court hearing of 17 February 1995, Gerges Al-Khoury stated to the court that he had been “beaten and tortured into making a confession.” He also described what he had been through after complaining about the tortures to the Prosecutor General.

The following is the exchange that took place at that court hearing between the accused Gerges Al-Khoury, the Prosecutor General Mounif Oueydate, and the Presiding Judge Philippe Khairallah<sup>[5]</sup>:

- **Mounif Oueydate** to Mr. **Al Khoury**: “Why have you written your statement of 17 March 1994?”
- **Gerges Al-Khoury**: “I was forced to do it by the surroundings and the people who were with me.”
- **Mounif Oueydate**: “Were there any judges with you?”
- **Gerges Al-Khoury**: “Yourself, you were in the room in the company of Judge Freiha”
- **Mounif Oueydate**: “Yes, and I had a cudgel with me.”
- **Gerges Al-Khoury**: “I never said that it was you who put pressure on me.”
- **Mounif Oueydate**: “After four depositions, when did you feel you could challenge the pressures? Now? In the protection of this Court?”
- **Gerges Al-Khoury**: “A week after my arrest, I told the investigators that I could not go on in this business. They told me I had no choice: Either I was guilty or I was an accomplice. I tried to confront this. But the circumstances were not favorable to this. I could not have a lawyer, nor could I see my parents. About two months after my arrest, after I had recovered physically a little, I repeatedly asked to meet with the Investigating Magistrate Freiha. But this was not possible, perhaps because the investigators knew I was going to deny my previous depositions. When I saw you, Mr. Prosecutor General, I told you everything.”
- **Philippe Khairallah**: “After speaking to the Prosecutor General, were you subjected to pressures?”
- **Gerges Al-Khoury**: “Yes.”
- **Philippe Khairallah**: “Till now?”
- **Gerges Al-Khoury**: “Yes. After I left this building, I was left for 48 days without being able to sleep lying down. I had to either stay standing or sitting. They would beat on the iron door and that would make a noise similar to the explosion of a shell. I began spitting blood. They got me a doctor during the first half of August.”
- **Mounif Oueydate**: “In the medical report, it is written that the accused bears no traces of beatings and that he is healthy. Did this doctor really examine you?”
- **Gerges Al-Khoury**: “Yes, this doctor, Samir Kahwaji, did examine me. I was wearing clothes and I had a Kleenex tissue with which I was wiping the blood that was running from my mouth. I also showed him the blood that was running from my feet. He simply said ‘Bassita’ [Don’t worry about it.]”

The accused also stated that “the military investigators made (him) several offers to maintain (his) first depositions in which (he) incriminates Samir Geagea by promising (him), in exchange, a laissez-passer to leave Lebanese territory.”

Gerges Al-Khoury has paid very dearly for his courage to have dared, during the hearings and the trial, to retract his confessions made under duress and to denounce the torture and the pressures.

## **An Unfair Trial**

Gerges al Khoury was sentenced to life on 13 July 1996 on the basis of his confession extracted under torture. He was not taken to court to hear the verdict. The sentence was issued by a special court – the Justice Council – which is under referral by the Council of Ministers and which considers cases of an essentially political nature. Sentences issued by the Justice Council are denied an appeals process, which is counter to the International Covenant on Civil and Political Rights. In its final remarks on Lebanon, published on 1 April 1997 the Human Rights Committee of the United Nations does note: “The Committee considers that some aspects of the State party's legal system do not conform to the provisions of the Covenant. In this context, it points in particular to the fact that decisions passed by the Justice Council are not subject to appeal, which is contrary to article 14, paragraph 5, of the Covenant. The Committee recommends that a comprehensive review be undertaken of the legal framework for the protection of human rights in the State party, to ensure compliance with all of the provisions of the Covenant.”

### **Total and Prolonged Isolation as a Torture Method**

In total, Mr. Al-Khoury was detained for 11 years and 4 months in solitary confinement in a cell of 4.3 feet x 8 feet in the basement of the Ministry of Defense, without natural aeration or light, a set of conditions referred to as an “illuminated grave” by the Parliamentary Commission of Human Rights of Lebanon (See Appendix 6). Throughout his detention, he was able to receive visits only by his father and his brother under close watch. He had no right to have any personal items (clothes, toothbrush, notebook, pencils...), nor to receive food from the outside. No radio or television, no heating and no bed. He slept on the floor, a simple bed sheet serving as mattress and another to cover himself. He had no warm clothes. It was only after 6 years in solitary confinement that he was allowed to read, but for more than 11 years he had no access to any reading material dealing with current news or politics. His detention was carried out in total contrast to any norm pertaining to hygiene (a shower every 15 to 20 days) or access to medical care (he had no right to see an independent doctor).

In sum, the full set of basic rights of the detained was violated for the entire duration of his detention. In its 1992 report entitled “General Comment N°20”, the Human Rights Committee of the United Nations states that “Prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7” (*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*).

We can therefore reasonably consider that Gerges Al-Khoury has spent more than 11 years at the Ministry of Defense subjected to torture, and to cruel, inhuman or degrading treatment.

### **The Position of the “New” Lebanese State, Now Free of Syrian Tutelage.**

It is interesting and extremely important to note the position taken by the Lebanese State on this issue after the Syrian withdrawal. At the time when the Cedars Revolution was in full swing in the streets of Beirut, when politicians were delivering major televised speeches interspersed with promises and “mea culpas”, the situation in the basement jail of the Ministry of Defense went on unchanged. Obviously, it was out of question for the government to break off with the Medieval practices that were in place.

In its report entitled, “Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : Report of the Special Rapporteur, Manfred Nowak,” made public on March 21, 2006, the Commission on Human Rights of the United Nations revisited this file and on the exchanges that took place between the UN and the Government of Lebanon regarding Gerges Al-Khoury.

The report states:

“Gerges Toufic Al-Khoury, 36 years old, residing in the Dbaiye Camp, member of the Lebanese Forces Party, information technologist, detained in the Ministry of Defense Detention Center in Beirut: Since 1994, Mr. Al-Khoury is alleged to be detained in solitary confinement in a cell that is 1.3 m x 2.4 m in size, in a basement, without natural aeration or light, and is allowed only very short periods of walking, handcuffed to a guard. His health appears to be very serious and, in spite of several requests for medical attention, he was not allowed appropriate medical care. Mr. Al-Khoury is said to have been arrested on 15 March 1994 after responding to a summons to serve as a witness by the Lebanese Intelligence Services. At the beginning of his detention, he is said to have been held without visitation rights for 6 weeks and was subjected to interrogations under torture. Mr. Al-Khoury is alleged to have been tried and sentenced for life by the Justice Court, which is a special tribunal where decisions may not be appealed.”

The same report then relates the response of the Lebanese Government to the UN in connection with Mr. Al-Khoury’s situation. The Lebanese Government asserts in a correspondence dated **31 May 2005** that Mr. Al-Khoury “is free to consult a physician or a specialist if he wishes.” However, the President of the Beirut Physicians Syndicate, Dr. Mario Aoun, was never able to obtain permission to examine Mr. Al-Khoury, in spite of several requests made to Prosecutor Kaddoura.

In another letter addressed to the United Nations on **23 June 2005**, the Lebanese Government asserts that Mr. Al-Khoury “is in permanent contact with his legal representatives,” when for the duration of his detention Mr. Al-Khoury was able to talk to a lawyer 5 or 6 times in meetings lasting 10 minutes under the watch of the Intelligence Services agents.

### **Persecution after Release**

Mr. Al-Khoury was released on 21 July 2005 under an amnesty law which, it must be noted, denies him any right to a review of his trial and to defend himself against the charges leveled against him.

At the time of his release, the agents of the Intelligence Services who held him tried to oppose his release under pretense that he was to be deposed in an attack case dating back to the beginning of the 1990s. He was finally released by decision of the Prosecutor, but he was summoned back to his detention facility a few weeks after his release to be asked to “forget” everything about his detention. Mr. Al-Khoury and his family were then subjected to various types of intimidation.

He lives today outside the country, and his safety is seriously at risk in Lebanon. The Intelligence Services of the Army have, among other things, notified his family that “**as soon as he returns to Lebanon, Gerges Al-Khoury has to appear at the Ministry of Defense.**”

It must also be noted that several personal belongings, including official documents among which are diplomas, were confiscated from the family who has not been able to recover anything, in spite of the Amnesty Law which applies today to the legal case.

<b>SEVERAL OTHER CASES OF INFRINGEMENT</b>
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If the seriousness and the duration of the violations to which Gerges Al-Khoury was subjected were an exception, one must note that the violations described above are common.

Other individuals, namely George Alam, Hanna Challita, Kamil Karam, Samir Geagea, Rafic Saade and others were also subjected to prolonged isolation, a treatment that varied with the detainee and which most likely was controlled by political decisions.

At least one person, Fawzi Al-Rassi died under torture at the Ministry of Defense.

Detailed testimonies containing egregious cases of torture were reported over the years by individuals or by Amnesty International.

These torture practices are not only used at the Ministry of Defense Detention Center; several Security Services use them.

The story of Antoinette Chahine, who was falsely accused of a murder and convicted on the basis of confessions extracted from her co-defendants under torture, remains etched in the memories (See Appendix 7.)

## WHO IS RESPONSIBLE?

### **The Problem of Responsibility**

The problem posed by the Ministry of Defense Detention Center is a fact that no one in Lebanon or around the world can ignore. There are too many testimonies of dissidents from all sides, hailing from all the communities and all social strata, or from victims of judicial errors. All denounce torture, ill treatments, and the unfair trials that are derived from them.

What is lacking, in contrast, is the information on the identity of the people responsible. Who are these executioners with no name and no face? Who is hiding behind the nicknames of the interrogators? What do these men look like, these men whose victims are most of the time forbidden from seeing their faces? Who are these executioners, who increasingly try to make themselves forgotten, but who continue to ruthlessly ply their trade, insidiously, with impunity. Some put pressure on the released detainees, refuse to see them recover their rights, threaten them... Others, who have ended their “careers” as executioners, nevertheless continue to enjoy complete impunity, which is itself a form of psychological pressure on the victims, on the victims’ families and an insult to justice and to the basic rights of every human being.

### **Determine the Responsibilities**

To begin with, one must wonder about the role played over the years by the various **Heads of State, Prime Ministers, Justice Ministers, Defense Ministers and Lebanese Army Chiefs in Lebanon**, all of whom remained silent about practices they ought to have known about. It is impossible for a Human Rights defense organization to conduct a thorough investigation aiming at determining the responsibilities of highly-placed people, but we can only close this first point with a question: **Is the silence of these people in positions of responsibility the silence of accomplices or, worst, a guilty silence?**

Solida has, in the course of the investigation, undertaken to depose several direct witnesses of the practice of torture by the Lebanese Army’s Intelligence Services. Several documents have been collected and the information collated together.

**17 military personnel and 3 magistrates have repeatedly been deemed by the victims of torture as responsible, directly or indirectly, for the tortures and/or ill treatments they were subjected to. We are**

**not authorized by the military laws that are in force in Lebanon to divulge their identities. Nevertheless, all the pertinent information that we have in our possession in this dossier is at the disposal of the competent authorities.**

**Note:** Each piece of information and its sources are available in a compendium stored in a safe location outside Lebanon.

## EXPECTATIONS OF THE VICTIMS

The victims of torture who are released from the Ministry of Defense come out wounded by the experience and the shocks to which they have been subjected, wounded by the difficulties of returning to a society that does not understand them, wounded by the absence of recognition of what they have lived through. They return from hell sick with fear; fear that the unthinkable will happen again, which is often fueled by the pressures they are subjected to. Some choose to leave the country and sever all their ties to rebuild their lives overseas, fleeing a system where it is impossible to have their rights recognized, others try to “make themselves forgotten” in order to escape an unbearable situation.

In order to determine their expectations, we asked them at each meeting the same question: “In relation to what you have gone through, what do you expect today from the Lebanese State?” This question provoked the same reaction from each of the individuals queried: a huge smile and the same spontaneous response: “I expect nothing, nothing at all. What could I expect from the State?” This reaction demonstrates the complete and justifiable loss of confidence of these people in the security and judicial systems of the country. Thus, each time we had to rephrase the question by clarifying: “If the political context of the country allowed it...” Their expectations are the same: they expect answers to their questions, and especially demand truth and justice.

Their questions can be summarized in one word “Why?”

“How could it have come to this, to such extremes? To such violent methods for interrogating people?” one of them asked. “I would like to have my torturers in front of me to explain, to tell me what they had been told about me to subject me to that!” said another, “I want them to explain it to me!”

Contrary to what one may think while reading this report, and noting the atrocities to which the persons detained at the Ministry of Defense have been subjected, the victims of these tortures do not cry out for revenge. On the contrary: they say they feel a great need for justice. All insisted on clarifying that they desire punishment for the guilty parties, but in an equitable manner. One of them had this memorable phrase: “I want them to pay but I don’t want them to suffer as I have suffered. No, I would not wish that on anyone, not even on them; I ask simply that they be tried”.

Certain victims feel the need to “pardon” their executioners, but even if this pardon undoubtedly makes up part of their personal rebuilding, these same victims continue to look for answers to their questions and sometimes consider themselves ready, if that were possible, to testify in a court of law about what they have gone through. One of them said, “I have children, this has to stop. I cannot imagine that one day one of my children would have to be subjected to that!”

Finally, among the expectations of some of the released people – some of whom were released long ago – from the Ministry of Defense, is the expectation to finally be able to claim their rights: some expect to recover belongings and documents confiscated by the Intelligence Services; others expect that the pressures they continue to be subjected to by the Intelligence Services will finally cease; and finally, others expect to be cleared of the crimes for which they were sentenced with no other evidence than their confessions extorted

under torture.

## RECOMMENDATIONS

The full range of measures to be implemented is compiled in the “ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” adopted and proclaimed by UN General Assembly resolution 60/147 of 16 December 2005 (Appendix 8).

We demand that the Lebanese Government take the following measures:

1. Integrate into the Internal Code of Lebanon the totality of the provisions stipulated by the Convention Against Torture (see Appendix 1).
2. Immediately shut down all “official” detention centers that are still managed by Military Intelligence, and primarily the Ministry of Defense Detention Center.
3. Authorize without delay access by the International Committee of the Red Cross to all detention centers in Lebanon.
4. Take all necessary measures to prevent torture in detention locations, regardless of the victims or the practitioners of the torture.
5. Ensure that inquiries are conducted on allegations of torture.

We demand that the Ministry of Justice, specifically, take the following measures:

1. Commission inquiries on all allegations of torture.
2. Put in place a mechanism allowing the review of all trials in which torture was practiced, regardless of the Security Service that carried out the torture.
3. To ensure the effective compliance of the Justice Council and the Military Tribunals with the international norms that are in force.
4. Guarantee that victims can be heard in the respect of the totality of their rights.
5. Ensure that sanctions are imposed to the practitioners and/or known accomplices of acts of torture. Public apologies would be particularly welcome.

We demand that the Ministry of Defense, specifically, take the following measures:

1. Put an immediate end to the practice of torture in all detention centers affiliated with this Ministry and give unrestricted access to them to humanitarian organizations.
2. Take the initiative of closing the detention centers affiliated with the Ministry of Defense
3. Ensure that personnel of the Army’s Intelligence Services cease their intimidations and threats of former detainees, and restitute all documents and personal belongings that were illegally confiscated from them.
4. Further the cause of justice by ordering internal inquiries on presumed practitioners of torture, then take the required measures against them in all transparency with respect to the justice system. Here again, public apologies would be particularly seen as evidence of goodwill.

We demand that the Ministry of Social Affairs, in agreement with the Lebanese Government and civil society at large, adopt measures allowing the reparation of the prejudice suffered by the victims of torture in Lebanon.

Finally, we request a visit to Lebanon by the Special Rapporteur on Torture of the United Nations.

## APPENDIX 1

# CONVENTION AGAINST TORTURE and Other Cruel, Inhuman or Degrading Treatment or Punishment

United Nations - ratification and accession by General Assembly resolution 39/46  
of 10 December 1984

entry into force 26 June 1987, in accordance with article 27 (1)

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975 (resolution 3452),

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

## ***Part I***

### **Article 1**

1. For the purposes of this Convention, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

## **Article 2**

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

## **Article 3**

1. No State Party shall expel, turn back or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

## **Article 4**

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

## **Article 5**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
  1. When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
  2. When the alleged offender is a national of that State;
  3. When the victim was a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in Paragraph 1 of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

## **Article 6**

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present, shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, to the representative of the State where he usually resides.
4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the

States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said State and shall indicate whether it intends to exercise jurisdiction.

### **Article 7**

1. The State Party in territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found, shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

### **Article 8**

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested state.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

### **Article 9**

1. States Parties shall afford one another the greatest measure of assistance in connection with civil proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

### **Article 10**

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

## **Article 11**

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

## **Article 12**

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

## **Article 13**

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

## **Article 14**

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.
2. Nothing in this article shall affect any right of the victim or other person to compensation which may exist under national law.

## **Article 15**

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

## **Article 16**

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.

## **Article 17**

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable

geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

## **Article 18**

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that
  1. Six members shall constitute a quorum;
  2. Decisions of the Committee shall be made by a majority vote of the members present.
3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The State Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement of the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 above.

## **Article 19**

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention,

within one year after the entry into force of this Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken, and such other reports as the Committee may request.

2. The Secretary-General shall transmit the reports to all States Parties.
3. [Each report shall be considered by the Committee which may make such comments or suggestions on the report as it considers appropriate, and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
4. The Committee may, at its discretion, decide to include any comments or suggestions made by it in accordance with paragraph 3, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1.]

## **Article 20**

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

## **Article 21**

1. A State Party to this Convention may at any time declare under this article 3 that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, references to domestic

- procedures and remedies taken, pending, or available in the matter.
2. If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Committee and to the other State.
  3. The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
  4. The Committee shall hold closed meetings when examining communications under this article.
  5. Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in the present Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission.
  6. In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information.
  7. The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing.
  8. The Committee shall, within 12 months after the date of receipt of notice under subparagraph (b), submit a report.
    1. If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached.
    2. If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## **Article 22**

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party to the Convention which has not made such a declaration.
2. The Committee shall consider inadmissible any communication under this article which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.
3. Subject to the provisions of paragraph 2, the Committee shall bring any communication submitted to it under this article to the attention of the State Party to this Convention which has made a declaration

under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
5. The Committee shall not consider any communication from an individual under this article unless it has ascertained that:
  1. The same matter has not been, and is not being examined under another procedure of international investigation or settlement;
  2. The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
6. The Committee shall hold closed meetings when examining communications under this article.
7. The Committee shall forward its views to the State Party concerned and to the individual.
8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

### **Article 23**

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on missions for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### **Article 24**

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

## ***Part III***

### **Article 25**

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### **Article 26**

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### **Article 27**

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-

General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

## **Article 28**

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

## **Article 29**

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to this Convention with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the State Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

## **Article 30**

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other States Parties shall not be bound by the preceding paragraph with respect to any State Party having made such a reservation.
3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

## **Article 31**

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation

becomes effective. Nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

### **Article 32**

The Secretary-General of the United Nations shall inform all members of the United Nations and all States which have signed this Convention or acceded to it, or the following particulars:

1. Signatures, ratifications and accessions under articles 25 and 26;
2. The date of entry into force of this Convention under article 27, and the date of the entry into force of any amendments under article 29;
3. Denunciations under article 31.

### **Article 33**

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

## **APPENDIX 2**

**Amnesty International Urgent Appeal**  
**PUBLIC AI Index: MDE 18/013/2002**  
**UA 325/02 Forcible return 4 November 2002**  
**LEBANON/TUNISIA Tareq Souid (m), aged 30**

Tareq Souid, a Tunisian refugee in Lebanon, is at high risk of being forcibly returned to Tunisia. Amnesty International is concerned for his safety as Tareq Souid would be in danger of arrest, torture and unfair trial in Tunisia.

Tareq Souid, who left Tunisia in 1993, is a political sympathizer with the unauthorized *Ennahda* (Renaissance) opposition movement in Tunisia. He was recognized as a refugee by the United Nations High Commissioner for Refugees in Lebanon in September 2001. On 25 September 2002, Tareq Souid was arrested and then detained in al-Roumieh prison by the Lebanese authorities, reportedly on charges of illegal entry into the country.

On 1 November, Tareq Souid was reportedly taken to Beirut airport by members of the Lebanese authorities who were attempting to forcibly return him to Tunisia. However, this attempted deportation was apparently averted at the last minute. Tareq Souid was then taken to a military hospital. He is now being held by the Lebanese authorities in the General Security Department and has no access to his lawyer. Reports indicate that Lebanese immigration officials may attempt to return Tareq Souid to Tunisia in the next few days, unless he is resettled to a third country under emergency resettlement procedures with the help of the United Nations High Commissioner for Refugees (UNHCR).

## **BACKGROUND INFORMATION**

International law prohibits all states, whether or not they have ratified the Refugee Convention, from forcibly returning a person to a situation where their life or freedom would be in danger. This prohibition applies irrespective of their mode of arrival, including illegal entry. It is well recognised in international law that it is often necessary for asylum seekers to enter a country illegally in order to seek protection.

The Lebanese government's record of protecting refugees is poor. The arrest and detention without charge of refugees is becoming increasingly common on the basis of illegal entry or residence, notably since early 2001. Lebanese law does not make special provision for the protection of refugees. Amnesty International has many names of recognized refugees of different nationalities who are currently being held in detention in Lebanon.

While Lebanon is not a party to the 1951 Convention relating to the Status of Refugees, it is nonetheless bound by the principle of *non refoulement*, which prohibits the forcible return of persons to a country where their life or freedom would be threatened. This is a principle of customary international law, binding all states. As a party to the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Lebanon is also bound to ensure that a person is not forcibly returned to a situation where they may face torture, cruel, inhuman or degrading treatment or punishment.

### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English, French or your own language:**

- urging the authorities to ensure that Tareq Souid is not forcibly returned, directly or indirectly, to Tunisia;
- noting that Tareq Souid is a refugee, recognised by UNHCR as having well-founded fear of persecution if he were returned to Tunisia;
- recalling that Lebanon is bound by the principle of *non refoulement*, a principle of customary international law binding on all states, irrespective of whether they have ratified the 1951 Convention relating to the Status of Refugees;
- calling on the authorities to ensure that all steps are taken, including access to a lawyer, UNHCR and third country consular officials, to facilitate Tareq Souid's resettlement to a third country, as a matter of urgency, and to guarantee his safety and well-being, pending resettlement;
- also urging the authorities to ensure that no refugees or asylum seekers of other nationalities are forcibly returned in violation of international human rights law.

### **APPENDIX 3**

#### **Amnesty International Urgent Appeal**

**PUBLIC AI Index: MDE 18/003/2001**

**UA 53/01 Forcible Return/Detention and Ill-Treatment 12March 2001**

#### **LEBANON Asylum seekers from Sudan, Iraq, Somalia and possibly Eritrea**

The Lebanese authorities are forcibly returning people to countries where they may be tortured and killed, in violation of international law. On 8 March security forces surrounded the United Nations High Commission for Refugees (UNHCR) office in the capital, Beirut, and arrested 10 asylum seekers and refugees, mainly Sudanese. They and many others now face forcible return.

In August 2000, the Lebanese authorities gave "illegal" residents two months to regularize their status or face deportation. This was extended until the end of February.

Since this announcement over 300 asylum-seekers have reportedly been forcibly returned to their countries of

origin, more than 100 of them in February and March alone. Almost all had been arrested on charges of illegal entry and residence in Lebanon. Some had reportedly been recognised as refugees by the UNHCR, while others had been registered, and their cases were pending. Some were reportedly beaten or otherwise tortured or ill-treated in custody.

Among those in custody facing deportation is Sudanese asylum-seeker Mageer Aro, apparently recognized as a refugee by the UNHCR, who was reportedly beaten on 8 March. He and his wife, Rogaih, have been in custody for around five months. More than 100 Sudanese asylum-seekers and refugees have reportedly been forcibly returned so far this year.

### **BACKGROUND INFORMATION**

Lebanon supports a large population of asylum-seekers and refugees, mostly from countries suffering from war or systematic human rights violations, such as Iraq, Sudan and Somalia. Hundreds of them now face arrest, torture in custody and forcible return. There have been reports of asylum-seekers being tortured to force them to drop their asylum claims and leave Lebanon.

Although Lebanon is not a state party to the 1951 UN Refugee Convention, of which Article 33 sets out the principle of *non refoulement*, it is a member of the UNHCR's Executive Committee (EXCOM), the main international body setting standards on refugee protection. There has been a UNHCR office in the country since 1963.

Like all other countries, Lebanon is bound by international customary law, including the principle of *non refoulement*: countries may not forcibly return people to countries where they might face serious human rights violations.

### **RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, Arabic or your own language:**

- asking the authorities to confirm reports that over 100 asylum-seekers and refugees have been returned to Sudan during 2001, and over 300 returned to various countries since September 2000;
- urging the authorities not to forcibly return asylum-seekers and refugees to countries where they would be at risk of serious human rights violations, which is a violation of international law;
- expressing concern that asylum-seekers and refugees are being arrested in Lebanon, including the 10 arrested outside the UNHCR offices in Beirut on 8 March;
- urging the authorities to allow all asylum-seekers and refugees access to the UNHCR;
- expressing concern at reports that asylum-seekers have been tortured and ill-treated, and asking for assurances that those now in custody, including those arrested on 8 March, (naming Sudanese refugees Deng Deng and 'Abdallah Nuok Deng), will be properly treated in custody;
- reminding the Lebanese authorities of their obligations under the United Nations Convention against Torture, which it ratified in May 2000.

### **APPENDIX 4: 1997 SOLIDA REPORT**

#### **LIBAN**

#### **Détention arbitraire, mauvais traitements et tortures dans les sous-sols du Ministère de la Défense**

...Novembre 1997...

#### **Sommaire**

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  - D. Organigramme très sommaire
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## **Introduction**

Le Ministère de la Défense libanais est situé dans la banlieue de Beyrouth à Yarzé. Il sert depuis 1990 de lieu de détention de civils et d'interrogatoire, en particulier dans les affaires à caractère politique.

De nombreux civils y ont été et y sont en effet illégalement détenus et torturés par des militaires syriens et libanais, durant des périodes illimitées, avant d'être déférés devant la justice militaire, ce qui n'en est pas moins illégal.

Deux mois après l'arrestation, en 1994, du chef d'une milice chrétienne, M. Samir Geagea, le gouvernement libanais a alors tenté de légaliser le maintien en détention de celui-ci dans les sous-sols du Ministère de la Défense en publiant un arrêté ministériel déclarant ce lieu "Prison Légale"...

Cependant le mouvement franco-libanais SOLIDA... (Soutien aux Libanais Détenus Arbitrairement) constate:

1. Que les personnes placées en détention au Ministère de la Défense sont en grande majorité des opposants - ou de présumés opposants- au régime actuel prosyrien du Liban (membres des Forces Libanaises, partisans du Général Michel Aoun, sunnites de Tripoli opposés à l'occupation syrienne, mineurs ayant distribué des tracts anti-gouvernement ou fait des graffitis sur les murs etc...) et parfois des défenseurs des Droits de l'Homme.

2. Que la plupart de ces personnes y subissent des tortures

3. Qu'un certain nombre d'entre elles finira par signer sous la torture des aveux, sur la base desquels elles seront condamnées par le Tribunal Militaire de Beyrouth, sans aucune autre forme d'investigation, avant d'être incarcérées, parfois à perpétuité, dans l'une des prisons du Liban.

Sur la base de ces éléments, nous sommes en droit d'affirmer que le gouvernement libanais a créé dans les sous-sols de son Ministère de la Défense un centre d'interrogatoires et un lieu de détention secret hors pair, pour faire taire ses opposants en toute impunité.

Ce rapport a pour but de faire la lumière sur une partie des atrocités que subissent en silence les opposants -et présumés opposants- libanais depuis 1990...

## **A. Conditions de vie des prisonniers dans les sous-sols du Ministère de la Défense.**

### **A1. D'une façon générale:**

Les cellules étant toujours pleines les prisonniers en surplus sont gardés dans les couloirs, les mains ligotées dans le dos et les yeux bandés, et ce pendant plusieurs mois parfois.

Une visite médicale est effectuée tous les quinze jours par le médecin militaire de la prison, lequel assiste parfois aux séances de tortures, pour une éventuelle intervention médicale. Ce médecin exerce également sur les détenus des pressions et du chantage, lorsqu'ils sont à bout.

Les médicaments et les régimes alimentaires spéciaux sont à la charge du prisonnier lui-même.

Un changement de cellule a lieu tous les quinze jours avec inspection de la cellule.

En dehors de sa cellule, le prisonnier a toujours les yeux bandés et les mains ligotées dans le dos. Pour se déplacer il est guidé par un gardien qui le tient par la nuque.

Avant chaque visite, le prisonnier sera informé des sujets qu'il lui est permis d'aborder avec les visiteurs. Après la visite il sera interrogé sur les détails de ce qu'il a pu dire à ses visiteurs.

Tout journal ou livre doit passer à la censure politique, il sera inspecté minutieusement à l'entrée et à la sortie.

Dès qu'il entend la porte de sa cellule s'ouvrir, le prisonnier doit se mettre debout, la face contre le mur et les mains derrière le dos pour être ligotées. Ses yeux seront bandés afin qu'il ne puisse jamais voir son gardien. Toute infraction à la règle entraîne une punition.

La vaisselle des gardiens est faite chaque jour par un prisonnier.

Les médicaments, le savon, le shampooing etc... sont conservés chez les gardiens.

La lumière étant toujours allumée dans les cellules, et comme il n'a pas de montre, le prisonnier ne sait jamais ni le jour, ni la date, ni l'heure, ni même s'il fait jour ou nuit.

Le prisonnier est le souffre-douleur des gardiens qui ne se privent pas du plaisir de l'humilier et de le battre. Il est par ailleurs soumis à un continuel lavage de cerveau à la gloire de la Syrie.

La torture est pratiquée par un interrogateur expérimenté. Cependant, si le prisonnier arrive à un état nécessitant son hospitalisation, des éléments de la Moukafaha (troupe d'intervention relevant de la direction des renseignements) l'accompagnent dans une ambulance aux Urgences de l'hôpital Militaire où il recevra les soins nécessaires à son état. Ensuite il sera ramené au Ministère de la Défense avec un rapport médical anonyme,

c'est-à-dire qu'à la place de son nom est inscrit seulement "prisonnier". Ainsi il ne restera aucune trace écrite de la torture et de son passage à l'hôpital.

Aucun des examens médicaux subis par le prisonnier à l'hôpital ne sera jamais mentionné devant le prisonnier, ni devant l'avocat, ni devant le juge.

Des pressions morales sont en permanence exercées sur le prisonnier, auquel on fait croire que des membres de sa famille sont arrêtés et torturés.

Pendant la promenade quotidienne d'une demi-heure du prisonnier dans la cour du niveau -2 (voir annexe 3, n° 19), le prisonnier reste attaché à un soldat de la Moukafaha. Il lui est interdit de parler.

Café, cigarettes... sont interdits dans les cellules, même pour les prisonniers condamnés à la prison à vie.

Les habits et le linge des prisonniers sont lavés par les parents qui les prennent lors des visites.

L'aération de la prison se fait par un simple apport d'air frais par l'extérieur, ce qui rend les cellules brûlantes en été et glaciales en hiver.

La douche se passe sous le regard des gardiens, et tellement vite que le prisonnier a à peine le temps de se laver.

Tous les gardes se font appeler "Atieh".

## **A2. Les "droits" des prisonniers.**

Tout déplacement du prisonnier vers le Tribunal militaire se fait les yeux bandés et les mains ligotées dans le dos. Le prisonnier reste ainsi jusqu'à son arrivée devant le juge.

Le prisonnier n'est jamais informé des séances au Tribunal Militaire. Ainsi, il ne peut pas demander à voir son avocat pour préparer sa défense. Le choix de l'avocat n'est pas libre. Sous les pressions de la Direction des Renseignements, le prisonnier est obligé de prendre l'avocat qu'ils lui donnent et qui est toujours pro-syrien.

Dans les cas importants, le passage devant le juge d'instruction se fait sans avocat. Si le prisonnier insiste pour avoir un avocat, il sera soumis à toutes sortes de pressions physiques et morales jusqu'à ce qu'il accepte un interrogatoire sans avocat.

La torture n'a pas toujours pour but d'extorquer des aveux au prisonnier. Parfois elle servira à distraire un gardien ivre, une autre fois elle servira à tester une nouvelle position de torture ou un nouveau matériel.

Tous les prisonniers ne passent pas systématiquement au détecteur de mensonges, seulement sur quelques sujets choisis.

## **B. Les interrogatoires**

### **B1. Déroulement des interrogatoires**

Première étape:

Dès son arrivée, le prisonnier est pris en charge par une équipe d'interrogateurs que l'on appellera équipe active. Il lui est donné un crayon et du papier et il lui est demandé d'écrire son histoire. Puis, il est battu et humilié même s'il a dit la vérité (voir annexes 4 à 14). Ensuite on le laisse debout, les yeux bandés et les mains ligotées derrière le dos pendant une période pouvant atteindre 5 jours et jusqu'à épuisement total.

#### Deuxième étape:

Une deuxième équipe d'interrogateurs, que nous appellerons passive va prendre en charge le détenu et essayer de le convaincre sans brutalités de reconnaître les faits tels qu'on les lui présente. S'il accepte, on le passe dans une salle où il signera des aveux les yeux fermés. S'il refuse, l'équipe active le reprend en main. Ensuite il repassera alternativement d'une équipe à l'autre jusqu'à ce qu'il signe tout ce qu'ils veulent. A la fin il passe devant l'interrogateur officiel, le Lieutenant Edmond ABBAS, pour signer, les yeux bandés, sa déposition finale écrite avec la terminologie juridique convenable.

### **B2. Variations dans le traitement des détenus.**

#### Nourriture:

Pendant la période des interrogatoires: pas de nourriture, ni de boissons.

Après la période des interrogatoires: pain + riz au déjeuner, pomme de terre au dîner. Possibilité d'avoir un sandwich (payé par le prisonnier) avec la permission du juge.

#### Les visites:

Pendant la période des interrogatoires: interdiction absolue de recevoir des visites.

Après la période des interrogatoires: 2 visites par semaine, de 15 minutes chacune pour les très proches parents.

#### Hygiène :

Pendant la période des interrogatoires: ni douche, ni toilette, ni rasage.

Après la période des interrogatoires: une douche par semaine, toilettes une fois par jour, rasage une fois par semaine, coiffeur une fois par mois (rasage de la tête).

#### Distractions:

Pendant la période des interrogatoires: ni livres, ni journaux, ni radio, ni montre, ni promenades, et interdiction de dormir pendant parfois plusieurs jours.

Après la période des interrogatoires: un journal par semaine, un livre par semaine, pas de papier ni de crayon, pas de radio, pas de montre, une demi-heure de promenade par jour tout seul et attaché à un gardien avec des menottes.

### **C. Quelques conséquences de ces traitements sur la santé des détenus.**

Les prisonniers souffrent pour beaucoup de dépression nerveuse liée aux manque de repères temporels qui

entraînent une très grande fatigue, mais aussi aux tortures et aux cris des autres prisonniers torturés, audibles depuis toutes les cellules, et à la séparation totale du milieu social durant une durée illimitée. 80% des détenus ne peuvent plus se passer de tranquillisants après leur passage au Ministère de la Défense.

Lorsqu'un prisonnier est blessé par ses tortionnaires, sa blessure s'infecte dans les jours qui suivent faute de soins et par manque d'hygiène.

Au bout d'un mois environ, les détenus sont atteints d'hémorroïdes, notamment dues au régime alimentaire sans légumes sans fruits et pauvre en liquides.

Ceci sans aborder l'aggravation dramatique, liée aux tortures et au manque de soins, des maladies chroniques telles que le diabète, l'hypertension artérielle, les insuffisances cardiaques, rénales et respiratoires...

#### **D. Organigramme très sommaire**

En général, les interrogateurs sont inconnus des prisonniers qui ne les voient jamais ayant toujours les yeux bandés. Cependant, certains sont vus et connus. Ainsi:

1. Le chef du département des interrogatoires est le lieutenant Imad KAAKOUR.
2. Le chef adjoint est le Capitaine ALAM.
3. Le lieutenant Edmond ABBAS (aujourd'hui à la retraite), secrétaire du chef et scribe. Il n'assiste jamais aux interrogatoires et recueille la déposition finale des prisonniers.
4. Adjudant Elie CHOUKINI, spécialiste du détecteur de mensonges.
5. Un adjudant qui décide du traitement à appliquer à chaque prisonnier. Il est en contact direct avec le Colonel Jamil EL-SAYED.
6. Cinq adjudants qui interrogent et torturent et qui ne sont jamais vus par les prisonniers. Ils ne sont jamais cités dans la presse ni convoqués au tribunal comme témoins.
7. Deux adjudants responsables des équipes de gardiens.
8. Deux équipes de six gardiens chacune.
9. L'adjudant RAMADAN chef de la prison.

#### **Conclusion**

***"Nul ne sera soumis à la torture ni à des peines ou traitements cruels inhumains ou dégradants."*** Article 5, Déclaration Universelle des Droits de l'Homme, 1948.

***"Nul ne peut être arbitrairement arrêté, détenu ou exilé"*** Article 9, Déclaration Universelle des Droits de l'Homme, 1948.

***"Toute personne a droit, en pleine égalité, à ce que sa cause soit entendue équitablement et publiquement"***

*par un tribunal indépendant et impartial qui déciderait soit de ses droits et obligations, soit du bien-fondé de toute accusation en matière pénale dirigée contre elle"* Article 10, Déclaration Universelle des Droits de l'Homme, 1948.

Le mouvement franco-libanais SOLIDA... (Soutien aux Libanais Détenus Arbitrairement) demande aux autorités libanaises:

La fin des arrestations, poursuites et persécutions à l'encontre des opposants au régime actuel du Liban.

La révision des condamnations prononcées à l'encontre de civils par le tribunal militaire. Ceux-ci doivent être déférés devant la justice civile ou relâchés lorsque leur condamnation n'a pour base que des raisons d'opinion ou des aveux extorqués sous la torture.

L'arrêt immédiat des tortures et mauvais traitements perpétrés à l'encontre des personnes aujourd'hui détenues au Ministère de la Défense.

Que des poursuites soient engagées contre les militaires ayant pratiqué ou fait pratiquer des mauvais traitements sur les détenus.

SOLIDA appelle également les autorités internationales à ouvrir des enquêtes impartiales sur les persécutions perpétrées ou cautionnées par les autorités libanaises, à savoir la détention arbitraire et les tortures en territoire libanais, mais aussi les enlèvements massifs de citoyens libanais par les forces armées syriennes et israéliennes.

## ANNEXES

### ANNEXE 1. La cellule individuelle

La cellule individuelle mesure 2m.x 3m et est haute de 3 m.. Elle est éclairée 24 heures sur 24 par un tube fluorescent dont l'interrupteur se trouve sur un mur extérieur, inaccessible au prisonnier.

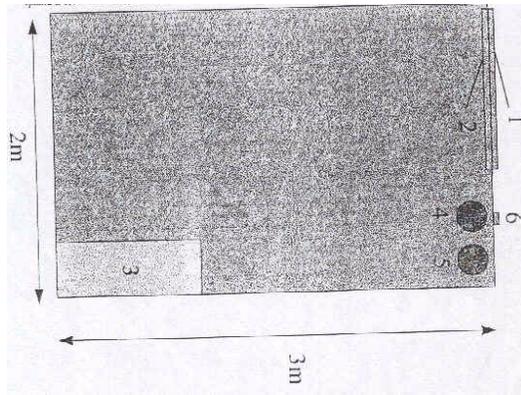
Le parquet de la cellule est recouvert de 2237 petites dalles de céramique blanche.

L'entrée de la cellule se fait par deux portes successives (1) et (2)

La première porte venant de l'extérieur est en fer et porte deux verrous dont l'un est muni d'un poussoir, l'autre d'un cadenas. La deuxième porte est en bois recouvert de tôle et est munie d'un verrou à poussoir. Les deux portes sont percées dans leur partie inférieure de 25 trous de 6 mm de diamètre et disposés de façon à interdire toute vue vers l'extérieur. Ces deux portes sont munies de deux petites fenêtres coulissantes dont celle de l'intérieur reste ouverte et celle de l'extérieur reste toujours fermée de dehors.

La cellule ne comporte aucun meuble, ni table, ni chaise, ni lit. Le prisonnier ne dispose que d'une seule couverture (3) qui lui sert en même temps de matelas.

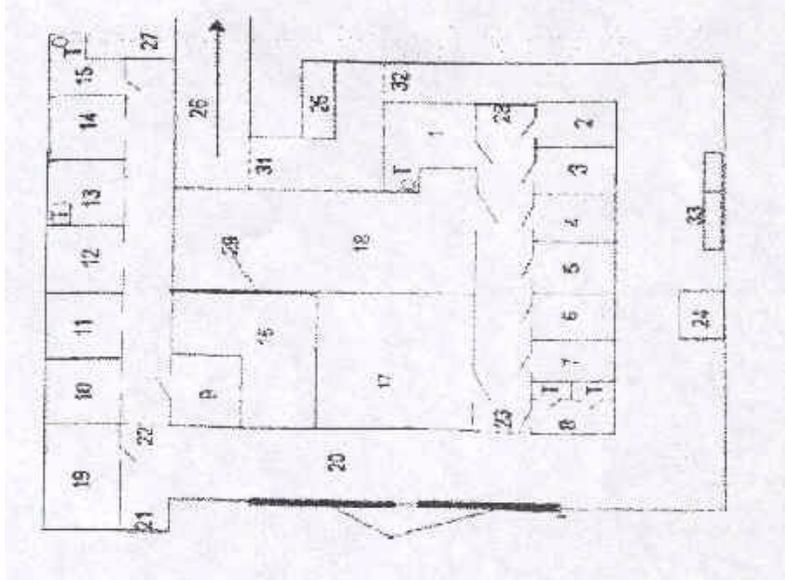
Pour boire, une bouteille en plastique (4) sans bouchon est fournie, elle est remplie une fois par 24 heures. Une deuxième bouteille (5) sert à uriner, elle est vidée une fois par 24 heures par le prisonnier, quand il est emmené aux toilettes.



Cellule individuelle

## **ANNEXE 2: Le troisième sous-sol**

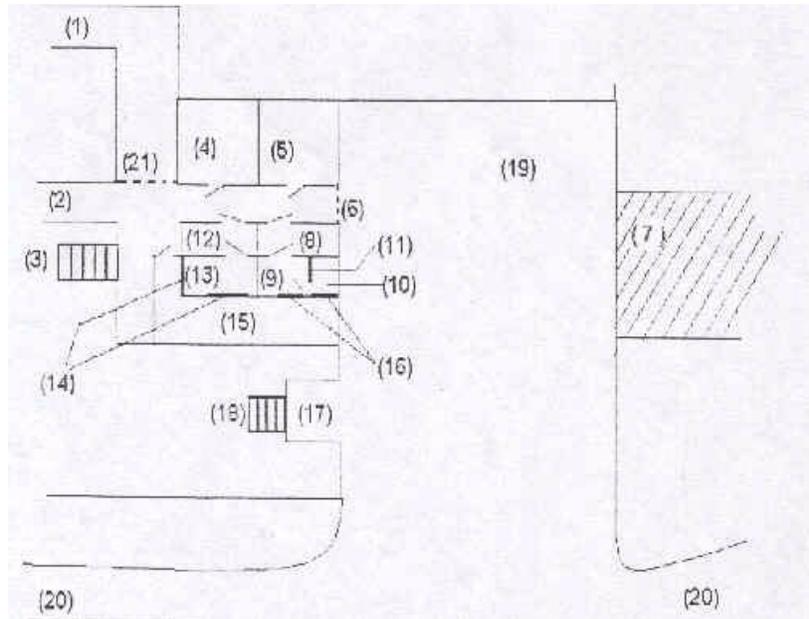
- (1) Cellule de Samir Geagea avec toilettes (T)
- (2), (3), (4), (5), (6), (7) cellules des prisonniers \*
- (8) cellule utilisée par le coiffeur et comme douche et toilettes
- (9) cellule temporaire?
- (10), (11), (12), (14), (15), cellule des prisonniers \*
- (16) salle d'interrogatoire et de tortures.
- (17) salle d'interrogatoire.
- (18) salle de photographie et de vidéo
- (19) salle d'interrogatoire dans laquelle se trouvent un central téléphonique et un terminal informatique.
- (20) emplacement du palan "balango" pour la torture
- (21) petite cuisine pour interrogateurs et gardiens
- (22) (23) portails en fer à claire-voie
- (24) bureau du chef de garde
- (25) emplacement des lits des gardes
- (26) entrée et sortie de la prison (pente de 30 % environ)
- (27), (28) portes.
- (29) cloisons en verre fumé avec des rideaux séparant les salles (16) et (18)
- (30) deux portes en fer coulissantes très épaisses, jamais ouvertes.
- (31), (32) portails en fer à claire-voie.
- (33) lit du chef de garde et du responsable logistique.



\*\_ parmi les prisonniers : Kamil Karam (arrêté en avril 1994), Gerges al Khoury (arrêté en mars 1994), Rafic Saade (arrêté en avril 1994), Hanna Challita (arrêté en juin 1994)

### ANNEXE 3: Le niveau -2

- (1) Pente de 30 % venant de du (26) du niveau -3 et menant à la porte (21) du niveau -2.
- (2) Toilettes pour visiteurs et gardiens
- (3) Escaliers vers le niveau -1, entrée arrière de la direction des renseignements de l'Armée
- (4) Salle d'attente des visiteurs
- (5) bureau du chef de la prison
- (6) porte en fer à claire-voie
- (7) Parking pour les voitures du général Rahbani, directeur des renseignements et de son adjoint, le Colonel Sayed
- (8) chambre dans laquelle les gardiens observent les chambres en verre (9) et (10) pendant les visites
- (9) chambre en verre pour les visites des parents et des avocats
- (10) chambre en verre dans laquelle on fait entrer le prisonnier avant l'arrivée des visiteurs
- (11) fenêtre en verre double perforée
- (12) chambres des aides du chef du département des interrogatoires, le commandant Imad Kaakour.
- (13) Chambre du polygraphe (détecteur de mensonges)
- (14) miroir sans tain permettant d'observer discrètement la chambre du polygraphe
- (15)



## **APPENDIX 5: Excerpt from Amnesty International's Report**

**November 23, 2004**

**Lebanon**

**Samir Gea'gea' and Jirjis al-Khoury: Torture and unfair trial**

"Following his incommunicado detention and during the course of almost one year, Jirjis al-Khoury was allowed to see his lawyer only three times, briefly and in a very restricted manner. While held incommunicado he was not informed of the charges brought against him and only knew of them when the indictments were issued. During interrogation while held incommunicado, he was made to believe that he was a witness rather than a defendant, and was not informed as required by law of his rights in pre-trial detention nor of the charges being brought against him.

Jirjis al-Khoury told the court he was tortured during incommunicado pre-trial detention, and stated that "confessions" - which he retracted - were extracted as a result. He said he was tortured by members of military intelligence who used many techniques including: the *balanco* (hanging by the wrists which are tied behind the back); electric shocks; having his toe nails crushed; having his hair pulled out; repeatedly being deprived of food and sleep over a period of more than 40 days; being forced to drink dirty water; and hearing threats to kill members of his family. As a result of torture, he said he was unable to stand for about one month, bled from parts of his body including his mouth, suffered hallucinations and forgot his name. He said he was being beaten in the presence of judges and the Public Prosecutor. He was told that he had to choose one of two options: to confess that he had himself bombed the church or that he had participated in the bombing. He told the court that finally he signed papers presented to him because he could no longer stand the effects of torture which were compounded by pain from a back operation he had had in 1987."

## **APPENDIX 6:**

**Press Conference**

**By the Parliamentary Human Rights Committee**

The Parliamentary Human Rights Sub-Committee, which is mandated with visiting the prisons of the Ministry of Defense, held a press conference in Parliament after its visit to the prison located on the premises of the Ministry of Defense on November 27, 2004.

The Committee included Members of Parliament Nehmatallah Abi Nasr, Atef Majdalani, Ghassan Moukhaiber and the Secretary of the Committee, Mona Kamal.

Committee coordinator, M.P. Nehmatallah Abi Nasr, speaking on behalf of the committee, said: “Our decision, as a committee, to visit this prison was taken five months ago, as part of the visits to all prisons. At the time the prison of the Ministry of Defense was excluded from the schedule of visits, because initially this prison was not classified as a prison and we consider it as an illegal prison because the administration of prisons is usually assigned to the Ministry of the Interior. Decree no. 6236 was issued on January 17, 1995 allowing the legalization of the Defense Ministry prison during the trial of Samir Geagea and his companions in the case of the church bombing. We consider this matter as a violation because this prison was not a legal prison when Samir Geagea, **Gerges Khoury** and their companions were arrested following the bombing of Notre Dame of Deliverance Church on February 27, 1994. The Parliamentary Committee knew from the intelligence officer in charge of the prison at the Defense Ministry that there were only two prisoners: Samir Geagea, “leader of the Lebanese Forces”, and **Gerges Khoury**, “Member of the Lebanese Forces”. So they asked about why all this attention on this prison? It has only two prisoners.

The MPs began their visit to the prison by stopping at prisoner Samir Geagea's cell for half an hour, although Samir Geagea has been in “solitary” confinement since April 21, 1994. The cell is located on the ground floor. Natural air and light enter through a window. This cell is heavily armored and was specially equipped for Samir Geagea. He was moved to it recently, although he spent ten years and three months in an underground cell similar to the cell of **Gerges Khoury**. The present cell is 9 square meters and is fully equipped. It includes a lavatory, a shower, a bed, a table, chairs, and a small library that comprises religious, philosophy and scientific books.

The committee asked Samir Geagea about his medical condition. He answered that some medical tests were performed on him and the results were good. Then he was asked about his requests. He answered, “If the matter is about human rights, then I want to be in my home”. He spoke with the MPs about the report by the organization Amnesty International entitled, “Samir Geagea and **Gerges Khoury**: Unfair Trial and Torture”. Then Samir Geagea told the MPs he was the leader of the largest armed organization during the war in Lebanon and then he joined the entente project for ending the war in Lebanon, so why do I remain in prison?

After finishing their visit to Samir Geagea's cell on the ground floor, the MPs headed with the intelligence officer to the prison basement in order to check the condition of prisoner **Gerges Toufic Khoury** who is serving a “hard labor for life” sentence for the crime of involvement in bombing the Notre Dame of Deliverance Church. After going down several steps down a staircase, they reached an armored metal door. The intelligence officer opened the door and they saw a frail person with pale white skin because he was deprived of sunlight. He said: “My name is **Gerges Toufic Khoury**, 36 years”. He often repeated, “I'm innocent. Get me out of here. They implicated me in the church case”. He said he was sick and suffers from severe pain in the spinal column because of a vertebral transplant operation done in 1986. The pain spread to his neck and feet. He asked for medical treatment but the Intelligence Services have refused him any treatment. They also didn't allow his lawyer to visit him since July 13, 1996, although his lawyer is currently the MP Georges Najm. They also denied him visits by a clergyman to pray with him. They only allow his parents to see him. Since March 15<sup>th</sup> 1994 he is in solitary confinement. He doesn't speak with anyone. He was then asked if violence and torture were perpetrated against him. He answered that “from the day I was arrested until

the verdict came down, I suffered the worst kinds of torture. But after the verdict was rendered and to this date, I suffer from continuous psychological torment because I am deprived from everything”.

The MPs described **Gerges Khoury's** cell as a “grave”, in which neither light nor natural air or sun enters. It is full of humidity, and ventilation comes into the room through an opening in its high ceiling, mixed with foul smells. He sleeps on the floor. There is nothing in the room: no table, chair, light, or anything. The surface area of the cell doesn't exceed 2 square meters and a width of 1.3 meter. The MPs noticed that **Gerges** was desperate because his words were brief and he was absent minded most of the time. Our visit to **Gerges's** cell lasted 10 minutes. As we departed, **Gerges** grabbed our hands saying: “Don't leave me. I'm innocent. Get me out of here. I'm innocent”. The MPs confirmed that **Gerges Khoury's** cell doesn't comply with the simplest human rights standards. His situation is critical and his health is degrading. They then asked why is it forbidden to bring in TV, radio, newspapers and magazines? Why is he forbidden from speaking with others? Why do Samir Geagea and **Gerges Khoury** remain in solitary confinement? The prison warden usually resorts to the punishment of solitary confinement when the prisoner acts in violation of the internal regulations of the prison, and this punishment does not last for more than one month. But ten years is grave injustice. Where are human rights and the rights of prisoners in Lebanon? What are the international standards that officials and government people speak of and brag about in Lebanon?

We also found out that the International Committee of the Red Cross was prevented from visiting the prison of the Defense Ministry (by the Directorate of Intelligence), in spite of the issuance of Decree no. 8800 in October 2002 bearing the signatures of the President of the Republic and the Ministers of Justice, the Interior and Defense. If there is nothing that they really fear, we wonder why they do not allow this International Organization, which is recognized internationally, to visit the prison of the Defense Ministry?

As a Parliamentary Committee for Human Rights, our visit to the prison of the Defense Ministry unveiled some facts that were hidden from us, from public opinion, and from humanitarian organizations in Lebanon and the world. The MPs demanded the transfer of both political prisoners, Samir Geagea and **Gerges Khoury**, to Roumieh prison and to provide adequate security for them. They asked for a re-trial in the shortest term possible of both the cases of Samir Geagea and **Gerges Khoury**, because they were tried under moral and physical duress or to amend the amnesty law in order to release them. The MPs also asked the Intelligence Services Director to improve the prison conditions for prisoner **Gerges Khoury** because it doesn't comply with the simplest human rights, and to begin medical treatment for him because his health is degrading and his situation is very critical.

Beirut, November 27, 2004

**APPENDIX 7: ANTOINETTE CHAHINE  
AMNESTY INTERNATIONAL  
WORLDWIDE APPEALS  
August 1997**

**LEBANON: Torture and unfair trial**

On 7 January 1997, **Antoinette Yusuf Chahin**, a Lebanese student born in 1971, was sentenced to death - commuted to life imprisonment with hard labour - on charges of involvement in the assassination of Father Sam'an Boutros al-Khoury in May 1992. According to the prosecution and court verdict, the killing of Father

Sam'an Boutros al-Khoury was planned and carried out by the Lebanese Forces (LF); Antoinette Chahin was alleged to have been a member of the LF. The LF were the main Christian militia during the Lebanese civil war, which lasted from 1975 to 1990, and were banned by the Lebanese Government in 1994.

The primary evidence brought against Antoinette Chahin was the confessions of two co-defendants, who later retracted these confessions claiming that they had been extracted under torture. The two co-defendants now claim that they never even knew Antoinette Chahin.

During her detention she was hospitalized several times. A medical examination carried out eight days after her arrest in June 1994 found injuries consistent with her claims that she had been tortured. No adequate judicial investigation appears to have been ordered into the allegations of torture.

- ***Please write***, expressing concern that the trial of Antoinette Chahin and her co-defendants appears to have been deeply flawed; calling for a retrial in accordance with international fair trial standards; and urging an impartial investigation into the allegations of torture of Antoinette Chahin and her co-defendants; to: His Excellency Rafiq al-Hariri /Prime Minister/ Office of the Prime Minister/ Grand Sérail/ Rue des Arts et Métiers/ Sanayeh/ Beirut/ Lebanon

## **APPENDIX 8**

### ***Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005***

*The General Assembly,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

*Affirming* the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

*Recognizing* that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

*Recalling* the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005 and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines,

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;

2. *Recommends* that States take the Basic Principles and Guidelines into account, promote respect thereof and bring them to the attention of members of the executive bodies of government, in particular law enforcement officials and military and security forces, legislative bodies, the judiciary, victims and their representatives, human rights defenders and lawyers, the media and the public in general;

3. *Requests* the Secretary-General to take steps to ensure the widest possible dissemination of the Basic Principles and Guidelines in all the official languages of the United Nations, including by transmitting them to Governments and intergovernmental and non-governmental organizations and by including the Basic Principles and Guidelines in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

64th plenary meeting  
16 December 2005

## **Annex**

### **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

#### Preamble

*The General Assembly,*

*Recalling* the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular article 8 of the Universal Declaration of Human Rights, 1 article 2 of the International Covenant on Civil and Political Rights, 2 article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 39 of the Convention on the Rights of the Child, and of international humanitarian law as found in article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, and articles 68 and 75 of the Rome Statute of the International Criminal Court,

*Recalling* the provisions providing a right to a remedy for victims of violations of international human rights found in regional conventions, in particular article 7 of the African Charter on Human and Peoples' Rights, article 25 of the American Convention on Human Rights, and article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

*Recalling* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanating from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and General Assembly resolution 40/34 of 29 November 1985 by which the Assembly adopted the text recommended by the Congress,

*Reaffirming* the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims,

*Noting* that the Rome Statute of the International Criminal Court requires the establishment of "principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation", requires the Assembly of States Parties to establish a trust fund for the benefit of victims of crimes within the

jurisdiction of the Court, and of the families of such victims, and mandates the Court “to protect the safety, physical and psychological well-being, dignity and privacy of victims” and to permit the participation of victims at all “stages of the proceedings determined to be appropriate by the Court”,

*Affirming* that the Basic Principles and Guidelines contained herein are directed at gross violations of international human rights law and serious violations of international humanitarian law which, by their very grave nature, constitute an affront to human dignity,

*Emphasizing* that the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms,

*Recalling* that international law contains the obligation to prosecute perpetrators of certain international crimes in accordance with international obligations of States and the requirements of national law or as provided for in the applicable statutes of international judicial organs, and that the duty to prosecute reinforces the international legal obligations to be carried out in accordance with national legal requirements and procedures and supports the concept of complementarity,

*Noting* that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,

*Recognizing* that, in honouring the victims’ right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,

*Convinced* that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law, as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,

*Adopts* the following Basic Principles and Guidelines:

I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law

1. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law emanates from:

(a) Treaties to which a State is a party;

(b) Customary international law;

(c) The domestic law of each State.

2. If they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by:

(a) Incorporating norms of international human rights law and international humanitarian law into their

domestic law, or otherwise implementing them in their domestic legal system;

(b) Adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;

(c) Making available adequate, effective, prompt and appropriate remedies, including reparation, as defined below;

(d) Ensuring that their domestic law provides at least the same level of protection for victims as that required by their international obligations.

## II. Scope of the obligation

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

(a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;

(b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;

(c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and

(d) Provide effective remedies to victims, including reparation, as described below.

## III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

5. To that end, where so provided in an applicable treaty or under other international law obligations, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction. Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

## IV. Statutes of limitations

6. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law.

7. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

#### V. Victims of gross violations of international human rights law and serious violations of international humanitarian law

8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

#### VI. Treatment of victims

10 Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.

#### VII. Victims’ right to remedies

11 Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms.

#### VIII. Access to justice

12 A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected

in domestic laws. To that end, States should:

- (a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;
- (b) Take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims;
- (c) Provide proper assistance to victims seeking access to justice;
- (d) Make available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law.

13 In addition to individual access to justice, States should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation, as appropriate.

14 An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

#### IX. Reparation for harm suffered

15 Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

16 States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.

17 States shall, with respect to claims by victims, enforce domestic judgements for reparation against individuals or entities liable for the harm suffered and endeavour to enforce valid foreign legal judgements for reparation in accordance with domestic law and international legal obligations. To that end, States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgements.

18 In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non repetition.

19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;
- (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21. *Rehabilitation* should include medical and psychological care as well as legal and social services.

22. *Satisfaction* should include, where applicable, any or all of the following:

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (f) Judicial and administrative sanctions against persons liable for the violations;
- (g) Commemorations and tributes to the victims;
- (h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

23. *Guarantees of non-repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:

- (a) Ensuring effective civilian control of military and security forces;
- (b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- (c) Strengthening the independence of the judiciary;
- (d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;
- (e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;
- (f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;
- (g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;
- (h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

#### X. Access to relevant information concerning violations and reparation mechanisms

24 States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

#### XI. Non-discrimination

25 The application and interpretation of these Basic Principles and Guidelines must be consistent with international human rights law and international humanitarian law and be without any discrimination of any kind or on any ground, without exception.

#### XII. Non-derogation

26 Nothing in these Basic Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Basic Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Basic Principles and Guidelines are without prejudice to special rules of international law.

### XIII. Rights of others

27Nothing in this document is to be construed as derogating from internationally or nationally protected rights of others, in particular the right of an accused person to benefit from applicable standards of due process.

Resolution 217 A (III).

Resolution 2200 A (XXI), annex.

A/CONF.157/24 (Part I), chap. III.

See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

Resolution 2106 A (XX), annex.

United Nations, *Treaty Series*, vol. 1465, No. 24841.

*Ibid.*, vol. 1577, No. 27531.

See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

United Nations, *Treaty Series*, vol. 1125, No. 17512.

*Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

United Nations, *Treaty Series*, vol. 1520, No. 26363.

*Ibid.*, vol. 1144, No. 17955.

*Ibid.*, vol. 213, No. 2889.

[1] Excerpted from the report published by SOLIDA in November 1997

[2] Excerpt from the Amnesty International report <http://web.amnesty.org/library/index/ENGMDE180052003>

[3] Excerpt from the Amnesty International report <http://web.amnesty.org/library/index/ENGMDE180052003>

[4] Source : Naharnet

[5] Excerpted from “Défense de Samir Geagea” , by Maître Wallerand de Saint-Just, 1996

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**THE STATE OF HUMAN RIGHTS IN**

**LEBANON**

**December 9 / 04 till December 10**

**2005**

**AN OVERVIEW**

## INTRODUCTORY REMARKS

The Lebanese record on human rights could be qualified as average by absolute standards but becomes laudable when compared to that of the neighboring Arab countries. This statement maintained its validity all the way from Lebanon's independence in 1943 down to the outbreak of the Lebanese War in 1975. In 1989 the Arab League, supported by the international community, brokered a peace settlement at Taif - Saudi Arabia. On 13 October 1990, Syrian troops completed their control over the Lebanese territories except for the strip adjacent to the Israeli borders occupied and administered by the Israeli army. The pull out of the Israelis on May 25, 2000 left the Syrian troops and intelligence, and an unknown number of Iranian experts, the only non-Lebanese forces on the national territory. The most sticking feature of the year 2005 was the dramatic withdrawal of the Syrian troops and intelligence under a combined popular and international pressure. A further highlight of the year 2005 was holding a parliamentary election which was marked, for the first time in 30 years, with a reduced Syrian interference.

The publication of the Taif agreement prompted the FHHR/L to assess the settlement plan as to whether it promotes or undermines human rights and freedoms. Our study, which was published in 1989, concluded that human rights were not among the blessings the settlement agreement promised. Instead, we detected alarming tendencies to curb some of the basic individual rights- freedom of the media, of education, and of political organization and the trade unions. On the collective rights we noticed that the independence and sovereignty of Lebanon would be sacrificed for Syria's benefit.

On the 24<sup>th</sup> of November 1998 the Lebanese parliament voted the C-in-C of the Lebanese Army, General Emile Lahhoud president of the republic for the Constitution-stated, non-renewable six year term. On September 3, 2004, 96 MPs voted to extend the term for three years against 23 voted against.

The most striking development of the year 2005 is Syria's pull out that was ceremoniously celebrated at 17:00 of April 26, 2005 in the Syrian H.Q in Anjar. Following the Lebanese awarding high medals to the Syrian military mission, the last regiments crossed the near-by borders into Syria.

The present report shall examine the individual rights and freedoms (mainly political and judicial) in a first section, to be followed by the collective freedoms (social and economic) in a second section, while the third and final one shall deal with the environment.

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## SECTION ONE POLITICAL AND LEGAL RIGHTS

### **FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATIONS.**

Although the Constitution provides for freedom of assembly the post- Taif governments restricted this right. Any group wishing to organize a rally must obtain the prior approval of the Ministry of Interior, which failed to render decisions uniformly. The government declared a state of emergency in 1996 banned all rallies. An exception was made for the benefit of the parliamentary elections. Various political factions, supportive of the government or of opposition tendencies held rallies without obtaining government permission.

A measure of the cabinet of President Salim Hoss, which was well received by the human rights groups, ended the state of emergency that dominated the national scene for the previous 3 years. However the right to peaceful assembly was not restored. It remained obstructed by the prohibitive permit requirements. Demonstration needs a Ministry of Interior permit that can be issued if a number of requirements are met. The most unusual of these conditions is the undertaking of the applicant to be held personally responsible for all damage caused in the course of the demonstration. It is no wonder, therefore, that no request to demonstrate was filed throughout the year 1999.

Despite the obvious shortcomings, these developments mark a net progress in comparison to the first phase of post-Taif Lebanon. In September 1993 the government ordered the security forces to open fire on a peaceful demonstration organized by Hizbullah in the southern suburbs of Beirut. Nine were killed and over 40 were injured.

The ban on public demonstration goes back to 1996 and was originally meant against the labor unions. The General Confederation of Labor (CGTL) submitted a request to hold demonstrations for February 29. The government refused to grant permission, and, instead, called on the Lebanese Armed Forces (LAF) to control the situation. The LAF was accorded a 90-day grant of exceptional powers necessary to maintain public order. Under this authority it imposed a nationwide curfew on February 29, which lasted 16 hours. Several persons were arrested for violating the curfew, including three journalists. The three were accused of photographing a military installation, but were released after 24 hours. The others, about 30 persons, were sentenced from 5 to 10 days in jail.

On April 4, the government prevented the CGTL from staging a sit-in in front of the Parliament building during the visit of the French President Jacques Chirac. The Lebanese Army encircled CGTL headquarters and prevented the Union leaders from leaving their offices, keeping them under provisional arrest for about 6 hours.

The Constitution provides for the freedom of association. This right was generally respected in pre-war Lebanon, particularly in the 1960s when political parties, from the extreme left to the extreme right, were licensed. In 1992, however, this right was trimmed and dozens of organizations, including four opposition parties, were dissolved. In 1994, following the dynamiting in February of a Church, the Lebanese Forces Party was charged and was dissolved. Despite the court ruling in 1996, which declared the leader of the Lebanese Forces, and by extension his party, not guilty, the dissolution decree was not rescinded.

A bill to organize political parties is not out yet. The authorities do not seem in any hurry to pass this law. Furthermore, the minister of interior disclosed in 1996 some of the ideas entertained by the government in its draft on the "law on political party organization". His declaration triggered an outcry when it was made known that the proposed draft calls on all parties to provide the ministry of interior with a register of all their members as well as the minutes of all party meetings. The Army Intelligence Service monitors the movement and activities of the opposition groups.

Unlike the first decades of independent Lebanon when the government in general did not interfere with the establishment of social, cultural, sports and private associations, post Taif Lebanon turns this right into a privilege. A case in point is the refusal of the Ministry of Interior in 1996 to grant a permit to the Lebanese Association for the Democratization of Elections, an independent monitoring group, declaring it nonexistent. The position of the Lebanese government was reversed in 2005 and a number of organizations, local and international, were allowed to monitor the parliamentary polls. Another positive development was the rescinding of the over-30-year categorical refusal of the ministry of

interior to register the applications for associations. The pre-Lebanese-war regulations were restored and the Ministry of Interior, acting on the basis of a law passed by the former parliament, is receiving and registering acts of association.

### **ELECTIONS AND POLITICAL RIGHTS**

The Constitution states that citizens have the right to change their government in periodic free and fair elections. However, in the course of history of the Lebanese parliamentary life, those elections were never entirely “free” nor “fair”. Yet, in comparison, the pre-Taif elections were less tarnished with irregularities than the post-Taif ones. As stipulated in the Taif settlement, a number of deputies were appointed, and not elected, to make the number of Muslim MPs on par with the Christian ones. Shortly after the appointment of MPs a general election was called for in the summer of 1992. Less than 15 percent of the Lebanese voted while the rest boycotted by and large for political reasons.

The August-September 1996 parliamentary elections represented a small step forward; the electoral process was flawed by significant shortcomings foremost of which is the lack of impartiality. The most flagrant irregularity was the delineation of the constituencies, which tipped the balance in favor of the Muslim communities which managed to elect not just the bulk of their MPs but also to bring to the Chamber a score of Christian MPs on the Muslim lists. The latter displayed very little zeal in defending the rights of the Christian base they nominally represent as this base played little or no role in their electoral success.

The election law for the parliamentary elections in the year 2000 was more equitable than the previous two as the inequality is reduced though not eliminated. Despite the shortcomings of the law of 2000 on the basis of which the parliamentary elections of 2005 were conducted, the results proved more equitable to the Christian community especially in the constituencies where the Christian communities form a solid majority. The partial equity is a direct outcome of the Syrian pull out, on the one hand, and the return of General Michel Aoun and the release of Dr. Samir Geagea from prison, two charismatic Christian leaders, on the other hand.

A solid reform, which was first introduced in the elections of 1996, was repealed. The candidates who deem their failure unlawful filed complaints to the Constitutional Council. This safeguard measure proved real in 1996 when several candidates submitted complaints and a repetition of the ballot was ordered and applied. However, the Constitutional Council is inactive due to the failure of the parliament and the council of minister to appoint members to replace those whose term of service ended, a majority of the Constitutional Council members.

In 1953 women were granted the right to vote and there are no legal barriers to their participation in politics. In 2005 Lebanon had its first woman ministers; two in the Najib Miqati’s cabinet and one in the present Fuad Sanyoura’s. Out of 128 parliamentary seats the number of women MPs became 6, an increase of three in comparison with the previous parliaments, which renders the Lebanese record on women MPs the poorest in the Middle East. (A description and assessment of the parliamentary elections of 2005 is available in a FHHRL’s detailed report.)

### **FREEDOM OF SPEECH AND PRESS**

Lebanon has a long history of freedom of opinion, speech, and the press. Although there were repeated attempts to restrict these freedoms throughout post-Taif-Lebanon, daily criticism of government practices and leaders continue. Dozens of newspapers and magazines are published throughout Lebanon, financed by various Lebanese and foreign groups. While the press is not owned by the public sector, press content often reflects the opinions of these financial backers. This situation inspired a fairly accurate description that runs as follows: “There are no free journals in Lebanon. All what you come across are few free journalists.”

The 1991 security agreement between Lebanon and Syria contained a provision that effectively prohibits the publication of any information deemed harmful to the security of either state. Under the threat of prosecution, Lebanese journalists censor themselves on matters related to the Syrian president, his family, the Syrian army or corruption in Syria.

### **Media**

In September 1996 the government of president Hariri provoked widespread protests when it moved suddenly to implement its controversial Media Law. The stated purpose of the law is to impose order

on the largely unregulated airwaves and to reduce religious and political tensions by forcing the country's many small, sectarian-oriented stations to combine into a much smaller number of pluralist stations.

Most people, however, viewed the implementation of the law as political in nature. It reduced 52 television stations to 4, and approximately 100 radio stations to 11, only 3 of which would be permitted to broadcast news programs. All four television stations approved are owned by, or closely associated with, important government figures. Some of the approved stations were not operational at the time of authorization, while a number of popular stations associated with the opposition to the government have been refused licenses, ostensibly for failing to comply with the law. It is a credit to the government that succeeded Hariri's cabinet to reverse the administrative decision and legalize the NTV, an opposition TV station, thus implementing a court ruling in favor of the said TV station.

The case of the NTV proved more the exception than the rule. The Constitutional Court passed in 2003 a highly controversial ruling to close indefinitely most vocal opposition TV station, the MTV, allegedly for violating the precepts of the Election Law in the course of the Matn by-elections.

One of the positive developments of the year 2005 was allowing the MTV to operate anew.

Another positive development of the year 2005 was easing the censorship on the news bulletins and the political talk shows. Many taboo subjects throughout the past 15 years were allotted air time especially those dealing with the detainees in Syria and the Syrian measures throughout the period of their control over Lebanon. The tight control of the news bulletins that standardized their rendering is no more. A variety of political interpretations and comments are on the air again side by side with interviews with politicians opposed to Syria who were completely banished from the screens for more than a decade.

### **Press**

The Constitution provides for freedom of the press, but in practice this right is seriously trimmed. Freedom of the press, which declined significantly since the Taif agreement in 1989, improved across the board in 2005.

The various cabinets imposed relentless pressure on the media in the years following the implementation of the Ta'if Accord. The measures were eased in 2005 and the half-hearted measures to turn journalists to courts ended in their release after brief hearings. The case of Hani Wehbe, who accused the President of the Republic to be behind the assassination of former premier Hariri, is a case in point.

Indeed two journalists, Jihad Nafi' and Habib Younis, were separately incarcerated for over two months but that was not in their capacity as journalists but for political reasons which shall be dealt with under the section of political rights.

A graphic illustration of the wind of change is the caricature part of journalism. While the former president Elias Hrawi was a favorite subject of political caricature, the absence of any caricature, even a favorable one, of President Lahhoud was noted throughout his term of office before the 3 year extension. President Lahhoud is now depicted in all manners and forms on the pages of the Lebanese dailies and on the TV screens.

### **Artistic expression**

The government uses several tools to control expression. The General Security monitors all foreign magazines and non-periodical works including plays, books, and films before they are distributed in the market. The general Security is empowered to censor movies. All movies dealing with Israel are banned. No distinction seems to exist between movies on Israel and those that deal with Jewish themes. "Shindler's List", as an illustration, was never screened in Lebanon.

### **Books**

The Directorate General of the General Security is empowered by law to ban entry, authorize printing and intercept the circulation of books all over the national territory. The security agency operates within the framework of guarding public morals and public order. While it is fairly easy to establish what public morals are, public order allows for all kind of arbitrary measures. For the past 15 years public order embraced political books dealing favorably with opposition leaders, particularly General

Michel Aoun. The dramatic changes of the year 2005 that lead to the release of the Lebanese Forces leader Dr. Samir Geagea and the return of the exiled general Aoun and many opposition figures and journalists fleeing persecution, lifted all restrictions on publications in their favor. Banning books dealing with religious issues need to be addressed. The religious authorities, Christian and Muslims alike, file demands to the Security General to ban books and at times the security officials deem to operate independently of instigations by religious quarters and resort to banning books of religious components. "Davinci Code" was banned entry and circulation by the General security operating on demand by the Maronite Church. A long list of books on Islam is banned. The list includes "My Ordeal with the Qur'an and God in the Qur'an" by Abbas Abdel Noor. "The Unknown God" by Dr. Sam Joseph Saba. And Kamal an-Najjar's "Systematic Reading of Islam," are denied entry or circulation in Lebanon. In the closing months of 2005 an Arabic translation of Nordeke's book on Muhammad was banned. No revision of the list of banned books is done and those banned in the past remain denied to the Lebanese inside Lebanon. The list includes a book in French on the future of Christianity in the Middle East, a whole series on Islam in Arabic by Abou Mousa al-Hariri, were confiscated in 1994 and remain banned. An anti-Maronite book by Muhammad Za'ayter was banned in the same year. In May 1996 the censor confiscated all issues of the book entitled "Remove Paul's Mask from the Face of Christ," by the Saudi author Ahmad Zaki. The book was determined by the General Security to defame Christianity. This list is far from being exhaustive and It is practically impossible to draw a complete list of the books that are printed abroad and are not allowed to sell in Lebanon. Even the list of books by Lebanese authors which is banned or re-edited in compliance with the suggestions of the censor is impossible to draw as many authors withhold information as they see no advantage in antagonizing the authorities.

Printing books need no prior authorization. However, the General Security expects clearing the manuscripts before they are printed. Printed books are supposed to be inspected by the General Security before marketing. A number of publishing houses clashed with the censors the most famous cases remain that of "Dar al-Jadid" "Riad Najeeb ar-Rayyes Publishing House" on a variety of themes mainly old manuscripts and Islamic subjects.

#### **Academic freedom**

Lebanon has a strong tradition of academic freedom and a flourishing private educational system. In many, though not in all, universities, the students are entitled by the university by-laws to elect representatives. These elections, traditionally not entirely free of attempts by the government to shape or influence the results, were conducted in the course of 2005 in a more relaxed and free climate despite a certain measure of violence in many universities. The democratic manner the elections of the student council of the American University of Beirut was an exception.

#### **Inciting collective hatred**

Freedom of expression is never a license to incite racial and religious hatred. Article 22, para. 2 of the International Covenant on Civil and Political Rights are widely violated in Lebanon.

Anti-Semitism is more rampant in Lebanon than in many other Arab country. The ideology of the Syrian Social Nationalist Party is blatant in this regard. Likewise Hizbullah's slogans and declarations by its leaders and orators. Two religious TV stations, al Manar and Tele Lumiere let slip many anti-Semitic remarks and comments.

Inciting hatred against the Maronite community in public subsided in the last years but maintains all its rigour when the subject touches on religious sects. A program on the Tele Lumiere TV station is worth noting. Father George Rahme runs a weekly program on sects. His favourite boxing bag is the Jehovah Witnesses and other minor religious sects. While it is well within the rights of religious communities to defend and propagate their faiths, it is a violation of human rights when this right degenerates into drumming hatred against the other beliefs.

The unfounded rumors of settling and naturalizing the Palestinians who sought refuge in Lebanon in 1948 triggered a wave of comments marked in many cases by an unmasked racial undertone to which contributed politicians and intellectuals of all shades of the political and religious spectrum.

### **FREEDOM OF RELIGION**

The Constitution provides for the freedom of religion and this right is respected inasmuch as the concerned religions and denominations are recognized. But what would be the legal status of those who veer towards religious truth outside the list of recognized creeds? The Lebanese law concerning religion is based on a theist concept of religion that fails to cater for other definitions of religions. Any religious persuasion outside the list is not recognized by the state and, therefore, not protected by law. Many religions, Jehovah's Witnesses and the Bahais for instance, are obliged to circumvent the Lebanese law to enjoy some of their basic rights.

In the year 2003 two cases of homicide for religious reasons were reported; Bonnie Weatherall was gunned down in Sidon on November 22<sup>nd</sup> 2002. The victim was a Christian believer serving as a nurse in the poor quarters of Sidon. The assailant was not detected while Sheikh Maher Hammud justified the murder on the basis the victim was preaching Christianity in the Muslim town.. In May 2003 Jamil Rifa'i, a Muslim convert to Christianity was killed by a bomb blast in Tripoli. Investigations were dead ended

No attempts of similar nature were recorded in 2005 nor in the previous year.

### **FREEDOM OF MOVEMENT**

There are no legal restrictions on the right of all citizens to return to the parts of Lebanon from where they were ousted in the course of the Lebanese war. Many of the displaced, however, are reluctant to return for a variety of political, economic, and social reasons, not to mention security and personal safety. The government has encouraged the return to their homes of over 600,000 persons displaced during the civil war. Although some people have begun to reclaim their homes abandoned or damaged during the war, the vast majority of displaced persons have not attempted to rehabilitate their property. The resettlement process is slowed down by psychological factors, as well as political and financial restrictions.

### **INTERFERENCE WITH PRIVACY, FAMILY, HOME, & CORRESPONDENCE**

The security agencies, particularly the Army Intelligence, monitor the telephones of those the government considers foes or security risks. In March 1997 a parliamentary opposition bloc accused the government of tapping the mobile telephone system. Though these measures did not reach the endemic proportions of the rest of the Middle East, interference with the privacy of the citizens grew in the past years but seems to have subsided in 2005.

Minister Elias Hubeika admitted in 1999 that the telephone calls of a number of Lebanese citizens are tapped. In May 1996 the Parliamentary Salvation Bloc issued a statement asking the government to stop telephone tapping. While the government did not deny the charges of the opposition bloc, the general feeling is that nothing was done to lift the monitoring of telephones.

Moreover, the Parliament voted a law in 1999 legalizing tapping of telephones. Those of the ministers and MPs were excluded. A bold decision the Constitutional Council declared the law unconstitutional. However, no steps followed and the general feeling is that tapping of telephones all the way down to 2005, was widespread..

The violation of privacy is not restricted to the Lebanese government agencies. Hizbullah and the Syrians have their own monitoring networks while the SLA and the Israelis behind them violate the privacy in the zone under their control.

### **POLITICAL KILLINGS AND ATTEMPTS TO MURDER**

While the violence and the blood letting of the Lebanese War was widespread a number of prominent figures including two presidents of the republic, a prime minister, the leader of the Progressive Socialist party, the Mufti of the Republic and religious dignitaries, were assassinated. In 2005, a year of peace, former Prime minister Rafiq Hariri was the victim of a huge explosion on February 14 which caused the death, beside Hariri, of 18 others including seven members of his escort. 22 persons were injured among whom was former minister of economics Basil Fleihan, who succumbed later to his injuries.

On April 2 a bomb planted in his car, led to the instant death of Samir Kasir, a prominent journalist and university lecturer known for his anti-Syrian administration editorials. Almost three weeks later

the former secretary general of the Lebanese Communist Party, George Hawi, was assassinated in very much the same manner as Kasir. The two assassinations, on April 2 and 21, spread panic and prompted many politicians and journalists vocal in their opposition to Syria, to flee the country.

An attempt on September 25 to blow the car of May Chidiac, a prominent Lebanese Broadcasting Corporation (LBC) staff, left her maimed and remains hospitalized in the ICU of the French hospital Hotel Dieu.. Investigations in all four crimes are underway.

Another attempt on July 12 targeted the minister of interior Elias al Murr. The booby-trapped car injured gravely the meant person together with two of his bodyguards while a passerby was killed.

In the last weeks of 2005 mass graves were unearthed in the vicinity of the ministry of defense and the HQ of the Syrian Intelligence in Anjar. 17 bodies were exhumed in the first instance and close to 40 human remains in Anjar. The Lebanese authorities did not display professionalism in its handling of the second case which triggered a number of criticism by the various human rights organizations.

A prominent publisher, journalist and MP, Mr. Jubran Tueini was the victim of a booby-trap car detonated on December 12. Mr. Tueni, who fell together with two bodyguards, was reported to be on the hit list of opponents to Syria's policy in Lebanon.

On December 28 Justice Nazim al-Khoury was assaulted by unknown persons and left with wounds all over his body and face. Khoury is entrusted with investigating a number of delicate files including the Al-Madina Bank, said to be used for illicit deposits and money laundering. The Madina Bank earned a reputation as working closely with the Syrian intelligence in Lebanon. The attempt on December 28 was preceded by two attempts earlier in the year.

#### **ARBITRARY ARREST & DETENTION.**

The Lebanese government resorts to arbitrary arrests and detention. The law requires security forces to obtain warrants of arrest as a prerequisite for detention.. However, military prosecutors, with their extensive jurisdiction, were notorious in the past years for issuing blank warrants or oral ones to be completed after a suspect has been arrested.

Arresting officers must refer a suspect to a prosecutor within 24 hours of arrest renewable for just one time the provision, more often than not, was disregarded. The law requires the authorities where the detainees are kept to release them if the delay expires without referring decision is communicated to them. This, too was never applied. Some prosecutors flout this requirement and they detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to confine suspects to incommunicado detention for 10 days with a possible extension of an additional 10 days. Bail is only available to those accused of petty crimes, not to those accused of felony. Defendants have the right to legal counsel, but there is no public defender's office. The Bar Association has an office to assist those who cannot afford a lawyer.

Security forces continued to practice arbitrary arrest targeting the opponents of the government till the end of 2004. We are not aware of such practice throught the year 2005 and all cases of detention were done in conformity with the law; warrants, access to lawyers and rest of mechanics to protect the defendant's rights. .

There is credible information that a certain category of detainees is handled from the outset by Syrian security agents and transferred to Syrian detention centers, whether in Lebanon or Syria proper. The number of these detainees cannot be accurately determined. The only official admittance of the presence of Lebanese detainees in Syria came on November 24, 1996 when President Elias Herawi gave the number of Lebanese detainees in Syria's prisons to be 210. The fate of the Lebanese detained in Syria is high n the list f human rights violations that attracts the attention of many organizations, local and international.

#### **DENIAL OF FAIR PUBLIC TRIAL**

Independent Lebanon inherited an independent and impartial judiciary from the French. This tradition was by and large maintained despite occasional departure from these values. (The Emile Edde trial in 1943, the Anton Saade trial of 1949, and that of Emir Nuhad Arslan in the same year.) A major breach was registered in 1967 when a Military Court was set up as a permanent part of the judicial structure. A

further decline came about with the establishment of the Judicial Council, which is highly influenced by political considerations and lacks the independence necessary for fair trials. The Council can only review cases referred to it by the Council of Ministers. There is a further flaw in the Judicial Council as its rulings are not liable to any form of appeal. Another shortcoming is that all complaints against the Judicial Court would be considered by the Court itself rather than by an impartial tribunal.

The existence of a Military Court is another gross violation of fair trial. This court, introduced in 1967, is a departure away from the standard rules of fair trial. The competence of the court spread over the years to display all features of a Stakhanovite judiciary where the military prosecutor boasted before a stunned delegation of the International Federation of Human Rights in 1994 that “over 360 sentences are produced in one working day.” The Military Court applies summary procedures and its rulings, which exceed all those of penal courts put together, are seriously questioned by jurists.

The normal court structure allows for a degree of political influence in the judiciary. The Prosecutor General of the Republic, who directs and supervises all the work of the prosecutions offices all over the country receives, by law, his instructions from the Minister of Justice.

The Ministry of Justice appoints judges on the basis of a confessional formula. The shortage of judges has impeded efforts to adjudicate cases backlogged during the 15 years of war. Trial delays are also caused by the government’s inability to conduct investigations in areas outside its control. A case in point where the delay casts obvious injustice is that of former minister Shahe Barsoumian in 1999 who was detained over 8 months ago and his file is not yet referred to the court. The FHHRL’s records contain the more shocking cases where people, especially nationals of poor Asian and African countries, are in the pre-trial phase for long periods, in some cases upward of 4 years.

Two developments on the positive side are worth noting: a growing number of judges are basing their rulings on the Universal Declaration of Human Rights and other human rights instruments. The other commendable development is a ruling in 1999 by a hearing magistrate to press criminal charges against a member of Internal Security Force when he detected evidence that the official was implicated in torturing a detainee.

Cases of denial of fair public trials are scant in 2005. Two cases, however, stand out; the indictment of three prominent figures of the Guardian of the Cedars Party, detained on September 14 and released on bail on November 21<sup>st</sup>, and a similar court action against three members of the “Friends of Habib Chartouni and Nabil Alam,” who were detained on September 17 and released pending trial on November 28. All six accused passed over two months in detention on charges, regardless of the prosecutor’s qualification and their repelling effect on many, the FHHRL is convinced their declarations remain well within the bounds of freedom of thought and expression.

It is worth noting members of other political parties and intellectuals, not necessarily in accordance with the views of the detainees, shared in a press conference called for by the FHHRL to defend the rights of the 6 detainees to freedom of thought and expression.

## **DISAPPEARANCE**

Politically motivated disappearances did not end vanish with the cessation of hostilities in October of 1990. In 1992 Boutros Khawand, a prominent member of the Kata’ib party, was kidnapped from his house in the suburbs of Beirut and his whereabouts are not known. It is widely circulated that the Syrians detain him, probably in a detention center in Syria. Khawand is not the only detainee in Syrian prisons. While it is impossible to find out the definite number, the number making the rounds puts the detainees in Syria close to 200. Nothing is known about their where about or the reason for their detention or the duration of their imprisonment.

The government took no judicial action against groups known to be responsible for the kidnapping of thousands of people during the unrest between 1975 and 1990. In May 1995, Parliament passed a law allowing those who disappeared during the Lebanese War to be officially declared dead. The law stipulates that interested parties may declare as dead any Lebanese or foreigner who has disappeared in Lebanon or abroad and for whose disappearance death was the most probable explanation. Petitioners may apply for a court certification 4 years after a declaration of disappearance and may not benefit

from any properties inherited until 6 years after such a court certification. The law facilitates the resolution of inheritance claims and of second marriages.

The protracted Lebanese war and the occupation of Israel of the border strip for some 23 years ending in May 2000 lead to the arrest and detention by the Israelis and the South Lebanon Army of scores of people. The pull out and the negotiations that followed lead to the release of the bulk of detainees with the exception of a handful of Lebanese the Israelis claim to be common law criminals. Those detained by the Syrians on the Lebanese territories and transferred to Syria make different reading. The Syrian authorities find themselves under no pressure to disclose information concerning the detainees. The developments of 2005 turned the heat on the Syrians and many international committees and a national task force committee revived the issue and are pressing for a response. The unearthing of mass graves in December 2005 in the vicinity of Syrian intelligence quarters in Anjar triggered an international interest and calls were made for an international investigation effort.

#### **CAPITAL PUNISHMENT, DEATH UNDER TORTURE, AND PRISON CONDITIONS.**

Not acceding to the Optional Protocol No.2 (O.P.2) on the abolition of the death penalty is no excuse for the Lebanese government to handle lightly a basic right such as the right to life. (Many legal experts and human rights organizations urge the government of Lebanon to accede to O.P.2, not to mention the less controversial need to accede to O.P. 1. that empowers the citizen to file complaints against his government before the Committee). Article 6, para.2 of the International Covenant on Civil and Political Rights, which is binding, states that: "...sentence of death may be imposed only for the most serious crimes". Throughout the pre-Taif period (1943-1990) only 11 instances of applying capital punishment were recorded. In post-Taif Lebanon the situation is different. In 1994 President Hrawi announced: "the era of the gallows has begun.." His promise was not in vain. In a period of a little more than two years 12 persons were executed. President Lahhoud was equally inclined and a first attempt to carry out capital judgment was frustrated while the second in 2003 was successful and three persons were executed. The sentences, let alone the actual executions, raised a number of disturbing questions in the circles of jurists, lawyers and judges. In one case the defendant was clearly a psychopath requiring medical treatment. One of the three presiding judges on the bench openly dissented. Opponents of the capital punishment pinpointed irregularities in most of the other cases. What was greatly disturbing was the deletion of the provision of attenuating circumstances thus rendering capital punishment an automatic sentence for all cases of homicide regardless of the motives or circumstances. In the year 2004 the exceptional deletion of the attenuating circumstances was lifted.

The 1994 death of Tarik Hasaniyeh occurred allegedly under torture by authorities at Beiteddin Prison. In the same year Fawzi al Rasi died while in custody, and it was widely rumored that he met his death under torture.

In 1994 the security forces arrested four Iraqi diplomats assigned to Beirut and charged them with the murder of an Iraqi dissident. According to press reports the four Iraqis admitted their guilt but no trial was held throughout the period of detention. Three were released in February 1996 while the fourth died in prison. The detention of the Iraqi diplomats was an obvious violation of the Vienna Convention.

There continued to be credible reports that Lebanese security forces used torture on some detainees. In January 1996 some members of Parliament accused the Internal Security Forces of torturing detainees by beating them, especially during interrogation, and called on the Ministers of Justice and Interior to investigate. At least one prisoner reportedly suffered paralysis as a result of security force violence during interrogation. The authorities charged three policemen, but the case is still pending.

Torture is not restricted to the police. In fact, cases of police torture are less widespread and infinitely lighter than those reported in the places of detention of other security organs such as the Military Intelligence, and the general Security in the case of the foreigners, especially nationals of Africa and Asia.

Abuses also occurred in areas outside the state's authority, especially in the Palestinian refugee camps. The various Palestinian groupings, especially the "Ten Allied" with Syria, control much of the camp population and administer their own justice against their opponents.

Prison conditions are poor and do not meet the internationally- recognized minimum standards. There are only 18 operating prisons with a total capacity of 2000 inmates. Conservative figures set the number over 5000 (the occasional detainees not included). The most acute problem is overcrowding and the inevitable consequence of locking people together with little or no regard for age and health. For example, the Zahle prison for males consists of 4 rooms with a total of 194 prisoners. Of the 142 juvenile detainees in prison, only 9 were charged; the others are awaiting trial. The other acute problem is that of hygiene. It is reported that the cells lack heating and a shortage of toilet and shower facilities is detected.

In addition to the regular prisons, the General Security, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, have been detained pending deportation. They are reportedly held in small, poorly ventilated cells. Yet in the year 1999 an impressive improvement was implemented by the Security General. More decent and comfortable centres were arranged for the foreign detainees until a solution is found. A fairly well equipped centre is in Mazraat Yashou'. The lack of cooperation on the part of the states the national carry their passports makes it unfair to blame the Lebanese General Security for the tragic living conditions of the detainees.

Hizbullah detains suspected agents at locations within their controlled areas. The conditions of detention are subject to no scrutiny by official, local or international organs.

The government does not permit prison visits by human rights monitors.

In the year 2005 the four senior security officers; Generals, Sayyid, Hamdan, Azar and Hajj were detained. The initial reports revealed measures judged by the FHHRL to be degrading. The intercession and protests prompted the authorities to reconsider the whereabouts of detention and moved the four officers to Roumieh Prison, a more compatible place with the international standards..

#### **NATURALIZATION**

In 1994 the government issued a Naturalization Decree. This two-line decree followed by the list of beneficiaries increased the total population of Lebanon by 8 to 10 percent. The question of naturalization is a long-standing problem in Lebanon dating back to the 1920s. The anomaly of stateless persons in Lebanon had at some point to be addressed. However, this 1994 solution of the naturalization issue created, according to some critics, a new set of problems. The selection of persons to be naturalized was largely arbitrary. While the problem of the stateless was settled, a good majority of those naturalized, as indicated in the Decree itself, are possessors of non-Lebanese nationalities (not just Syrians). This arbitrary naturalization unfairly disrupted the delicate demographic balance among the various Lebanese religious communities. Moreover, the registration of these newly naturalized in carefully selected districts throughout the country upsets the balance of electoral voter lists, a problem that was evident in the summer 1996, 2000 and 2005.

#### **RIGHTS OF SPECIAL GROUPS**

The gay and lesbian community is not recognized by the Lebanese law and is still harassed by the police. Homosexuality is punishable by imprisonment regardless of age and circumstances. Many file for asylum in the European countries and some are granted their request.

In the mass demonstrations of the Spring of 2005 a reasonable number of the gay community and their supporters made a bold show. No reports reached the FHHRL of harassment of any kind during or following their come out in the open.

#### **THE HUMAN RIGHTS MOVEMENT IN LEBANON.**

Several human rights groups operate in Lebanon. An extremely reduced number is recognized by the Ministry of Interior while the bulk are either not registered or registered not as societies but as corporate organizations. The attitude of the government towards these groups is not uniform.

A positive development was registered in the year 1999. On November 29,1999 Amnesty International circulated a statement under the title "Lebanon President welcomes Amnesty International office in Beirut" .The statement, while praising "the support and encouragement we have received for the proposal from the highest authorities in Lebanon, from human rights activists and from various

representatives of civil society,” added that “the Lebanese authorities have given the go-ahead to set up a regional office for Amnesty International in Beirut.”

#### **LEBANON AND THE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

Lebanon adhered and became a party to a number of international instruments on human rights, most of which are related to labor. In 1972 the Lebanese government acceded to the two covenants of 1966 while in 1997 acceded to the International Covenant on the rights of women. In the year 2000, after a protracted delay, the Lebanese government adhered to Covenant against torture which was signed by 101 states and was enacted as of June 26, 1987.

In 1999 Lebanon joined a number of states in the “Interpretative Declaration” which stated the attitude of 28 states on the rights of human rights activists. The “Interpretive declaration” over and above the fact that is devoid of any legal significance, emptied the agreement of its main contents. The embarrassing fact is that no one of the 26 signatories of the “Interpretative Declaration” is known to be a democracy while 14 out of the multitude are Arab countries.

The Bar Associations of Beirut and Tripoli are displaying increasing interest in the International Criminal Court. A concerted effort between the two and a number of human rights organizations, the FHHRL included, aim at convincing the Lebanese authority to adhere to the Rome Statute of 17 July 1998

Lebanon is behind on many of its commitments to report to the UN related committees. The government report on the discrimination against women is long overdue. The government sources state that the report is ready and is undergoing its final touches.

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## **SECTION TWO SOCIAL AND ECONOMIC RIGHTS**

### **WORKER RIGHTS**

All workers, except government employees, may establish and join unions and have a legal right to strike. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons form the active labor force, 42 percent of whom are members of the Unions, with about 200,000 workers, are represented in the General Confederation of Labor.

The unions in Lebanon are not government institutions. However, the union leaders supply convincing evidence of the security organ's intervention in elections of union officials. In post-Taif Lebanon the Ministry of Labor issued permits for pro-government unions to form a labor federation in a bid to weaken the General Confederation of Labor.

Palestinian refugees may organize their own unions, but restrictions on their right to work make this right more theoretical than real. Few Palestinians participate actively in trade unions.

Unions are free to affiliate with international federations and confederations, and they maintain a variety of such affiliations.

The right of workers to organize and to obtain bargains exists in law and practice. Most worker groups engage in some form of collective bargaining with their employers. Stronger federations obtain significant gains for their members, and on occasion have assisted non-unionized workers. There is no government mechanism to promote voluntary labor-management negotiations, and workers have no protection against anti-union discrimination. The Government's ban on demonstrations diminished the union's bargaining power.

Law does not prohibit forced labor. Children, foreign domestic servants, or other foreign workers are sometimes forced to remain in situations amounting to coerced or bonded labor.

The 1946 Labor Code stipulates that workers between the ages of 8 and 16 may not work more than 7 hours per day, with 1 hour for rest provided after 4 hours. They are also prohibited from working between the hours of 7 p.m. and 6 a.m. There is a general prohibition against "jobs out of proportion with the worker's age." The Code also prohibits certain types of mechanical work for children of ages 8 to 13 and other types for those of ages 13 to 16. The Labor Ministry is charged with enforcing these requirements, but the ministry does not rigorously apply the law.

The Government sets a legal minimum wage, which was raised in April 1996 to 300,000 L.L (about \$200US), per month. The law is not enforced effectively in the private sector. In theory the courts could be called upon to enforce it, but in practice they are not. The minimum wage is insufficient to provide a decent standard of living for a worker and family.

The Labor Code prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice workers in the industrial sector work an average of 35 hours per week, and workers in other sectors work an average of 30 hours per week. The law includes specific occupational health and safety regulations. Labor regulations call on employers to take adequate precautions for employee safety. Enforcement, the responsibility of the Labor Ministry, is uneven. Labor organizers report that workers do not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment.

### **SOCIAL DISCRIMINATION**

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism." In practice, aspects of the law and traditional mores discriminate against women. Religious discrimination is built into the electoral system. Discrimination based on the other listed factors is illegal.

## **WOMEN**

The press reports cases of rape with increasing frequency; what is reported is thought to be only a fraction of the actual number of this abuse. There are no authoritative statistics on the extent of spousal abuse. Most experts agree that the problem affects a significant portion of the adult female population. In general, battered or abused women do not talk about their suffering for fear of bringing shame upon their families or accusations of misbehavior upon themselves. Doctors and social workers believe that most abused women do not seek medical help. The government has no separate program to provide medical assistance to battered women. It does not provide legal assistance to victims of crimes who cannot afford it, regardless of the gender of the victim.

A positive development in the case of battered women, including wives, is setting up at least one NGO which offers refuge, medical, psychological and legal assistance to the victims. This type of violation was beamed on the TV and helped in promoting awareness.

In February 1999 an important amendment was voted by the parliament in favor of women. The exemption from punishment in the case of a male killing a female ascendant, descendent or sister when discovered in a compromising situation is deleted. The legal system remains discriminatory in its handling of "crimes of honor." This type of murder still benefits of attenuating factors. A positive development on the social level was registered in the late summer of 1999 when a man brutally killed his teenage daughter. The attitude of his village was very hostile to him and, when acting the murder, the police force had to intervene to save him from wrath of his society.

Prostitution is punishable by law. The definition of prostitution is vague and allows for abuse. Cases were reported of couples who were subjected to police interrogation on charges of prostitution for just being alone in an apartment. There is no distinction between prostitution and the profession of bar maids and the line between the two is misty. Mixing up between the two professions does not do justice to bar maids proper. It should be added that hookers, being outside the protection of law, remain an ideal subject of all kind of social sexual and police abuse.

It should be noted that in 1994 the Parliament removed a legal stipulation that a woman must obtain her husband's approval to open a business or engage in a trade.

Only males may confer citizenship on their spouses and children. This means that children born to Lebanese mothers and foreign fathers may not become citizens. In late 1995, the Parliament passed a law allowing Lebanese widows to confer citizenship on their minor children. Children born out of wedlock to a Lebanese mother are entitled to her nationality.

Religious groups have their own family and personal status laws administered by religious courts. Each group differs in its treatment of marriage, family, property rights, and inheritance. Almost all these laws discriminate against women. Women are not treated on par with men when it comes to their rights as wives, mothers, or divorcees. By and large, their inheritance rights in the Muslim law are half that of the male.

## **CHILDREN**

There are few legal and far less practical protections of children in Lebanon. Despite a bill in March 1998 making education compulsory for the first seven forms, the measure is not yet enforced and many children take jobs at a young age to help support their families. In lower income families, boys generally get more education. The reason is not just the nation-wide economic recession but equally social attitudes which favor the males. As a consequence of both factors, a growing number of girls are withdrawn from schools and enter the work market or remain at home.

An undetermined number of children are neglected, abused, exploited, and even sold to adoption agencies. There are hundreds of abandoned children in the streets nationwide, some of whom survive by begging, others by working at low wages. According to a UN Children Fund (UNICEF) study, 60 percent of working children are below 13 years of age and 75 percent of them earn wages below two-thirds of the minimum wage. Juvenile delinquents wait in ordinary prisons for trial and remain there after sentencing. Although their number is very small, there is no adequate place to hold delinquent girls, and they are currently held in the women's prison in Baabda. Solid reforms were introduced in 1999; the juveniles were moved into a special section completely separated from the main complex, a rehabilitation centre is active in Baysour while in the later part of 1999 a centre to look after the

children rounded up from the streets of the capital was established in Kahhale. For its part, the Higher Relief Committee allotted some funds to the Association for the Protection of Juveniles to lease a two-story building in Ba'asir in order to accommodate 50 juvenile delinquents in 1998 and 65 in 1999. Another centre in Fanar with 25 children should also be mentioned.

Two extremely shocking cases were out in the open in the year 1999. In the earlier part of the year Fatima al Jasim, a child below 10 of age was brutally tortured by the house lady where she worked. The press and a number of NGOs campaigned against the perpetrators and the court sentenced the employer.

In the late summer of 1999 Khodr Kanjo, a boy of 6 need medical care for injuries inflicted on him. It turned out that the child was a victim of repeated sexual abuse by his uncle who displayed sadist tendencies.

In the ensuing years including 2005 no similar cases were reported.

There are neither child welfare programs nor government institutions to oversee the implementation of children's programs. A score of NGOs are active in the field of children rights and protection. The Committee for Children's Rights has been lobbying for legislation to improve the conditions of children. The Parliament passed a law to drop the use of the word "illegitimate" on the identity cards of children born out of wedlock. The Ministry of Health requires the establishment of health records for every child up to 18 years.

#### **PEOPLE WITH SPECIAL NEEDS**

Over 100,000 people sustained disabilities during the Lebanon war. Care of the disabled is generally a function performed by families. Most efforts to secure education, independence, health, and shelter for the disabled are made by some 100 private organizations for the disabled. In general, these organizations are poorly funded.

Building requirements have no specifications for ease of access. However, the private "Solidere" project imposed requirements for disabled access.

#### **NATIONAL MINORITIES (PALESTINIANS)**

Most non-Lebanese refugees are Palestinians. The United Nations Relief and Work Agency (UNRWA) reported that the number of Palestinian refugees in Lebanon registered with UNRWA was 352,668 as of June 30, 1996. The government estimates the number of Palestinian refugees at 361,000, but this figure includes only the families of refugees who arrived in 1948. Reliable sources estimate the Palestinians residing in Lebanon to be around 200,000 as no less than 150,000 have left for destinations in the Arab world, west and north Europe, Australia and the Americas.

The government issues laissez-passer (travel documents) to Palestinian refugees to enable them to travel and work abroad. However, after the government of Libya announced in September 1995 its intent to expel Palestinians working in that country, the Lebanese authorities moved to prohibit the return of Palestinians living abroad unless they obtain an entry visa. Many Palestinians were unfairly stranded for some time until a solution was worked out later that year.

The government seeks to prevent the entry of asylum seekers and undocumented refugees. There have been no known asylum requests since the status was granted to a Japanese member of the Red Brigade in the late 1990s. There are legal provisions for granting asylum or refugee status in accordance with the 1951 Convention relating to the status of Refugees and its 1967 Protocol. There is a checkered record of cooperation between the Lebanese government and the office of the United Nations High Commissioner for Refugees (UNHCR) and (UNRWA).

Most Palestinian refugees live in overpopulated camps that have suffered heavy damage as a result of the fighting. The government has instructed relief workers to suspend reconstruction work in the camps and refugees fear that in the future the Government will reduce the size of the camps or eliminate them completely.

The government officially ended the practice of job discriminating against the Palestinians. As of 2005 the Palestinians are entitled to exercise all jobs offered on the market thus ending a discrimination that denied the Palestinians the right to perform 72 jobs. The Palestinians, in accordance with the law of Foreigner Ownership of Real Estate, have no right to immovable property. The bill generated criticism from the FHHRL and other human rights groups for its discriminatory nature. The government does not provide health services to Palestinian refugees, who must rely on UNRWA and UNRWA-contracted private hospitals.

In recent years, Palestinian incomes have declined as the Palestine Liberation Organization (PLO) closed many of its offices in Lebanon, which formerly employed as much as 50 percent of the Palestinian work force. Palestinian children have reportedly been forced to leave school at an early age because UN relief workers do not have sufficient funds for education programs. The UN estimates that 18 percent of street children are Palestinian. Drug addiction and crime reportedly are increasing in the camps, as is prostitution.

The main victims of arbitrary arrest, detention, and harassment by the state security forces, the Syrian security, the various militias and the rival Palestinian organizations are the pro-Arafat Palestinians. In the Palestinian camp of 'Ayn al Hilweh, where the pro-Arafat Palestinians enjoy relative security, assassination of opponents is more common than their arrest.

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## SECTION THREE

### THE ENVIRONMENT

The public awareness of environmental issues is relatively new compared to other developing nations. Until recently, the notion of sustainable development, the right of people to know about the consequences of development in their neighborhoods, cities, and towns, the right of people to participate in the decision making process for such development was almost non-existent. Environmental activism was to the Lebanese public some occasional campaigns to plant trees along major highways, or cleanliness campaigns to pick up trash sitting in the streets.

With the proliferation of environmental NGOs in the country, the awareness situation is changing although at a very slow pace. The public generally now realizes the direct correlation between environmental degradation and public health. Air pollution from cement factories, and electric power generation plants is being directly linked to respiratory problems while ground water pollution is a function of the lack of sewer networks and wastewater treatment plants. It was the environmental activists who were behind the government's declaring three protected areas for biodiversity preservation.

The situation is totally different at the decision making level. The government development policy-making process is severely centralized and held in the hands of a few politicians with interests conflicting with those of the public. Almost all development projects from zoning laws to highway design are planned and implemented with no prior environmental impact assessment. Decisions, even when made with public interest in mind, are made on antiquated assessment methods, mainly, the more concrete poured the more viable is the development.

In the 1990s harassment, detention (though short), and occasional beating and threats, have become an occupational hazard for environmentalists. Pierre Malychef, a pharmacist in his seventies, was summoned before a judge in 1995 and was charged with "compromising Lebanon's international reputation" by his releases warning of the presence of toxic barrels in various parts of Lebanon. The interrogation lasted 9 hours but Malychef was allowed to return home seven days later. Muhammad Sareji was physically assaulted by thugs he accused of acting by instruction of the chief of police in Sidon, and spent two days in hospital for his attempt to save marine life in Sidon. His efforts were not on vein. Stiff penalties are meted to those who use dynamite in fishing.

More serious issues were disclosed on the National Environment Day (16 November) 1998. Nabil Soubra, the president of the League for the Development of Municipal Work in Beirut, described air pollution as the "silent killer," with key sources in the capital being the traffic and lack of green space. Soubra described open spaces in Beirut as the lowest among the world's capitals, with just 600,000 square meters of open space, including the Pinewood (Horsh). Whereas the United Nation stipulates that each person requires 40 square meters for a healthy environment, Beirut's rate lies as low as 0.8 square meters per person, the English language Beirut daily, the Daily Star, reported Soubra as saying.

It can be asserted that integrated development policies are lacking in all major areas among which are:

- (a) The economic value of environmental protection such as the benefits in terms of eco-tourism to clean beaches, healthy air, and protected forests.
- (b) The lack of participation on the part of the general population through local government institutions is robbing the country of valuable human resources available and willing to participate in environmental protection.
- (c) Lack of sound management in water resources is causing a major loss to GDP whereby surplus resources which could be sold to more needy areas of the Middle East in return for a major increase to national income are being wasted out to sea, or spoiled as a result of pollution.

It is important to note that a World Bank assessment issued in January of 1966 estimated the net loss due to health problems caused by air pollution and the impacts of bad water quality, and bad wastewater management to be in the order of \$300 million annually. Losses would be much higher when all environmental losses are incorporated into the calculation, particularly in the area of tourism losses due to prevailing environmental conditions.

This background remains valid for the year 2005. In fact the following quick rundown indicate unjustified deterioration:

- No measures were taken to protect woods from the seasonal fire that breaks in September of each year.
- Natural sites, water sources, and air remain unprotected.
- While some quarries are closed down or organized, the bulk of this devastating activity continues unchecked.
- Hunting was controlled for a couple of years in the mid 1990s. In the past two years all restrictions, in actual fact, were lifted. A marked drop in the wholesale shooting of birds dwindled in the Fall of 2005. The fear of bird flu, and not stern government measures, is the reason.
- After a promising start in treating garbage and waste a decline in waste treatment was recorded.
- Fuel oil was restricted to trucks and certain transport vans thus reducing an over a decade of major pollution by small cars running on outdated engines on fuel oil. A welcome measure was introduced two years ago to implement forced engine and vehicle inspection. No irregularities or corruption in the inspection is reported.
- A set of fertilizers and insecticides which are banned in many countries are still allowed in Lebanon.
- Little is done to build sewage networks, which are lacking almost everywhere in Lebanon, and little was done to improve the existing few.

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# LEBANON

## Torture and ill-treatment of women in pre-trial detention: a culture of acquiescence

### 1 INTRODUCTION

Women arrested in Lebanon risk torture and ill-treatment at the hands of law enforcement institutions especially during pre-trial detention<sup>1</sup>.

Widespread torture or other ill-treatment of women detainees, especially those accused of major criminal offences, takes place in police stations. Women in pre-trial detention are routinely held in incommunicado detention and coerced to confess guilt or testify against themselves at a time when they lack the protection of the law. Women accused of political offences have also been tortured or ill-treated. Another vulnerable category of women are migrant workers, who have frequently been subjected to torture and ill-treatment in detention.

Amnesty International has in the past researched and documented torture<sup>2</sup> inflicted on political detainees, especially those belonging to unauthorised political groups including Islamist political activists and supporters of the Lebanese Forces. There is insufficient protection for those under interrogation:

- Detainees are frequently held incommunicado immediately after arrest without access to family, lawyers or the outside world;
- Neither the prosecutor's office nor the judiciary practises a proper oversight to ensure that detainees are humanely treated;

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<sup>1</sup>Article 7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines "torture" as Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.®

<sup>2</sup>See, for example, the report *Lebanon: Human Rights Developments and Violations* (AI Index: MDE 18/19/97).

- Detainees are not brought immediately before a judge and examining magistrates fail to investigate allegations of torture;
- When a case comes to court torture allegations are not investigated and many trial judges convict on the basis of uncorroborated evidence extracted under duress.

However, women detainees, most of them detained for common law offences, who represent around 4.7 per cent of the total prison population in Lebanon, are caught in a network of discrimination which often makes them particularly vulnerable to torture and ill-treatment, including to specifically gender-based violations.

- Gender-based violations and other torture and ill-treatment of women are facilitated by the fact that police stations are staffed by male personnel and there are no women interrogators. Police lack training and disregard or abuse the particular needs of women.
- Women are more likely to be deserted by their families when they are accused of criminal offences.
- Female migrant workers, usually domestic workers, are particularly vulnerable as they often do not understand Arabic and are held separately from Lebanese women, who might be able to offer them some help. They have frequently suffered violence in the workplace, only to suffer additional abuses when seeking police protection.
- Many lawyers and some judges are women. Many male lawyers are sympathetic to women detainees and show awareness of gender sensitive issues. However, a number of women have been defended by male lawyers and judged by male judges who have had no training in gender sensitivity and no awareness of the special needs of women.

The Lebanese Constitution prohibits torture and ill-treatment and safeguards contained in both Lebanese penal law and the Constitution are intended to protect the integrity of the detainee. However, violations continue to be carried out with impunity and in contravention of national laws and international treaties. Lebanon has ratified the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the UN Convention on the Rights of the Child (CRC). Under the terms of these treaties Lebanon has an obligation to incorporate the safeguards they contain into law and implement them fully in practice.

Apart from torture or ill-treatment in detention, women risk other forms of gender-based violence at the hands of law enforcement institutions and in the community<sup>3</sup>. Certain types of violence against women, including gender-based killings, or what are often described as “honour” or “family killings” remain common in Lebanon and the perpetrators commit them with near impunity knowing that they are protected by the Government whose acquiescence may be seen as condoning such crimes<sup>4</sup>.

Some Lebanese laws, including provisions contained in the penal, personal status and employment legislation, are discriminatory against women, and thus fall short of international standards on women’s rights such as the CEDAW. For example, whereas lenient sentences are imposed on men committing “honour killings”, women convicted of adultery are given harsher sentences than men who commit adultery. In 1997 the Human Rights Committee<sup>5</sup> expressed concern about the discrimination against women in Lebanon both in law and practice and called on the Lebanese authorities to take “appropriate action to ensure full legal and de facto equality for women in all aspects of society”<sup>6</sup>. Lebanon has ratified CEDAW with reservations which effectively allow for discrimination against women as regards the guardianship, wardship, trusteeship and adoption of children; and personal rights including the right to choose a family name, a profession and an occupation.

### **1.1 Amnesty International’s Methodology**

This report concentrates on Amnesty International’s concerns on torture in pre-trial detention-concerns which have been raised in previous reports, public statements and letters to the Lebanese authorities. The report sheds light on violations against three categories of women

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<sup>3</sup>“Violence against women” is defined by the United Nations Declaration on the Elimination of Violence Against Women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

<sup>4</sup>Other types of violence against women in the community include domestic violence. Studies on domestic violence and “honour” killings sponsored by the Lebanese Association for Combatting Violence Against Women (LACVAW), one of the national human rights groups campaigning against gender-based violations, show an increase in the occurrence of these two crimes. In 1995-1998 36 women were killed as a result of family crimes, sometimes referred to as crime of “honour”, according to study titled “*Honour Crimes: A Jurisprudential Study*” co-authored by Fadi Mughayzil and Mirella ‘Abd al-Satir and published in 1999 by Joseph & Laure Mughayzil Foundation.

<sup>5</sup>The Human Rights Committee, a body of 18 experts, monitors the implementation of the ICCPR and its optional protocols. States parties to the ICCPR are required to submit periodic reports to the Human Rights Committee on their implementation of the ICCPR.

<sup>6</sup>Concluding observations of the Human Rights Committee: Lebanon, CCPR/C/79/Add.78, para. 19, 1997.

detainees: political prisoners, common law offenders, and migrant workers. Amnesty International's research shows that safeguards laid down in law are insufficient and are also frequently breached in practice in a culture of acquiescence tacitly accepted by the police, prosecutors, judges and the authorities at large. Officers designated to enforce the law sometimes carry out torture with impunity and those appointed to administer justice fail to prevent this treatment and may even, by failing to investigate allegations of torture, actually appear to condone it. The findings of this report, in particular the culture of acquiescence which fails to ensure that existing safeguards are adhered to, are valid for all detainees.

In its research for this report, Amnesty International has held interviews over several years with victims and their families, lawyers, doctors, human rights and women's rights activists and organizations, academics, journalists and members of the Lebanese judiciary including the prosecutor's office. In September 2000 Amnesty International delegates visited Ba'abda and Tripoli Women's Prisons<sup>7</sup> and interviewed women about their experiences from the moment of arrest until they were brought to trial. These interviews were - for the purpose of objectivity - focussed on pre-trial procedures and there was no initial focus in the discussion with women detainees on torture or ill-treatment. All the women appeared to have suffered from some violations in criminal procedure during their pre-trial detention and approximately half of them reported that they had suffered serious ill-treatment or torture. Further research was then carried out with lawyers, families, social workers, and other witnesses which corroborated most, but not all, testimonies.

In presenting this report Amnesty International hopes to contribute to the on-going debate within Lebanon and promote changes in the Code of Criminal Procedures (CCP) already under discussion. Since 1999, the Bar Associations in Beirut and Tripoli have worked with officials of the judiciary and the Government on a much delayed project to revise the CCP. As a result a draft CCP was presented to the Parliament in March 2001 and subsequently approved. However, when presented to the President of the Republic for final approval it was returned to Parliament with some reservations. It is still pending final approval by Parliament.

## **1.2 Lebanese Initiatives for the Protection of Women's Rights**

Lebanon has a vibrant and outspoken civil society with many active non-governmental organizations (NGOs) which campaign for human rights, including women's rights. Women, who are active in public life, though still tacitly discriminated against, have campaigned vigorously for decades for their full rights and against discrimination and violence. Amnesty International has followed these initiatives and carried out its own activities in cooperation with women's NGOs,

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<sup>7</sup> Amnesty International acknowledges the access to women's prisons facilitated by the Lebanese prosecutor's office and the cooperation of Government officials, including members of the security services, who have discussed concerns with the organization and otherwise facilitated their work.

academics and journalists. These included a seminar in November 1999 entitled "Towards Making Women's Rights a Reality: The Case of Lebanon" (AI Index: MDE 18/17/00), jointly organized with the Institute of Women's Studies in the Arab World at the Lebanese American University in Beirut, and an exhibition on violence against women in March 2001.

Relatively few women's NGOs work in the area of redress for women in detention, either because of their focus on other areas of discrimination against much larger numbers of women than those who suffer arrest and detention, or because of the difficulty of access to such women. However a number of women's organizations and other groups and individuals do work, often in cooperation with Lebanese Government departments, to improve the appalling treatment of women in police stations and prisons and to address the failures of the system described here. They include Beirut-based Dar al-Amal, which operates rehabilitation and re-integration programs; the Lebanese Association for Combatting Violence Against Women (LACVAW); and the Caritas Centre for Migrants, which provides assistance for migrant workers in prison.

In May 2001 members of the Parliamentary Human Rights Committee (PHRC) and the Parliamentary Committee on the Rights of Women and Children (PCRWC) visited all women's prisons in Lebanon. An earlier visit in February 2000 by Andrée Lahoud, the wife of President Lahoud, highlighted inhumane conditions in Ba'abda Prison where prisoners spoke of the torture or other ill-treatment they had suffered. The international organization, Penal Reform International (PRI), has for several years been working with the Lebanese Government in the field of prison reform, visiting prisons, holding important seminars and visiting prisons, including women's prisons.

## **2 TORTURE AND ILL-TREATMENT OF WOMEN IN CUSTODY**

In Lebanon large numbers of women held in pre-trial detention in the custody of police, the general security and the military intelligence face the risk of being tortured and ill-treated while held in prolonged incommunicado detention, sometimes for as long as several weeks, without access to lawyers or being brought before a judge. Amnesty International's research shows that women detainees held on charges of a political nature including "collaboration" with Israel, and criminal offences such as murder and drug dealing appear to be most at risk of torture or ill-treatment so that they may be coerced to confess guilt or testify against themselves at a time when they lack the protection of the law.

Women are at particular risk of suffering gender-specific torture or other ill-treatment. All the detention centres in Lebanon are operated by male staff and there are no female police officers in the country. In addition, there are no separate detention centres for women held in pre-trial detention, as required by international standards. According to the UN Standard Minimum Rules for the Treatment of Prisoners (Rules 8(a) and 53), women in custody should be held in a designated section of the same institution or in a separate institution staffed and

supervised by female staff, and no male staff should enter the part designated for women without being accompanied by a female member of staff. Female staff should be present during the interrogation of female detainees and prisoners and should be solely responsible for conducting body searches (Human Rights Committee, General Comment 16, para. 8)

Violations against women may also be linked to lack of awareness within the law enforcement institutions of gender-sensitive issues and the importance of gender-sensitive training for law enforcement staff. Article 4(h) of the Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly on 20 December 1993, calls for the state to provide such training, and Rule 23(1) of the Standard Minimum Rules calls for the provision of facilities for pre-natal and post-natal care and treatment must be provided in institutions where women are held in custody.

The following forms of gender-specific torture or other ill-treatment have been identified in testimonies of victims collected by Amnesty International:

- Rape and attempted rape
- Insertion of objects into the body
- Beating by solid objects and burning of cigarettes on sensitive parts of the female body
- Forcible stripping and exposing of sensitive parts of the female body by male guards
- Use of sexually abusive language
- Psychological torture including torture of relatives in front of or in the hearing of female detainees
- Constant invasion by male guards of female privacy
- Deprivation of access to female-designated toilets
- Denial of access to women's hygiene and medication
- Lack of adequate facilities for pregnant women.

Gender-specific torture or other ill-treatment is frequently under-reported by women who do not want to expose the "shame" they may have suffered to the outside world or even to their families. However, in one case detailed on pages 19 political prisoners Huda Yamin, Lina Ghurayeb, and Muna Shkayban, spoke in public in 1994 about the gender-specific torture they were subjected to while held incommunicado at the Ministry of Defence Detention Centre.

Non-gender-specific techniques of torture or other ill-treatment used against women includes, but is not confined to, the following:

- *Farruj* (chicken) where the victim is strapped to a revolving wooden bar resembling a roasting spit and beaten with sticks
- *Dullab* (tyre) which involves hanging the victim from a suspended tyre and beating
- *Falaqa* or beating on the soles of the feet

- Beating by solid objects
- Extinguishing cigarettes on parts of the body
- Use of abusive language
- Deprivation of sleep
- Deprivation of food
- Prolonged solitary confinement
- Restriction of movement or position abuse, including forcing the victim to sit still in one place for hours
- Use of violent interrogation techniques, including yelling and shouting
- Intimidation
- Denial of access to medication

According to Article 12 of the UN Declaration on the Protection of All Persons from being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment “[a]ny statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in the proceedings”. In addition the Human Rights Committee has stated that “... the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment”<sup>8</sup>.

Amnesty International in the past raised with the Lebanese authorities, allegations of torture of women in pre-trial detention including the case of Antoinette Chahin<sup>9</sup> who was tortured during her pre-trial detention while she was held in connection with the murder of a priest. But despite the fact that a court acquitted Antoinette Chahin in 1999 after five years of incarceration, the Lebanese authorities have not yet made any attempts to bring those involved in her torture to justice - Article 401 of the Penal Code prohibits torture and provides for punitive measures against officials found responsible for torture or ill-treatment - nor have they provided reparation for the injuries caused or the post-traumatic stress she suffers until now. Furthermore, torture and ill-treatment continued with impunity despite the concerns raised by the Human Rights Committee in 1997 with the Lebanese authorities over "well substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, Lebanese security forces and ... the occurrence of arbitrary arrest and detention, searches operated without warrants, abusive treatment of individuals deprived of their liberty,

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<sup>8</sup>Human Rights Committee, General Comment No. 20. (12)

<sup>9</sup>See *Lebanon: Antoinette Chahin: Torture and Unfair Trial* (AI Index: MDE 18/16/97)

and violations of the right to a fair trial"<sup>10</sup>. No investigations appear to have been made following its call on the Lebanese Government to "investigate the credible allegations of instances of ill-treatment and torture which have been brought to the Committee's attention"<sup>11</sup>.

### **3 CRUEL AND INHUMAN PRISON CONDITIONS**

There are four women's prisons in Lebanon located in Ba'abda, Tripoli, Zahle in the Beqa'a, and in Barbar al-Khazen in Beirut. Conditions in all four institutions may amount to cruel, inhuman and degrading treatment. There are serious shortcomings, particularly regarding a large number of sick prisoners who are not receiving adequate medical attention and are held in conditions falling short of international standards, including the Standard Minimum Rules, as well as provisions of Lebanese law. Conditions in these institutions, especially as regards hygiene, sanitation, and ventilation, are said to be seriously inadequate. Dormitories are overcrowded<sup>12</sup> and damp, leading to serious health hazards including infestation by insects. For example, in Ba'abda prison more than 40 detainees are held in such conditions in four rooms well beyond their original capacity. Detainees are reportedly locked up most of the time. They have no access to beds and sleep on the floor using sponge mattresses. The prisons visited by Amnesty International delegates, Ba'abda and Tripoli Prisons, were formerly residential apartments and prisoners had no access to fresh air or exercise.

Furthermore, women of different age groups, including children, are held in the same place, and there are no adequate facilities in women's prisons for catering for the needs of pregnant detainees and those with children. The treatment of women detainees by the authorities, including during pregnancy and childbirth, thus fall short of Lebanon's obligations to respect the inherent dignity of the human person as provided by the ICCPR and the Standard Minimum Rules (Rule 23).

Recently the Lebanese authorities have started to take seriously calls by NGOs and members of parliament for the improvement of prison conditions. The visit in May 2001 by members of the PHRC and the PCRWC of all prisons in Lebanon, including women's prisons in Ba'abda and Barbar al-Khazen, called on the Government to take immediate action to rectify the "appalling situation" in these institutions. The Chairperson of the PCRWC and member of parliament, Naila Mu'awwad, described women's prisons in Ba'abda and Barbar al-Khazen as

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<sup>10</sup>Concluding observations of the Human Rights Committee: Lebanon, CCPR/C/79/Add.78, para. 16, 1997.

<sup>11</sup>Ibid

<sup>12</sup>In May 2001 the prison population in Lebanon stood at 7,328, out of whom 4,843 were pre-trial detainees and 2,350 were serving prison sentences.

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"unfit for human beings". She referred to the Ministry of Interior's refusal to allow members of the media to accompany the delegation and said that the Lebanese people would have been "shocked" had they been exposed to the "reality of conditions" in women's prisons through the eyes of TV cameras. The Chairperson of the PHRC, Dr Marwan Fares, expressed concern at the large number of detainees awaiting trial for long periods and who may well be detained while innocent. He stated that conditions in the country's prisons are "deplorable" and warrant "immediate attention".

#### **4 LACK OF LEGAL SAFEGUARDS**

International treaties require states to guarantee minimum standards of detention and imprisonment and to protect every detainees rights while he or she is deprived of liberty. The right of all people deprived of their liberty to be treated humanely is protected by many international standards, including the ICCPR, which stipulates in Article 10(1) that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

However, although the Constitution, the CCP and other laws which govern pre-trial detention offer some important safeguards to protect detainees from torture and ill-treatment, in fact the failure to provide other essential safeguards, or to enforce in practice existing safeguards has led to a situation where violations of detention procedures, including the use of torture and ill-treatment, can and do happen. The continuing failure to investigate such violations and prevent their occurrence, contributes to a climate of acquiescence and allows those who commit these violations to continue to do so with impunity.

##### **4.1 Lack of access to outside world while in police custody**

Detainees' access to the outside world, including receiving visits is a fundamental safeguard against human rights abuses such as torture, and is vital to ensuring the right to fair trial. Access to families, lawyers, doctors, a judicial official and, if the detainee is a foreign national, to consular staff, are rights that should be guaranteed to all detainees. The UN Special Rapporteur on torture stated, "[t]orture is most frequently practised during incommunicado detention" and called for a total ban of incommunicado detention<sup>13</sup>. The UN Commission on Human Rights stated that "prolonged incommunicado detention may facilitate the perpetration of torture and can itself constitute a form of cruel, inhuman or degrading treatment" (Resolution 1997/38, para 20). Incommunicado detention may violate Article 7 of the ICCPR (prohibiting torture and ill-treatment) and Article 10 of the ICCPR (safeguards for people deprived of their liberty). Principle 19 of the Body of Principles states: "[a] detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be

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<sup>13</sup>Report of UN Special Rapporteur on Torture, E/CN 4/1995/434 para 926(d).

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given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations."

The main body concerned with the arrest and detention of accused persons are the judicial officers (*Dabita al-'adliyya, Police judiciaire*) who operate within the police and the gendarmerie and include other officials prescribed by Article 12 of the CCP. The *Dabita al-'adliyya* are under the jurisdiction of the Public Prosecutor's office (*Niyaba*), the examining magistrate (*Qadi al-tahqiq, Juge d'instruction*) and the Court (CCP Article 11). However, in fact the detainee in the police station is completely in the hands of the *Dabita al-'adliyya*. According to law this detention should last no longer than 24 hours but, with or without access to an examining magistrate, it may last longer.

During the time the detainee is in the hands of the *Dabita al-'adliyya* he or she is almost completely without access to the outside world, without the right to see a lawyer, family or a medical doctor. On some occasions doctors or lawyers have succeeded in gaining access to police stations to visit detainees, but this is rare. At present there is no obligation in law for the *Dabita al-'adliyya*, the *Niyaba*, or the police, to ensure that a detainee is examined by a medical doctor. Even if the detainee complains of torture before the *Niyaba* or the examining magistrate, neither official has an obligation to ensure that the detainee is examined by a doctor. Yet, this would not only provide protection for the detainee against torture and ill-treatment, it would protect the police from false accusations of physical torture.

Not only is the right of the detainee to see his or her family while in the police station not respected, there is currently no provision in law even for the family to be informed of the detention. When the detainee is arrested from home, the family will, of course, know, but if the detainee is arrested from the street or elsewhere the family may spend hours or even days trying to establish the whereabouts of their missing relative.

Those arrested in connection with political offences (particularly those accused of armed attacks or "collaboration" with Israel) may receive fewer rights than those charged with common law offences. *Al-Amn al-'amm* (General Security) operates in plain clothes and *Al-Mukhabarat al-'Askariyya* (Military Intelligence) carries out arrests, including of foreign nationals, accused of political offences. Many of those charged in connection with political offences are brought before the Military Court, the procedures of which fall short of international standards for fair trial.

#### **4.2 Lack of Access to a Judge**

Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release (Article 9(3) of the ICCPR). Both the CCP and the Constitution offer prompt access to a judge as one of the safeguards for the detainee immediately after

arrest. Since torture generally takes place immediately after arrest, the requirements in law that detainees must be brought to an examining magistrate within 24 hours (Article 102 of the CCP), and then have the right to a lawyer should, if implemented, be major safeguards.

Furthermore, if an examining magistrate is unable to interrogate the detainee within 24 hours, the *Niyaba* has an obligation to ensure that the detainee is brought before a judge; if this is not possible, the detainee should be released (CCP Article 102). Under CCP Article 103, if a detainee is not brought before the examining magistrate within 24 hours, the detention is considered an arbitrary act and the official responsible will be charged with deprivation of personal freedom under Article 368 of the Penal Code (PC).

The examining magistrate has the records of the interrogation of the defendant by the *Dabita al-'adliyya* and asks the detainee whether he or she acknowledges the truth of these statements.

On his or her appearance before the examining magistrate, the defendant may confirm or deny the statement given to the *Dabita al-'adliyya* and state whether duress was used. If so, the examining magistrate should record this. Immediately after the detainee has seen the examining magistrate he or she is normally transferred from the police station to prison and then can be visited by relatives; however, the examining magistrate may also forbid contact with family and the outside world for up to 10 days, renewable once only.

Amnesty International research shows that there are very few instances where women or other detainees were brought before an examining magistrate within 24 hours. Some detainees had stayed for days, weeks or even months in pre-trial detention. For example political detainees have recounted to Amnesty International delegates how they remained suffering torture in the Ministry of Defence for up to three months. In addition, there is no legal limit to the maximum period a detainee may be detained in pre-trial detention. The examining magistrate is empowered to renew the detention period indefinitely. For example, in Ba'abda women's prison, Amnesty International delegates interviewed a woman who had already waited eight years for her trial on charges of murder. They were told of another woman who was tried on murder charges after three years in prison and then acquitted. These examples are by no means unusual.

### **4.3 Lack of access to legal counsel**

All detainees should have prompt and regular access to a lawyer and to be brought promptly before a magistrate. These rights are guaranteed by international standards including Principle 7 of the Basic Principles on the Role of Lawyers and Principle 17(1) of the Body of Principles. Detainees who cannot afford to hire lawyers have the right under Article 14(3) (d) of the ICCPR to be assigned qualified counsel.

Under the CCP Article 70, the examining magistrate is required to tell the detainee of his or her right to be represented by a lawyer and the right not to answer without the presence of a lawyer; this must be recorded in the minutes of the proceedings, and indeed this is common practice. In cases where the defendant is unable to appoint a lawyer, the Legal Aid Committee of the Bar Associations provides legal assistance, otherwise the magistrate must appoint a lawyer. However, if the defendant refuses a lawyer or no lawyer appears within 24 hours of being contacted, the interrogation will continue (CCP Article 70).

The law provides that only one lawyer has the right to sit with the detainee during the examining magistrate's interrogation, and must remain silent unless the examining magistrate authorizes him or her to speak (CCP Article 72). If the defendant does not require a lawyer or fails to provide one, the judge may proceed. The current CCP does not provide for the accused person to have immediate access to a lawyer following arrest, yet this is the period when torture, ill-treatment or other violations are most likely to occur. The draft CCP currently before the Parliament addresses some of these shortcomings.

An additional legal deficiency is that proceedings before the examining magistrate are not nullified if the correct procedures are not observed and the accused is not informed of his or her right to a lawyer and therefore fails to have a lawyer present during the sittings.

There are many other difficulties for lawyers defending their clients. Although they have the right to confidential access to their clients, there is often no place they can meet apart from a bench in the lawcourt. The full file of the prisoner's case is frequently not provided to the lawyer who is also not permitted to see the record of the accused's cross-examination before the *Dabita al-'adliyya* nor the testimony of any witnesses. This violates the right of the accused to communicate with and meet with his or her lawyer in a confidential manner (Principle 22 of the Basic Principles on the Role of Lawyers and Principle 18 of the Body of Principles). Lack of access to the file and records by legal counsel obstructs the right of the defendant to prepare his or her defence properly (Principle 21 of the Basic Principles on the Role of Lawyers).

#### **4.4 Lack of protection against torture or ill-treatment in pre-trial detention**

"Under no circumstances may anyone charged with a criminal offence be compelled to confess guilt or testify against themselves" (Article 14(3)(g) of the ICCPR, and Principle 21(2) of the Body of Principles). It is also prohibited to use torture or ill-treatment in order to extract a confession.

The examining magistrate is obliged under law to inform an accused person of his or her rights and to ask whether any confession made before the *Dabita al-'adliyya* was made freely. It is at this stage that a defendant may complain of any torture which they may have suffered while in the police station. However, many detainees alleged that they were accompanied to the

examining magistrate by members of the *Dabita al-‘adliyya*, sometimes by the very people who had ill-treated or tortured them, and who threatened further torture if they spoke of any ill-treatment before the examining magistrate.

If the examining magistrate receives a report of torture in the police station, he or she must ensure that this is recorded in the minutes of the proceedings (which is usually, but not always, done). In addition the examining magistrate must discard such confessions made before the *Dabita al-‘adliyya* and proceed to a new interrogation. Yet, in a serious failure of law, there is no obligation on the examining magistrate to investigate the allegations by ordering an inquiry or even a medical examination - though he or she has the right to order a medical examination and sometimes does so. (However, if the examining magistrate fails to order a medical examination, the detainee has no recourse or appeal against this decision.) The maximum an examining magistrate may do under the law when allegations of torture are received is to send the case forward to the military courts, which should investigate any alleged offences committed by police officers. Thus, it is not surprising that neither officials nor lawyers were able to cite any case (except a case in Zahle in 1996) when officers of the *Dabita al-‘adliyya* had been tried for alleged violence to detainees in their custody<sup>14</sup>.

Although the *Niyaba* has the right to make inspection visits to police stations this is, in practice, rarely done. When human rights violations and possible torture were raised with the Prosecutor General, he told Amnesty International delegates in September 2000 that the *Niyaba* had the right to make inspection visits to all police stations and described a visit he had made to the Barbar al-Khazen Police Station with Bahij Tabbara (Minister of Justice 1992 -1998) after being informed that conditions there were extremely poor. He stated that, on the contrary, he had found conditions quite good. However, he agreed that neither he nor any member of his staff had made an inspection visit to any police station since that time, because of the lack of personnel in the prosecutor’s offices throughout the country.

## **5 CASE STUDIES**

### **5.1 Women accused of common law offences**

Amnesty International delegates visited female common law detainees in Ba‘abda and Tripoli Women’s Prisons in September 2000. They interviewed former female detainees, the lawyers of the women involved and other lawyers. The women were not asked specifically about ill-treatment or torture, but about the procedures of arrest and protection in their case. However,

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<sup>14</sup>When an Amnesty International delegate raised the Zahle case in 1997 with the Prosecutor General he said the judge in question was wrong in passing a judgement; instead he should have only referred the case to the Prosecutor General’s office so that they may order an investigation.

approximately half of the women interviewed alleged that they had been tortured or ill-treated in detention after arrest.

Women accused of common law offences often risk being abandoned by their relatives and this means, among other things, that they cannot secure the financial means needed to hire lawyers. This in turn contributes to the lengthening of their pre-trial detention and risk of an unfair trial when brought before a court. Most of the women held at present in women's prisons, including the two prisons mentioned above, are being held pending trial. Some women are held for years and then acquitted after their innocence is proven. Lebnaniya 'Abdallah, for example, whose case is detailed on page 16, was detained for seven years before her eventual acquittal. She was tortured while held in pre-trial detention, but no inquiry appears to have been carried out to investigate the allegations of torture, nor have any reparations made.

Both Lebnaniya 'Abdallah and Bassima Huriya were children aged 16 and 15 years, respectively, at the time of their arrest, and despite this both were held with adult prisoners and subjected to torture and ill-treatment in contravention of the Lebanese law especially Legislative Decree No. 119, 1983, on the protection of delinquent juveniles, and the CRC to which Lebanon is a state party (Article 37 (a) and (c)). Furthermore, accused children are sometimes held for months in prison before being brought to trial. Article 37(b) of the CRC states that the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used as a measure of last resort and for the shortest appropriate period of time.

Amnesty International cites these case studies which demonstrate a pattern of torture and ill-treatment, and takes no position on the guilt or innocence of those whose testimonies are given below.

### **Bassima Huriya**

Bassima Huriya, a Syrian national, was arrested on 23 March 1997, when she was a child aged 16, and accused of being an accessory to the murder of her boyfriend. According to her statement she was held by the *Dabita al-'adliyya* for more than 20 days in a Ba 'abda police station. She was held with five other women in a small cell. Interrogation, which was harsh and abusive, would take place only at night, starting around 10.30 or 11.00 pm. She would be constantly beaten by a couple of policemen in civilian clothes; during the night she said the number would rise to 10 or 12. On one occasion she said she was hung during the night by the wrist from the door. On another occasion she was boxed on the ear and fell against a cupboard; as a result she has been suffering from ill-health since then. On one occasion she was tortured by the *farruj* (chicken) method.

Bassima Huriya © Dar al-Amal

*"I was wearing a skirt, the interrogator said to me: 'You are wearing a skirt so that we won't lift you on to the farruj position', and he threw me trousers to wear, and lifted me on to the farruj. My bottom was black from the beating and they poured water on the ground so that my feet would not swell. The interrogator said 'I'll make sure you get a death sentence'. My family came to see me after 15 days in the police station. Later the lawyer came to see me with my mother. I was swollen and they asked me whether I had been beaten. I said, 'No', as I was afraid of the police officers who were still there. They stopped beating me for four days before they took me to the examining magistrate. When I came before the examining magistrate I said that I had been beaten, and he said, 'Everyone who comes here says they were beaten'. He wrote that I confessed after being beaten and started a new investigation".*

Bassima Huriya was held with adults during her detention. She stated that she was given no medical examination while she was detained in the police station. She was brought to trial in 1998 and sentenced on 2 February 2000 to five years' imprisonment.

### **Fatima Yunes**

Fatima Yunes, born in 1966 and the mother of three children, was arrested by members of the State Security (*Amn al-dawleh*) officers on 26 October 1998 in connection with the killing of her husband. She was held in the state security office in Tyre for four days without access to a lawyer or the outside world. During that time she stated that she was tortured by about eight people wearing civilian clothes. She alleged that they kept her sitting on a chair and beat her; she was also beaten in the *farruj* position and interrogators lifted up her skirt as she was bleeding and stubbed out cigarettes on her legs. She lost consciousness and later signed the confession. She was then held for a further nine days in Tyre. When she was brought before the examining magistrate she stated that she was tortured and showed the marks of the torture on her body and legs; the magistrate proceeded to a new investigation of her case but did not order any medical examination. She described her torture also to the Lebanese President's wife during a visit she made to the prison.

Fatima Yunes ©Dar al-Amal

### **Lebnaniya 'Abdallah**

Lebnaniya 'Abdallah was arrested in 1993 when she was a child aged 15, and charged with inciting the murder of her step-son. She was taken to the police station at Remeila in

Tripoli and then to Zgharta where she said she was held and tortured for 21 days. During this period she had to sleep on a chair. She said she was beaten with a whip by six or seven people, stripped to the waist, suffered the *farruj* and constantly abused but nevertheless she did not confess. The interrogators threatened her with more beatings if she told the examining magistrate of her treatment. Lebnaniya 'Abdallah spent most of her imprisonment at Tripoli and Ba'abda Prisons. In 1999 she was sentenced to death; although those sentenced with her stated that she was innocent. Lebnaniya 'Abdallah lodged an appeal against the verdict and in late 2000 the Court of Cassation acquitted her and she was released.

### **Heba Ma'sarani**

Heba Ma'sarani was arrested on 14 June 1997, when she was 39 years old, shortly after the death of her husband, allegedly by suicide, and accused of his murder. She was taken to the *Makhfar al-Mina* (Tripoli port police station) where she was interrogated for two days. There she says she suffered from verbal abuse. Police officers prepared to rape her, stripping off their clothes and undressing her, but the head of the police station heard them and ordered her transfer. She was then moved to Bab al-Ramla police station in Tripoli. However, there she stated that she was tortured for seven days without being interrogated while she remained in the police station after being brought before the examining magistrate. After the head of the police station left at night she said she was raped by members of the *Dabita al-'adliyya*. She was also subjected to the *farruj* and to the method of torture known as the *dullab* or hanging from a suspended tyre and beating. She said the police station was infested with cockroaches, rats, mosquitoes and other insects. After this period she was brought before an examining magistrate who ordered her transfer to prison. She was brought to trial after nine months of detention. The trial has been continuing intermittently for some 18 months. She is currently held in Tripoli prison hospital, where she has been for nearly a year. Amnesty International delegates who visited her in September 2000 found that she was guarded by a large number of security officers who watched her continuously as she lay in bed, from time to time entering her room and prowling around the bed. She told Amnesty International delegates: "I am ready for you to put my name, as my life is over now. I have nothing left to live for. I only hope that the publication of my experiences may help to prevent others from suffering as I have".

She now weighs only 36 kilograms. No steps have been taken to investigate her allegations of rape or to provide counselling or address the other serious allegations.

Heba Ma'sarani © Dar al-Amal

## **5.2 Political Detainees**

Women political detainees, including those accused of "collaboration" with Israel, appear to have been frequently tortured or ill-treated so that "confessions" or other statements, may be obtained. Eventually all women charged with political offences are brought before military courts and given trials which fall short of international standards for fair trial<sup>15</sup>. Women civilians should not be brought before military courts in the first place. Amnesty International has frequently stated that trials before military courts are summary and fail to provide full rights of defence. The Human Rights Committee called on the Lebanese authorities in 1997 to "*review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts*"<sup>16</sup>.

In responses to Amnesty International's concerns raised with the Lebanese authorities, officials have stressed that the procedures in military courts are governed by the CCP, and therefore that detainees brought before military justice have the same rights as those brought before civil courts. Although violations of procedure leading to abuses against the integrity of the human person which occur under normal criminal justice have been cited in the preceding section, violations of rights of certain categories of political detainees are far more flagrant and their treatment is brutal. Women detainees held on charges of "collaboration" with Israel can be detained incommunicado for weeks in detention centres staffed only by male personnel. After arrest they are normally taken to the Ministry of Defence Detention Centre where they are held in cruel, inhuman and degrading conditions compounded by a constant risk of sexual abuse and the invasion of their privacy. Women are subjected, while held in such conditions, to violent interrogation by male staff without the presence of any female staff at this stage of their pre-trial detention. It appears that the duration of incommunicado detention, which varies from one prisoner to another, is determined by the length of time it takes to obtain "confessions". Detainees may also be detained for longer periods so that the physical scars resulting from torture or ill-treatment may heal. These factors have led to a situation whereby judges would not, in most cases, allow allegations of torture to be investigated or for medical examinations to be carried out. However, in certain cases, as the case of Huyam 'Ali 'Alyan below illustrates, a medical examination may be ordered to be carried out before the trial gets underway.

### **Huyam 'Ali 'Alyan**

Huyam 'Ali 'Alyan, aged 29, was arrested in March 2001 by members of *Al-Mukhabarat al-'Askariyya* following a visit to relatives detained at Rumieh Prison. She was reportedly taken blindfolded and handcuffed to Sidon Barracks. She was then again blindfolded and handcuffed

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<sup>15</sup>For a critique of the military courts in Lebanon, see for example Amnesty International's report *Lebanon: Human Rights Developments and Violations* (AI Index: MDE 18/19/97), page 27.

<sup>16</sup>Concluding observations of the Human Rights Committee: Lebanon, CCPR/C/79/Add.78, para. 14, 1997.

and taken to the Ministry of Defence Detention Centre where she was held in incommunicado detention for 16 days, during which she was reportedly tortured and ill treated. She was subjected to violent interrogation by male officers. During interrogation she was said to have been subjected to physical and psychological torture including severe beating, threats, and the use of sexually abusive language. A solid object was said to have been used in beating her on many parts of her body including her back, abdomen and around the labia, resulting in bleeding. Despite her requests she was not given access to medical care and was denied access to sanitary towels to contain her bleeding. This was said to have resulted in a prolapse (slipping) of the uterus<sup>17</sup>. During her incommunicado detention she was ordered to sit on a chair in a corridor continually and deprived of sleep. More than 40 women and men were reportedly being held at the corridor at the time of her detention. Food was meagre, and access to the toilet was restricted and she was allowed to go to the toilet sometimes only two hours after asking her male guard. Psychological torture included listening to the screams of her uncle as he was being tortured in a separate room and seeing him being tortured again in front of her. Even though she was forced to confess to "collaboration" with Israel, her torture did not stop. She was later moved to a separate room, and then referred by the Military Prosecutor to a forensic doctor. According to a medical report issued on 11 April 2001 there were bruises on her arms and wrists consistent with the use of violence. She is currently detained at Barbar al-Khazen Prison in Beirut. In June 2001 she was brought before the Military Court in Beirut which indicted her and the prosecution demanded a prison sentence on charges of "collaboration" with Israel. Her trial is scheduled for September 2001.

### **Khadija Hussain Marwa**

Khadija Hussain Marwa, aged 67, was arrested in August 1999 by members of *Al-Mukhabarat al-'Askariyya* from her home in the village of Kafr Hatti in south Lebanon on charges of "collaboration" with Israel. She was initially held incommunicado at the Ministry of Defence Detention Centre, where she was reportedly tortured and ill-treated. She was also reportedly denied access to medication she was receiving on a regular basis and forced to confess under duress to charges of "collaboration". Evidence extracted as a result of torture was reported to have been presented to the Military Court leading to her conviction. She was sentenced to one year in prison. She was released in August 2000 after serving her sentence in a women's prison in Beirut.

Khadija Hussain Marwa ©private

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<sup>17</sup>Beatings around the labia could cause significant swelling that could be misinterpreted as a prolapse if she were not properly examined by an experienced gynaecologist. Beatings can also cause irregular menstruation.

**Huda Yamin, Lina Ghurayeb and Muna Shkayban**

Huda Yamin, Lina Ghurayeb, and Muna Shkayban were arrested along with other supporters of General 'Aoun, the former commander of the Lebanese army, between 9 and 12 September 1994 on charges including distribution of leaflets critical of the Syrian presence in Lebanon. Most were released within days, but these three women, and two men, remained in detention for more than two weeks. Huda Yamin, Lina Ghurayeb and Muna Shkayban reported that they were tortured during interrogation at the Ministry of Defence Detention Centre. Lina Ghurayeb and Muna Shkayban were forced to strip naked in front of male interrogation officers, and told to part their thighs. One of them said that she was repeatedly hit with a stick on her breasts. All three women also said they were pulled by their hair and were subjected to humiliating and sexually abusive language. They were released on bail and in 1997 they were acquitted by the Military Court of all charges apart from the distribution of leaflets. Huda Yamin was sentenced to two weeks' imprisonment and Lina Ghurayeb and Muna Shkayban to ten days' imprisonment.

**5.3 Women migrant workers**

According to the Lebanese Ministry of Labour statistics for 2000 there were 54,272 foreign nationals allowed to work in Lebanon. However, unofficial figures cited by the media and NGOs put the figure of the foreign population in Lebanon (including those without legal residence) at around 150,000. The majority of these, estimated at around 80 per cent, are women domestic workers originating from Asian and African countries including Sri Lanka, India, the Philippines and Ethiopia.

In recent years there have been recurrent reports of systematic ill-treatment or even torture of a large section of these workers. These violations are perpetrated by both employers and agents of the state which they approach to complain about their ill-treatment at the hands of their employers and employment agencies. This may include beatings, locking up, deprivation of food, verbal abuse and overwork. Many are also subjected to gender based violations including sexual abuse. They may be forced to sign undertakings forfeiting salaries which end up in the employment agencies' coffers, or have their salaries arbitrarily withheld by their employers.

Instead of having these abuses redressed by the police, women migrant workers may face further violations, such as torture and ill-treatment. Amnesty International has received reports on women migrant workers who were detained after escaping from abusive employers. For example in 1997 Clarissa Colliante and Elda Esquillo, both Filipino migrant workers, were detained at the General Security Prison for Foreigners reportedly after refusing orders of the Director of the General Security to return to their employers, who, they said, ill-treated them and refused to terminate their contracts. They were brought to the office of the Director of the General Security and ordered to return to their employers and, when they refused, were arbitrarily detained and held incommunicado without charge or access to lawyers. Clarissa Colliante was later deported to the Philippines and Elda Esquillo was forced to return to her

employer. In 1999 Clarissa Colliante won a suit against her employer in court in the Philippines.

There are two main categories of women migrant detainees in Lebanon: those held on charges of illegal residence, and those held on charges of prostitution, drug dealing etc. Women detained on charges related to drug dealing or prostitution are said to be at serious risk of being tortured. However, at police stations migrant women are reportedly subjected to beating and other forms of ill-treatment even when they are summoned on trivial charges.

The judiciary has sometimes attempted to safeguard the rights of these workers and dismissed cases where it has been clear that confessions were extracted under duress. In one such case, a young Filipino woman said that she was repeatedly beaten up in a police station in Beirut, for alleged theft, until her legs were swollen. As a result she was admitted to hospital and had an operation. The case against her was later dismissed by a judge on the grounds that the police officer who reportedly beat her did so to obtain a confession. However, those who had beaten her were never brought to justice.

Women migrant workers accused of criminal offences find it difficult to enjoy rights of defence or have lawyers to defend them, by virtue of being illegal residents or foreign nationals. Often they cannot afford the fees and are unaware of provisions which allow them a lawyer appointed by the Bar Association. When detained by police they are most likely to be held for months before being brought before a judge. Migrant women workers have been subjected to beating and other types of ill-treatment before signing under duress, documents written in a language which they did not understand. These documents may then be presented as evidence before the examining magistrate. One such case involves an Ethiopian woman migrant worker, Farhoud Fakadu, aged in her twenties, who was accused of murdering her newly born baby. She alleged that she was slapped by a policeman and a doctor and forced to sign a document in Arabic which she did not understand. Her complaints were ignored by the examining magistrate and no investigation was ordered. She was held for eight months after her arrest in 1997 before being tried and sentenced in 1999 to three years' imprisonment. Foreign nationals accused of offences are entitled to an interpreter as provided by Article 14(3)(f) of the ICCPR, and should be given reasonable facilities to communicate with and receive visits from representatives of their government in accordance with Article 36 of the Vienna Convention on Consular Relations, and Rule 38 of the Standard Minimum Rules.

Women migrant workers accused of criminal offences or illegal residence are normally held in a prison designated for foreigners and run by the General Security forces (*al-Amn al-'Amm*). The current General Security Prison for Foreigners in Beirut was built recently to

replace Furn al-Shubbak prison<sup>18</sup> where conditions amounted to cruel, inhuman and degrading treatment. Conditions in the new facility are reportedly improved though they still fall seriously short of international standards. Detainees continue to suffer ill-treatment while held for long periods in incommunicado detention guarded solely by male staff.

Women migrant workers may not be released after serving their sentences or after being acquitted by a court. This may be due to the broad discretionary powers accorded to the General Security in interpreting the law governing the presence of foreigners in Lebanon, especially when the authorities consider that the presence of the foreigner may constitute "a threat to public safety". As the main reason for the detention and rounding up of women charged with immigration offences is for the purpose of their removal from the country, those women who happen to be without proper travel and identity documentation can end up being detained for long periods as the authorities investigate their cases and make contacts with the relevant foreign countries to secure proper documentation for them to be returned to their countries of origin. However, even when travel documents are arranged, the detainees may still remain held for failing to be able to secure a ticket to travel home.

Amnesty International has the names of over 20 women detainees, representing about one fifth of the total number of foreign women nationals currently held at the General Security Prison for Foreigners in Beirut. The detainees are mostly Sri Lankan and Ethiopian migrant workers, including two women held since they were returned in May 2001 from Syria to Lebanon, on charges of entering Syria illegally. They were imprisoned in Syria for a month and a half and are now detained at the General Security Prison for Foreigners in Beirut pending deportation. There is no time limit for their detention as this depends on, among other things, their obtaining travel documentation and/or tickets. Another woman, from Ethiopia, was arrested and detained in May 2001 after being returned from Beirut airport despite having all the necessary travel documentation, including a proper visa and a ticket. The reason for her arrest is reportedly because a complaint was filed against her by her employer. However, according to information received by Amnesty International she is being arbitrarily detained and does not appear to have committed a recognizably criminal offence.

In Lebanon women migrant workers, especially domestic workers, may not be allowed to travel without the prior consent of their employers who are their sole sponsors.

## **6 RECOMMENDATIONS**

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<sup>18</sup> Amnesty International has documented cases of asylum-seekers who were tortured while held incommunicado at Furn al-Shubbak prison, in addition to reports of deaths in custody.

Amnesty International calls on the Lebanese authorities to take immediate steps to protect women against torture, ill-treatment and all other forms of gender-based and other violations against women in custody. The organization urges the Lebanese authorities to implement the following recommendations:

**On Torture and Ill-Treatment**

- Ensure that all allegations of torture against women are promptly, impartially, independently and thoroughly investigated, in accordance with international treaties. This should be carried out by an independent body with its findings made public and the victims given medical treatment where required, appropriate reparation including financial compensation, and the perpetrators brought to justice and given fair trials.

**On Gender-Based Violations**

- Promptly, impartially, independently and thoroughly investigate allegations of rape of women in police custody in accordance with international standards, and ensure that victims alleging rape are provided with medical care including prompt examination by a woman doctor, and counselling if required.
- Provide as a matter of urgency gender-sensitive training to staff in law enforcement institutions including in the police, prisons, the Military Intelligence and the General Security. This should include training in the use of proper investigation methods including forensic and medical aspects.
- Ensure that female detainees are segregated from male prisoners and that appropriate facilities are provided to cater for the needs of women in detention.
- Take immediate measures to recruit women police officers to work in police stations and other detention centres where women are held, and provide necessary training.
- Introduce requirements in laws, subject to penal and disciplinary sanctions, that women detainees are interrogated in the presence of female law enforcement staff and for such staff to be solely responsible for any body search of women detainees that may be necessary.

**On Minor Women Offenders**

- Ensure that minor women offenders are protected while in detention and not subjected to torture or ill-treatment and held separately from adult offenders. This should include strict implementation of provisions in law on the protection of juveniles, and international standards including the CRC and the ICCPR to which Lebanon is a state party. The

authorities should ensure that detention or imprisonment of a child shall be in conformity with the law and shall be used as a measure of last resort and for the shortest appropriate period of time.

### **On Women Migrant Workers**

- Introduce legislation to protect women migrant workers and to ensure that they are not subjected to any abuse or ill-treatment at the hands of the state or private individuals. This should include ratification of the International Labour Organization (ILO) conventions on the rights of migrant workers, and the establishment of a complaints procedure to deal with abuse and violence against domestic workers perpetrated by the state and individuals.
- Provide communication facilities, including translation and interpretation, to foreign women held in custody. Ensure that they fully understand the reasons for their detention, and introduce guarantees that they are not coerced to sign documents without knowing what they contain.

### **On Women's Prison Conditions**

- Improve as a matter of urgency conditions in women's prisons as required by international standards and in law. This should include improving hygiene, accommodation, sanitation and lighting; the provision of health and recreational facilities, and allowing detainees regular access to fresh air.

### **On Legal Safeguards And Guarantees**

- Ensure that detainees have prompt and regular access to a lawyer and to be brought promptly before a magistrate as a safeguard against torture, ill-treatment, coerced confessions and other abuses.
- Ensure that no one charged with a criminal offence is compelled to confess guilt or testify against themselves and that any statements which may have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment are disregarded as evidence against detainees in court proceedings, except against a person accused of torture as evidence that such statement was made.
- Review all discriminatory laws and amend the Code of Criminal Procedures to ensure that they comply with international law and standards, and the Lebanese Constitution so that proper legal protection is afforded to women in detention. These should include

safeguards to prevent violations of the detainees' fundamental rights, and to ensure that detainees have prompt access to families, lawyers, doctors, a judicial official and to consular staff if the detainee is a foreign national.

- Lifting all the reservations made by Lebanon on CEDAW and ensure that its provisions are incorporated in Lebanese law. Urgent consideration should be given to ratifying the Optional Protocol to CEDAW.

# AMNESTY INTERNATIONAL

## Public Statement

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## **Lebanon: Amnesty International reiterates its concerns on the situation of refugees and asylum-seekers**

Amnesty International is concerned about recent reports of the deportation of 300 Iraqis from Lebanon, among whom were asylum-seekers and refugees, to countries where they would not be protected against forcible return, and the deaths in custody of two Iraqi refugees. The organization has on many occasions voiced its concerns to the relevant Lebanese authorities with regard to the situation of refugees and asylum-seekers in Lebanon. In February 2002, Amnesty International submitted a memorandum to the Lebanese authorities expressing its concerns at the numerous reports concerning systematic arrests and forcible return of asylum-seekers and refugees, and the allegations of torture and ill-treatment of refugees and asylum-seekers while detained by the Lebanese authorities, which do not appear to have been adequately investigated.

Amnesty International does not question the right of the Lebanese authorities to control the stay or immigration status of foreigners, remove illegal residents from its territories, or enforce control over its borders. The organization is, however, opposed to the detention of individuals recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR), or of asylum-seekers whose cases are pending before the UNHCR office in Beirut, unless the authorities can demonstrate it is for a reason recognized as legitimate under international standards. Asylum-seekers should be free from detention and enjoy freedom of movement while their asylum applications are pending with the UNHCR. Amnesty International is also concerned about the systematic removal of asylum-seekers and refugees to countries where they would not have protection against forcible return to countries where they may risk human rights abuses.

In its memorandum to the Lebanese authorities, Amnesty International gave concrete examples of individual asylum-seekers, including those recognized as refugees by the UNHCR who were detained on grounds of illegal entry and subsequently deported, of cases of refugees held in detention beyond expiry of their sentence, of allegations of torture and other ill-treatment and cases of deaths in custody. Since the writing of the memorandum, Amnesty International received reports that two Iraqi asylum seekers, Khaled Salem Azzaoui and 'Ali Alkout, died in custody in Rumieh Prison during March 2002. Their deaths may have been due to inadequate medical assistance.

Amnesty International's memorandum also submitted cases of minors such as **Muhammad Hassan Majid al-Khafaji**, a recognized refugee born in 1986 to an Iraqi

father and an Iranian mother, who was arrested on 29 September 2001 for illegal entry to Lebanon, held in custody beyond the expiry of his two week sentence and subsequently forcibly returned to northern Iraq while his family remains in Lebanon.

While Amnesty International welcomes the public response to its memorandum by the Prosecutor General Adnan Adoum, the organization is concerned that no adequate investigation seems to have been carried out by the Lebanese authorities into the treatment of asylum-seekers and refugees. It appears that the authorities insist on making no distinction between the status of refugees and asylum-seekers on the one hand, and the situation of illegal residents on the other hand. For example, Amnesty International is concerned about reports that, during April 2002, at least one Iraqi recognized by UNHCR as a refugee, was removed to northern Iraq where he is at risk of *refoulement* (forcible removal of a person to a country where he or she may face human rights abuses). According to reports this man was forced, under torture, to sign papers allowing for his removal from Lebanon.

Though Lebanon is not party to the *1951 Convention relating to the Status of Refugees* and is therefore not bound by its provisions concerning the protection of refugees, it still has a duty to respect standards of customary international law, including the principle of *non-refoulement*. Article 14 of the Universal Declaration of Human Rights (UDHR), which has been enshrined in the preamble of the Lebanese constitution, provides for the right of everyone to seek asylum in another country. Lebanese law also recognizes the right of individual foreigners to seek asylum in Lebanon. Article 26 of the Foreigners' Entry and Residence Law, of 10 July 1962, provides for the right of any foreigner "*whose life or freedom is in danger for political reasons*", to seek asylum in Lebanon. In addition, as Amnesty International pointed out in its memorandum, *refoulement* of a person to a country where they risk torture is prohibited under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Lebanon is a State Party.

Lebanon is a member state of the UNHCR Executive Committee (EXCOM), the only intergovernmental body where refugee matters are addressed in a comprehensive manner and whose conclusions have persuasive value in the field of refugee protection. EXCOM Conclusion No. 44 (1986) expressed "*the opinion that in view of the hardship which it involves detention should normally be avoided*" and states "*the importance for national legislation and/or administrative practice to make the necessary distinction between the situation of refugees and asylum-seekers, and that of other aliens*". The same Conclusion also recommended "*that refugees and asylum-seekers who are detained be provided with the opportunity to contact the office of the United Nations High Commissioner for Refugees*".

Amnesty International is concerned that the actions of the Lebanese authorities frequently show a complete disregard for international standards and their own laws in their treatment of asylum-seekers and refugees.

Public Document

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# Lebanon:

## Torture and unfair trial of the Dhinniyyah detainees

### 1. Introduction

#### 1.1 Use of torture and ill-treatment

In recent years Lebanon has taken important steps towards greater promotion and protection of human rights. Already a state party to many important human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR), in 2000 Lebanon acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

However, despite these positive developments and significant changes in legislation to strengthen human rights safeguards, certain categories of detainees, including the so-called Dhinniyyah group, remain at risk of serious human rights violations including torture<sup>1</sup> and unfair trial.

Categories of political prisoners particularly targeted include members of opposition parties and groups, both from Christian and Sunni Muslim communities, and people held in connection with their alleged “collaboration” or “contact” with Israel. They are normally detained incommunicado for weeks and, in some cases, even their names or places of detention are not made public.

These categories of people, according to research carried out by Amnesty International, are more vulnerable to human rights abuses for their political opposition to the government and/or the Syrian military presence in Lebanon. In pre-trial detention members of Sunni Muslim groups are often labelled by the media and government officials as “terrorists” or affiliates of *al-Qa’ida*, and Christian political activists risk being labelled as “collaborators” with Israel. In both cases such categorization can seriously prejudice the right to fair trial.

Over the years Amnesty International has documented patterns of torture and brought them to the attention of the authorities. In August 2001 Amnesty International documented

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<sup>1</sup> Article 7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines “torture” as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

the torture of women political detainees and common law offenders including minors. The report included detailed case studies and called on the Lebanese authorities to ensure that all allegations of torture against women be promptly, impartially, independently and thoroughly investigated, in accordance with international treaties. The organization also urged that minor female offenders be protected and held separately from adult offenders while in detention and not be subjected to torture or ill-treatment.

In November 2001 when the Secretary General of Amnesty International raised in a meeting with Lebanon's President Emile Lahoud the issue of torture and ill-treatment of detainees while being held incommunicado, he immediately contacted the relevant authorities instructing them to look into the matter. The President emphasized Lebanon's commitment to the rule of law and the independence of the judiciary, which Amnesty International welcomed.

However, no thorough investigation is known to have been carried out and in a statement dated 11 November 2002 and published by the Lebanese media on 31 December 2002, Public Prosecutor Judge 'Adnan 'Addoum, summarily dismissed Amnesty International's reports of torture and ill-treatment of victims as "baseless and fabricated allegations". Referring to the Dhinniyyah detainees' case he stated that "allegations that the detainees were subjected to ill-treatment while being interrogated by the military police have no basis in truth". He also denied the use of "electric shocks ... especially since the police and the intelligence organs do not possess such equipment ... All the security organs in charge of places of detention carry out their duties with total discipline and adherence to laws [and] should there be any violation or excess, which rarely occur, the competent authorities, especially the judiciary, would put their hand on the issue, without delay, to pursue perpetrators and take measures to ensure that the violation is not repeated".

Amnesty International is concerned at the Lebanese authorities' repeated dismissal of credible allegations of torture and ill-treatment of political detainees including those held in connection with the Dhinniyyah events. Under Lebanon's obligations in accordance with CAT it is required to carry out independent, thorough and prompt investigations into all allegations of torture.

This report documents torture, ill-treatment and unfair trial of detainees who have been in detention mostly since late 1999 and early 2000 in connection with their alleged involvement in the Dhinniyyah armed clashes. The report highlights serious violations of these political prisoners' rights in pre-trial detention, including reports of torture and ill-treatment, extraction of "confessions" under torture or duress, the prosecution's demands for the death penalty against the detainees through invocation of exceptional Law 11 of 1958, and trial before the Justice Council whose procedures fall short of international standards.

## **1.2 Lebanon's international legal obligations**

Despite Lebanon's accession to the CAT, insufficient measures appear to have been taken to protect detainees against torture and ill-treatment or to curtail the use of incommunicado detention which facilitates the practice of torture.

In April 1997 the Human Rights Committee (HRC), after examining Lebanon's second periodic report on its implementation of the ICCPR, expressed concern over "well

substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, the Lebanese security forces and non-Lebanese security forces operating within the State party's territory" and recommended that the State party "investigate the credible allegations of instances of ill-treatment and torture which have been brought to the Committee's attention"<sup>2</sup>.

The UN Special Rapporteur on Torture has called for a total ban on incommunicado detention. He stated, "[t]orture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal and persons held incommunicado should be released without delay. Legal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention."<sup>3</sup> Furthermore, the UN Commission on Human Rights has stated that "prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment."<sup>4</sup>

Freedom from torture is a non-derogable right under international human rights treaties and Lebanon, as a state party to the CAT, is legally bound, according to Article 2, to "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction." Furthermore, the CAT stipulates that "[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture." Amnesty International has welcomed Lebanon's accession to the CAT in 2000. However, the organization is concerned that adequate legislative and practical steps have yet to be taken to implement the provisions of this convention. Independent, prompt and impartial investigations into numerous reports of torture and ill-treatment of detainees (belonging to various political and religious persuasions), have yet to be initiated. These shortcomings have been documented in the reports of UN treaty monitoring bodies.

Amnesty International calls on the authorities to implement the recommendations made by the HRC in 1997 as shown above. All investigations of torture must be carried out in accordance with international human rights treaties and standards, and in particular the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, annexed to UN General Assembly resolution 55/89 of 4 December 2000. Principle 2 of the document provides that:

*"[s]tates shall ensure that complaints and reports of torture and ill-treatment are promptly and effectively investigated. Even in the absence of an express complaint, an investigation shall be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be*

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<sup>2</sup> Concluding observations of the Human Rights Committee : Lebanon. 01/04/97. CCPR/C/79/Add.78.

<sup>3</sup> Report of the Special Rapporteur on torture, UN Doc. E/CN.4/1995/434, para. 926(d).

<sup>4</sup> UN Commission on Human Rights: Resolution 1997/38, para. 20.

*independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by, impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards and the findings shall be made public.”*

In the same manner the authorities must investigate all cases, including those featured in this report, where “confessions” have allegedly been extracted under torture. As a state party to the CAT Lebanon must, pursuant to Article 15 “ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made”.

## **2. Background**

### **2.1 An overview of political developments in Lebanon since the Ta’if Agreement**

Lebanon remains ruled by means of a confessional arrangement, with the President of the Republic hailing from the Maronite Christian Community; the Prime Minister from the Sunni Muslim Community; and the Speaker of Parliament from the Shi’a Muslim Community<sup>5</sup>.

Since the Ta’if Agreement of 1989 which brought an end to the civil war, the country has enjoyed significant political stability, but large sections of the population still remain opposed to the post-war arrangement which endorsed the Syrian military presence in Lebanon and left the door open for increased Syrian influence over the political affairs of the country. Following the Ta’if Agreement the Lebanese and Syrian authorities signed a number of agreements, prominent among them was the Treaty of Brotherhood, Cooperation and Coordination (TBCC) concluded in May 1991, and the Defence and Security Pact (DSP) signed in September 1991.

The DSP led to the establishment of a joint Committee for Defence and Security which meets every three months in Syria or Lebanon. Among the objectives of the DSP is ensuring, within the framework of the TBCC, that Lebanon is not a “source of threat” to Syria’s security or Syria a source of “nuisance or threat” to Lebanon; and the eradication of any activity or organization in the military, security and political domains that may pose threats to either country.

In practice the DSP has curtailed freedom of expression and association in the country. Political groups and parties not endorsed by the Syrian authorities are not authorized, and their members risk serious human rights violations, including arbitrary detention and torture. These include members of the unauthorized Lebanese Forces Party (LFP), the Free Patriotic Movement (FPM) and members of a number of Sunni political formations opposed to the government and seen as a threat to Syrian interests in Lebanon, especially in the north and the Beqa’ where Syria has an overwhelming military and security presence.

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<sup>5</sup> There are around 19 recognized religious sects in Lebanon governed by their own personal status laws. Normally allocation of positions in the civil service and other institutions tend to follow a sectarian balance.

Groups opposing the Ta'if Agreement including the FPM led by the former interim Prime Minister General Michel Aoun, were subjected to various human rights violations particularly during the period 1990 to 1995. In recent years the FPM and the LFP have been involved in peaceful opposition activities against the government and Syrian presence in the country, resulting in further human rights violations against their members. These and other opposition groups, including Sunni Islamist groups, also remain proscribed by the government and are therefore denied their right to political participation and freedom of expression.

Since the Ta'if Agreement Syria has maintained tens of thousands of troops with the agreement of the Lebanese government in different parts of the country. Since 2000 and apparently as a result of increasing calls for withdrawal of Syrian troops from Lebanon, thousands of troops have been redeployed since 2000 with many of them returning to Syria. Most recently in February 2003, thousands of troops were redeployed from Syria's strongholds including the Batrun area. However, redeployment apparently did not include troops stationed in the north including Tripoli, 'Akkar and Dhinniyyah, reportedly due to the presence of Islamist groups which are considered to pose threats to security there, following the Dhinniyyah armed clashes of 1999 between the Lebanese army and security forces and Sunni Islamist activists, which are the subject of this report. The Ta'if Agreement had called for the redeployment of all Syrian troops in Lebanon to the Beqa' valley within two years of its signing in 1989.

Over the last 10 years, Lebanon has seen a steady growth of civil society and the emergence of hundreds of groups and associations covering civil, political, social, cultural and economic rights serving various sections of the Lebanese society. Some of these, especially those focusing on women's rights and the death penalty, achieved significant successes in recent years despite mounting difficulties including government restrictions on freedom of association and lack of resources. The rejuvenation of civil society in Lebanon, coupled with increasing attention to human rights both by the state and law enforcement institutions, allowed Amnesty International to establish strong working relations with the emerging human rights community, as well as to consolidate dialogue with the authorities with a view to promotion and protection of human rights. However, the work of many human rights groups, especially those focusing on civil and political rights, remains influenced by the confessional system in the country which may induce such groups to be more responsive to their immediate constituency rather than catering for the needs of all sections of society regardless of religious and political affiliations.

The political leadership of the Sunni Community has historically centred around clans in Tripoli, Beirut and Sidon. However, the period during and after the end of the civil war witnessed the emergence of a number of Sunni groups in the political scene embracing more pronounced religious agenda and with different forms of organization. These groups appear to share a common resentment of the current confessional system of government and what they regard as their marginalization by the ruling Sunni clans. Prominent among these are the Tripoli-based *al-Jama'a al-Islamiyyah* (The Islamic Group), and *Harakat al-Tawhid al-Islami* (The Islamic Unification Movement). However, only *al-Jama'a al-Islamiyyah* has managed

so far to secure seats in parliament. In addition to the presence of Islamist opposition groups, the Sunni Muslims of the north also claim that successive Lebanese governments have failed to heed their calls for social justice, including addressing unequal development and social and economic deprivation. These factors have led in recent years to occasional confrontations, sometimes violent, between sections of the Sunni communities in the north and the authorities. This in turn has resulted in serious human rights violations against Sunni Islamist activists, such as arbitrary detention, torture and unfair trial.

## 2.2 The Dhinniyyah events

The Dhinniyyah group is a collective of Sunni Islamist activists who are opposed to the present Lebanese government and to the Syrian presence in Lebanon. The group appears to be bonded together by personal and family relations as is evident from the names of the members. The leader of the group was Bassam al-Kinj (also known as Abu-‘Ayisha). The nucleus of the group was reportedly established in 1997 by Abu-‘Ayisha and a small number of friends. Like other Sunni Islamist groups in the underdeveloped north of Lebanon, and around Tripoli, the Dhinniyyah group believe they are marginalized by the state and that their interests are not protected by the current confessional system of government in Lebanon. In addition they are believed to be linked to other Sunni Islamist groups in the region including *Jam’at al-Tawheed* and *Usbat al-Ansar*, the latter being regarded by the Lebanese authorities as a “terrorist” group.

The Dhinniyyah group initiated a number of activities including annual encampments involving Islamic teaching and training in the use of arms. Three encampments were reportedly organized in Jurud al-Dhinniyyah (a barren and open area of Dhinniyyah) in the spring and summer of 1998, and winter of 1999. The latter was held during the last 10 days of *Ramadan* and according to the Dhinniyyah group was devoted to worship and military training to prepare for the liberation of Lebanese lands occupied by Israel. The Lebanese authorities claim that these encampments were used to plot a military insurrection against the present government.

Many questions remain unanswered as to how the tensions between the Dhinniyyah group and the authorities turned into violence. However, it is believed that one of the factors that triggered the clashes was the large scale presence of the army in the north over the Christmas and New Year festivities “to maintain security” and to pursue suspects allegedly involved in the bombings of Orthodox Churches in the Tripoli area in October and November 1999. The army erected checkpoints and established patrols in the area. An army unit was deployed in the village of ‘Asun with the purpose of monitoring the area and searching for “two extremist Islamist activists not affiliated to known Islamist organizations” for their alleged involvement in the Tripoli bombings<sup>6</sup>. It was also reported that the clampdown on this group was ordered by Syria in the wake of mass arrests there in December 1999 of hundreds of Islamist activists mostly belonging to the unauthorized Sunni Islamist group *Hizb al-Tahrir*.

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<sup>6</sup> Salim al-Huss, *Lilhaqiqah wa al-Tarikh: Tajarub al-Hukm ma bayn 1988 and 2000* (For Truth and History: Experiences in Government between 1998 and 2000), published by Shirkat al-Matbu’at Liltawzi’ wa al-Nashr, Beirut, 2001, page 180.

The clashes took place in three areas: around the building of *al-Hidayah wa al-Islah* (Guidance and Reform) Islamic radio station in 'Asun where members of the group were dug in; in Jurud al-Dhinniyyah; and in the village of Kafr Habbu. The clashes apparently erupted following the failure of efforts by community leaders, the local member of parliament and Islamic groups to end the dispute peacefully. The clashes continued for four days and involved thousands of troops using tanks and artillery. As a result, according to official figures, five civilians, including three women, were killed, in addition to dozens of Dhinniyyah group members and 11 soldiers. Some of the Dhinniyyah group members killed were among 28 people named by the authorities to have been involved in the fighting around the Islamic radio station building and in Jurud al-Dhinniyyah and Kafr Habbu. No independent investigations are known to have been carried out into the killings.

The state has a clear obligation to maintain security and protect the people from acts of violence. In all cases, such measures must be in harmony with fundamental human rights, and not at their expense.

The precarious situation of the Dhinniyyah detainees was further exacerbated by the post 11 September international climate. Under US pressure to show that it was serious about tackling "terrorism" Lebanon introduced new security measures which particularly targeted Sunni Islamist activists. This was apparently a reaction to the US pressure on the authorities to reign in *Hizbullah*, which the US has designated as a "terrorist" group.

The targeting of Sunni Islamist activists was admitted publicly by the Minister of Interior, Elias al-Murr, who spoke in an interview with the Lebanese *As-Safir* newspaper on 28 October 2002, about the security measures taken against Islamists and how he ordered large-scale arbitrary arrests of hundreds of Sunni Muslims without due legal process. He is quoted as saying,

*"Since the events of Dhinniyyah which took place before 11 September 2001 ... and after 11 September we have as the Ministry of Interior, the Lebanese government and state arrested a large number of Muslims, at times arbitrarily, and at times in numbers that filled trucks. I have personally given orders in certain Lebanese areas for the residents of whole villages to be arrested when receiving a certain complaint. To protect our country and its environs and name abroad we were first carrying out arrests and later sorting out those involved. We have arrested hundreds of Muslims and only a minority were referred to the judiciary. This is horrible ... This is the first time I talked to the media about something which has taken place and about which there was not a word in any newspaper in Lebanon. You may hear about the arrest of some in connection with al-Qa'ida, but the security action which has continued since 11 September and until now has involved the arrest of hundreds of Muslims in silence."*<sup>7</sup>

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<sup>7</sup> *As-Safir* Arabic daily, Lebanon, No. 9338, page 5, 28 October 2002.

<sup>4</sup> Under the provisions of the old CCP, which was in force when the Dhinniyyah detainees were arrested, the Prosecution is obliged to ensure that a detainee is brought before a judge within 24 hours or released (Article 102).

### **3. Arbitrary arrest and violations of legal safeguards in pre-trial detention**

The Dhinniyyah detainees were arrested in a wave of clampdowns from January to April 2000 by the military intelligence and other security forces in the wake of the Dhinniyyah events. During the initial wave of arrests scores were rounded up by members of the military intelligence from their homes, places of work and at road-blocks and taken to the Ministry of Defence Detention Centre. Arrests took place apparently without warrant in areas including Tripoli, Beirut and the Beqa'.

Those arrested in the Tripoli area were initially held at al-Qubba detention centre where they were reportedly tortured and ill-treated and then transferred to the Ministry of Defence Detention Centre. They were held there for up to two months without access to their families and lawyers. Families of the detainees became aware of the whereabouts of their relatives only about two months after their arrest and following their transfer to Qasr Nura Prison.

The detainees were not brought promptly before the examining magistrate, not informed of the charges brought against them or of their rights during pre-trial detention as stipulated by the Lebanese law. Article 47 of the New Code of Criminal Procedures<sup>8</sup> (NCCP) provides that the detainee is entitled to communicate with his/her family, employer and a lawyer, rights which must be communicated to the detainee immediately on arrest. Any infringement of these procedures amounts to "curtailment of liberty" and is punishable by Article 367 of the Penal Code. Article 76 of the NCCP requires that the defendant be informed in the first instance of the charges brought against him/her so that s/he may refute them. Failure to inform the defendant of the offence attributed to him/her of the right to have a lawyer renders the investigation null and void.

Amnesty International believes that there were serious violations of the rights of detainees in pre-trial detention including denial of the presumption of innocence as required by the NCCP. Since the arrest and subsequent referral of the Dhinniyyah detainees to the Justice Council the group has been described in media reports, based on information provided by the authorities, as being affiliated to *al-Qa'ida* and "terrorism" in a manner that seriously prejudices the right to fair trial, including their right to the presumption of innocence. For example the Minister of Interior, Elias al-Murr, was quoted as describing the Dhinniyyah detainees as "a group of thugs who attacked the army ... they are criminals" and stated that the measures taken against them come in the context of what he termed "globalization of security"<sup>9</sup>.

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If a detainee is not brought before the examining magistrate within 24 hours, the detention is considered deprivation of personal freedom, an offence punishable under the Penal Code. This law also allowed the detainee the right to communicate with his/her family following appearance before the examining magistrate, and gave the examining magistrate the right to deny the detainee contact with the outside world for up to 10 days, renewable once only.

<sup>9</sup> *An-Nahar* Arabic Daily, Lebanon, 2 March 2003.

#### 4. Indictment of the Dhinniyyah detainees

In July 2000 Mount Lebanon Criminal Court (MLCC) indicted 120 men, dozens of them *in absentia*, for their alleged connection with the Dhinniyyah clashes and charged them on various counts of “attacking internal state security” several months after their arrest. The court divided them into seven categories.

According to the indictment 28 people were charged with taking part in the armed clashes in ‘Asun, Kafr Habbu and the Dhinniyyah plains: ‘Abd al-Mun’im Za’rur, Khoder Khoder, Bassam al-Kinj, ‘Abdallah Haziym, Jihad Khalil, Yusuf Khalil, Khaled al-‘Umari, Jamil Hammud, Ahmad al-Yusuf, Rudwan Rustum, Isma‘il Isma‘il, Mustafa Haydar, ‘Amer ‘Uthman, Rudwan Bustani, Qasim Khaddur, Talal Kaylakani, Yahya Miqati, ‘Ali al-‘Abbud, Ahmad al-Darj, ‘Azzam Ghanem, Mumtaz Minawi, Sa’id Minawi, ‘Ubayda al-Sharif al-Darwish, Muhammad al-Mahmud, Khaled Kharmah, Ahmad Tawfiq al-Rifa’i, ‘Abd al-Rahman Jamal, and Salah al-Laziqani. Seven of those, Ahmad al-Yusuf, Khoder Khoder, Bassam al-Kinj, ‘Abdallah Haziym, Khaled al-‘Umari, Isma‘il Isma‘il and Mustafa Haydar, were killed by the army and security forces during the clashes.

Photo caption: 'Abd al-Mun'im Za'rur © private

The first group of those allegedly involved in the Dhinniyyah events was described as those who took part in the fighting against the army in the villages of ‘Asun and Kafr Habbu. They were identified as ‘Abd al-Mun’im Za’rur, Ahmad al-Darj, ‘Azzam Ghanem and Yahya Miqati, who are now held at Rumieh Prison, and 16 others including the leader of the group, Bassam al-Kinj, who were killed during the clashes.

A second group was identified as those who took part in direct fighting with the army in Jurud al-Dhinniyyah, including Mumtaz Minawi, Sa’id Minawi, Ubaydah al-Sharif al-Darwish, Muhammad al-Mahmud and Khaled Kharmah and three others who were killed during the clashes.

A third group was described by the court as “a support group in the fight against the army in the Dhinniyyah plains” and comprised: Rudwan Jabakhanji, Lu’ey al-Sa’id, ‘Umar al-Rifa’i, Khaled al-Mahmud, Bilal al-Mahmud and Khaled Minawi. They, according to the indictment, did not take part in the actual fighting against the army in the Dhinniyyah plains although their presence near the fighting group was meant to obstruct the advance of the army. They were also accused of hiding weapons and other equipment and charged under provisions of the Penal Code and Articles 3, 4, 6 and 7 of Law 11 of 1958.

A fourth group was described by the MLCC as “holding leading positions in the armed gang” and was identified as Khalil ‘Akkawi, Gasem Dhaher, ‘Ali Hatem, Muhammad Khaled, Fawwaz al-Nabulsi, ‘Umar Sawalhi, ‘Umar Iy’ali, Bassam Yunis, Ahmad Miqati, Hilal Ja’far, ‘Abd al-Karim al-Jazzar, Ihab al-Banna and Zayn al-‘Abdin Khalil.

Photo caption: Rudwan Jabakhanji © private

A fifth group was described by the MLCC as having been trained in the use of firearms but not with having taken part in the clashes. They were identified as Bahjat Jubarah, Mazyad Ghayth, Muhiy al-Din ‘Umays, Ahmad Abu-Ghosh, Gasim Hawan, Jamal ‘Umays, Zuhayr ‘Umays, Fadi Ghayth, Wisam ‘Umar, Yahya Hatem, ‘Abdalla Mur‘ib, Fadi Taybah, Fawwaz ‘Ubayd, Khaled Maqsud, Yahya al-Usta, Wisam al-Maghrabi, Hasan Nab’a, Muhammad Sanuha, ‘Ali ‘Abd al-Hadi, Shadi ‘Atawi, Shadi Sha’ban and Muhammad al-Hamawi.

The indictment links the Dhinniyyah group to the unauthorized Sunni Islamist group *‘Usbat al-Ansar* or League of Followers, which the authorities regard as a “terrorist” organization posing a threat to internal state security. The group is also on the EU and the US lists of “terrorist” organizations. The leader of the group who has been identified by the court as Ahmad ‘Abd al-Karim al-Sa’adi (also known as Abu-Muhjin) was charged with providing moral and material support in the form of weapons and personnel to the leaders of the Dhinniyyah group. Ahmad ‘Abd al-Karim al-Sa’adi is still being sought by the security forces in connection with the Dhinniyyah events, but has already been sentenced to death *in absentia* by the Military Court on various charges related to a separate case involving attacks on internal state security.

Numerous charges were brought against the above named men under the provisions of Articles 2, 3, 4, 6, and 7 of Law 11 (on terrorism) of 1958, and Articles 303, 304, 335, 547, 459, 201, 217, 218, and 381 of the Penal Code, as follows:

- Attacking internal state security to incite armed rebellion against the authorities with the aim of preventing them from carrying out their duties;
- Setting up armed groups with the object of carrying out crimes against people and property;
- Inciting sectarian and ideological feuds within the Lebanese community;
- Harming the authority and the prestige of the state and its civil, military, economic and financial institutions;
- Violence against the army using unlicensed weapons to prevent it from carrying out its duties, causing the death of 11 army officers and injuring others;
- Killings of civilians, and possession of and transporting unlicensed war weapons.

Members of the Dhinniyyah group are, under Decree 2081 of 5 January 2000, defined as “internal state security” offenders. As such they do not enjoy the legal safeguards accorded by the NCCP to those held in pre-trial detention. According to Article 108 of the NCCP, detainees held on any charge, apart from those related to state security or drugs, shall be held in pre-trial detention for up to six months extendable only once by another six months. Rather than ensuring the rights of detainees enshrined in the NCCP and human rights treaties and

standards, the authorities were quick to invoke Law 11 of 1958 which, as emergency legislation, leads to the automatic curtailment of some of the pre-trial rights of detainees. Invoking Law 11 means that detainees may be subject to the death penalty.

Law 11 of 1958 deals, among other things, with offences related to “inciting civil war and sectarian strife” and involvement in “terrorism”. Once invoked Law 11 supersedes the Penal Code leading to the suspension of Articles 308-313 and Article 315 of the Penal Code which deal with these offences and stipulates a maximum sentence of life imprisonment for such offences. Law 11 contains eight articles and provides the death penalty for the above offences and curtails the right of the defendants to be tried before an ordinary court. Cases involving offences contained in this law are referred to the Military Court or the Justice Council. The Dhinniyyah detainees are charged under Articles 2, 3, 4, 6, and 7 of this law on offences including “attacks and attempted attacks with the intention of inciting civil war and racial feud” and carrying out “acts of terrorism”.

### **5. Torture and ill-treatment during incommunicado detention**

Amnesty International’s findings in relation to the Dhinniyyah case show that the detainees apparently were invariably subjected to torture and/or ill-treatment during various stages of their detention, particularly when held incommunicado, apparently because members of the Military Intelligence wanted to obtain as much “evidence” from the detainees as possible to be used in court against them.

Photo caption: Dr Muhammad Khaled © private

One of the detainees, **Dr Muhammad Khaled**, a teacher born in Tripoli in 1962, with dual Lebanese and British nationality, was arrested on 24 January 2000. About three weeks before his arrest he received anonymous phone calls telling him that he was being sought by the security forces. When he was called a second time he decided to report to the security forces with his brother and another relative. There he was told that he had to report to the Ministry of Defence. On arrival at the Ministry of Defence, he was forced into a room where he was ordered to take off all his clothes and then allowed to put some of them back on. All his belongings including his mobile phone and money were taken away. He was moved to another room where he was blindfolded and handcuffed, his hands bound behind his back, and ordered to stand with his face against the wall with his legs stretched apart. He remained in this position for seven hours without food or drink; he was not allowed to talk and was beaten from time to time. He said he was interrogated for hours while being tortured and that this would be interrupted only when he was unable to talk, at which time he would be given some water. The beatings stopped when his left leg and arm swelled severely. He said he heard the screams of people being interrogated under torture. He stated to Amnesty International:

*“After about six days of interrogation under torture I was ordered to quickly sign some papers without reading them. I was told that I had no choice but to sign because the other option was torture. When I insisted on reading the documents first they threatened to rape my wife. At the time I was blindfolded and handcuffed and they continued to insult and humiliate me. They told me that my wife was also in detention and that they would let me go if I signed the papers. I was then shown where to sign and I put my signature there. Then mockingly they told me “you are signing your death warrant’.”*

*“After that I remained held incommunicado in solitary confinement and was later transferred to a nearby building, apparently to allow the marks of torture, including the swelling, to heal. On 12 February I was taken blindfolded to somewhere which I thought was another place of detention only to be told that I was being brought before the investigating magistrate. I was told that I must not deny or change the statement I signed, otherwise torture would be repeated. The magistrate was accompanied by two plain clothes intelligence officers and a clerk. Later on we were joined by another man who I was told was a lawyer appointed by my brother to defend me. I told the magistrate that I had not read the papers that I signed and he said that was not a problem. He didn’t appear to take notice of what I said and continued his interrogation on the basis of the papers presented to him, despite what I told him about my torture.”*

Apparently detainees were routinely held for prolonged periods in fixed positions in underground cells at the Ministry of Defence Detention Centre. Some were subjected to electric shocks and the *ballanco* (hanging by the wrists which are tied behind the back) mainly to coerce them to make “confessions”.

**Umar Miqati**, a mechanic born in Tripoli in 1967 and married with five children, was arrested in April 2000 at Beirut airport then allowed to contact his family straightaway. He stated to Amnesty International delegates that the Dhinniyyah arrests took place in batches and came in the wake of other arrests of Islamists following the church bombings around Tripoli in October and November 1999. He said that following the Dhinniyyah events he noticed that he was under surveillance by the security forces and thought he was being used as “bait” to track down others. He said an official statement was issued by the authorities, and widely publicised in the media, about the arrest of a “senior” member of the Dhinniyyah group who was “attempting to escape” the country. He told Amnesty International:

*“I was tortured several times by the ballanco. The officer was aiming to get me to divulge information and to admit that I was part of the Dhinniyyah group and that we were planning a military action. He meant to insult me because of my ideological affiliation. He threatened to arrest my brothers to coerce me to confess what he wanted, and to refer me to Syrian Intelligence. There were also threats to attack my family. During the course of interrogation and torture I fell unconscious twice.*

*“Finally, as a result of torture and as means to stop it, I signed papers without knowing their content. They claimed that that I have relations with al-Qa’ida.*

*“On the seventh day I was transferred to the Ministry of Defence Detention Centre in al-Yarze. I was full of fear and was praying to God to be dead before my arrival so they could not touch me.*

*“At the Ministry of Defence I was tortured and interrogated continually while verbal abuse continued. I was overwhelmed by physical and mental weakness and was vomiting blood and my urine was discoloured. It was impossible to sleep as I was handcuffed, cold and hungry. Twenty-four hours after my arrival I was ordered to take off all my clothes. I refused to undress initially as this was against my religion, but I was forced to undress and forced to remain so for about 15 minutes as a humiliation before I was allowed to dress again.”*

Former Dhinniyyah detainees also described to Amnesty International denigration of their religious beliefs and being prevented from praying, the use of sexually abusive threats against their female relatives and being forced to listen to screams of other detainees being tortured. The detainees said torture continued for weeks and sometimes beyond the period of interrogation carried out by Military Intelligence. Even after being referred to the investigating magistrate, detainees said they remained blindfolded with their hands cuffed or tied behind their backs. At times they would be suspended in contorted positions and at times kept standing for hours with their faces to the wall. Detainees suffered electric shocks and verbal abuse. They would be interrogated for many hours, normally during the night and deprived of food for days on end. The detainees said they were deprived of sleep, subjected to beatings and repeatedly humiliated, for example being forced to undress apparently to be degraded and humiliated as Islamist activists. Umar Miqati told Amnesty International:

*“Throughout seven days of detention I remained blindfolded except for brief periods. I was tortured using suspension by the ballanco and would remain suspended for about an hour and a half. While I was held in that position I was beaten with sticks and cables on my feet under the supervision of a colonel. I remained without food for 24 hours, physically and mentally exhausted. I was deprived of sleep and cut off from the outside world, held blindfolded in a dark room. It was like a grave. Interrogation continued throughout the seven days, interrupted only by beatings and mostly during the night.”*

At the Ministry of Defence Detention Centre detainees are currently held in cruel and inhuman conditions in overcrowded cells, some are kept handcuffed and blindfolded in the corridors. Underground cells are about three by two metres and there is no natural light. According to one detainee, “[i]t was like a grave: you are confined to one place for prolonged periods and subjected to ill-treatment, not allowed to have access to the toilet except one time during the day [during the night detainees are provided with containers to use instead of being allowed access to toilets] when the detainee will be blindfolded and handcuffed”.

Prisoners or detainees are reportedly not allowed access to any media including newspapers, radios or any reading material of a political nature. This is apparently intended to cut the detainees off from the outside world.

Such treatment is part of an ongoing pattern of torture and ill-treatment of detainees being held incommunicado mostly, but not exclusively, at the Ministry of Defence Detention Centre.

Amnesty International has documented a number of cases of torture involving Dhinniyyah detainees including following arbitrary re-arrest: for example, weeks after their release on bail in June 2002, following a campaign by politicians, members of parliament and the Committee of Relatives of Dhinniyyah Detainees, several men including Fadi Taybah, Ahmed Abu Ghosh, ‘Ali al-Hamawi, Mazyad Ghayth, Wissam al-‘Umar, and Muhyi al-Din ‘Umays were re-arrested by members of Military Intelligence on suspicion of involvement in the bombing of the house of Sergeant George ‘Aquri, a guard at Rumieh Prison, which resulted in the death of a woman. All those named above were held incommunicado for two weeks in al-Qubba detention centre in Tripoli, Ba’abda detention centre and the Ministry of Defence Detention Centre in al-Yarze. Other detainees already held in connection with the Dhinniyyah events were also transferred from Rumieh Prison to the Ministry of Defence Detention Centre for interrogation in connection with the bombing incident. All were reportedly held blindfolded and beaten and remained detained incommunicado for weeks despite vehemently denying any involvement in the bombing incident, only to be released after it was established that they were arrested on the basis of false information passed to the Military Intelligence.

Photo caption: Fadi Taybah © private

**Fadi Taybah** was reportedly tortured and ill-treated at Ba’abda Military Intelligence building where he was taken from al-Suwayqa Military Intelligence building in Tripoli, before being moved to the Ministry of Defence Detention Centre in al-Yarze. He was arrested in Tripoli on 12 August 2002, some two weeks after his release on bail on 29 July. He was moved on the same day from Tripoli to Ba’abda, blindfolded with his hands cuffed behind his back. He was reportedly severely beaten by cables on his head, hands and stomach and verbally abused. His lawyer quoted him as saying that, during this torture, he thought he recognized one of the perpetrator’s voices as a prison guard working in Rumieh Prison. He was repeatedly tortured, including by electric shocks, over three days while being denied food and drink to which he had access only on the third day. Fadi Taybah told his lawyer that on the third day he was given a little food and a cup of water by a guard who saw him bleeding from his hands and feet. After one day’s detention at the Ba’abda detention centre building he was moved to another detention centre where he continued to be tortured. Here he said he was beaten with cables on his feet after water was poured on them, during interrogation by people with “non-Lebanese” dialects (apparently Syrian intelligence officers) about the bombing of George Aquri’s home. On 14 August Fadi Taybah was moved to the Ministry of Defence

Detention Centre, where he was not tortured or otherwise ill-treated. He was held there until 20 August when he was moved to al-Qubba Military Intelligence building in Tripoli and was released without charge later in the afternoon. On 28 August 2002 his lawyer sent a letter of complaint about the torture of his client to President Emile Lahoud but no answer has yet been received.

Photo caption: Khaled Minawi © private

Less than a month after the release of those held in connection with the bombing, **Khaled Minawi**, an Islamist activist aged 18, was arrested and referred to the Military Court on charges of involvement with a “terrorist” organization. He was arrested in October 2002 by the Military Intelligence in a wave of arrests targeting Sunni Islamists allegedly associated to *al-Qa’ida*. Others arrested included Muhammad Ramiz Sultan, a Lebanese/Australian national, and Ihab Husain Dafa’, a Saudi Arabian national. Following their arrest the three men were held incommunicado and later charged with establishing “a terrorist organization” with the intent of “carrying out terrorist acts”; “harming the authority and integrity of the Lebanese state”; and “forming with others a nucleus of a multi-national network belonging to *al-Qa’ida* organization”. The detainees were reportedly tortured or ill-treated and there were fears that confessions may have been extracted under duress. While held incommunicado for five days at the Ministry of Defence Detention Centre, Khaled Minawi was reported to have been tortured by the *ballanco* and severely beaten in the stomach and face, in addition to being denied food for five days. He had been tortured before, while being held incommunicado in 2000, when he was 16 years old, following his arrest in connection with his alleged involvement in the Dhinniyyah clashes of 1999.

## **6. Cruel, inhuman and degrading treatment in Qasr Nura and Rumieh Prisons**

### **6.1 Qasr Nura Prison**

Following their prolonged incommunicado detention, the Dhinniyyah detainees were transferred to the maximum security Qasr Nura Prison. ‘Umar Miqati testified to Amnesty International about his ordeal in Qasr Nura:

*“We were about 50 men in one room. Space was scarce so we alternated in sleeping. We would be allowed out of the room only once every 24 hours in small groups for about three to five minutes, and to have showers every one or two weeks. Food was meagre and several detainees suffered illnesses (Ihab al-Banna and Sa’id Minawi contracted scabies). After six weeks of incommunicado detention I was allowed access to a lawyer who volunteered to take my case and managed to secure my release on bail of 500,000 Lebanese pounds.”*

The detainees were held at Qasr Nura for up to eight months, in small cells cramped with between six to eight prisoners in each cell. They had no access to beds, mattresses or

covers and had to sleep with a thin sheet spread on the floor exposing them to the cold weather. Ventilation was poor and there was no access to sun light, fresh air or exercise.

Food and drinking water given to the detainees were reportedly of poor quality and unhygienic. Despite this the families of the detainees were not allowed to provide them with home-made food and were allowed to bring drinking water and clothes only. According to Rule 87 of the UN Standard Minimum Rules for the Treatment of Prisoners “untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends”.

As a result of these cruel, inhuman and degrading conditions and the lack of facilities for personal hygiene many detainees suffered ill-health, including contracting scabies. The detainees also suffered psychologically as a result of being forced to have their beards shaved and the fact that family visitors were harassed. Detainees would be allowed only ten minutes to talk to their families, during which time physical contact with their young children was forbidden. Before being allowed visits female relatives were body searched and subjected to harassment by female guards.

## **6.2 Rumieh Prison**

After being held for months at Qasr Nura Dhinniyyah detainees were moved to Rumieh Prison, where they continue to suffer ill-treatment. They are routinely blindfolded when taken from Rumieh Prison to the court building, and any attempt to lift the blindfold can lead to punishment. On 26 October 2002, detainee Khaled ‘Akkawi, was beaten while being taken to court by his guards when he told them that, as a result of back pain, he could not bend to allow them to apply the blindfold. He reported the incident to the Justice Council and the matter was taken up by the Public Prosecutor who questioned the detainee and the guards involved in his transport and concluded that he had been beaten. No punitive measures appear to have been taken against those involved.

The latest episode in the series of ill-treatment of detainees in Rumieh Prison occurred when 17 detainees boycotted a hearing of their case before the Justice Council on 17 January 2003. The detainees had informed the Justice Council in the previous session that they were planning the boycott in protest against their ill-treatment and to call for their release pending trial. On the day of the hearing the security forces resorted to excessive force using batons and tear gas to force the detainees to end their boycott. According to a statement issued by the Department of Internal Security the detainees used sharp instruments of “their own manufacture” against the officers. Scores of security and military intelligence members reportedly stormed the prison and attacked the detainees while negotiations were underway to persuade them to attend the court hearing. The incident resulted in the injury of more than 10 detainees and five members of the security forces.

Photo caption: Sa‘id Minawi © private

The Dhinniyyah detainees were reportedly beaten up and moved to solitary confinement following the incident. In what appears to have been collective punishment other

detainees held in Rumieh Prison were also apparently beaten by the security forces for allegedly showing solidarity with the Dhinniyyah detainees. This resulted in the injury of around 10 detainees, some seriously. Two of these, Ihab al-Banna and Sa'id Minawi, were admitted to Dhahr al-Bashiq Hospital for treatment and on their return to prison were held incommunicado for over a week and denied access to their families and lawyers. The officers appear to have resorted to force contrary to Lebanese prison rules and international standards including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which states in Principle 15 that "[l]aw enforcement officials, in their relations with persons in custody or detention, shall not use force, except when strictly necessary for the maintenance of security and order within the institution, or when personal safety is threatened."

According to information received by Amnesty International detainees were moved to solitary confinement and denied food for two days while held in cells without access to natural light. The detainees reportedly had their beards, which they keep as a symbol of religious obligation, forcibly shaved off by security officers and their Islamic books and other religious literature were reportedly "desecrated" and trodden on, apparently as a punishment. No independent investigation is known to have been carried out into these events.

Photo caption: 'Umar al-Rifa'i © private

Earlier in May 2002 up to 18 detainees staged a three-week hunger strike in protest against their prolonged detention and ill-treatment in prison. The authorities responded by introducing harsh measures against those involved, including prolonged solitary confinement. This attracted wide scale media attention and added fuel to the campaign for the resolution of the Dhinniyyah case. Immediately after the hunger strike the detainees were moved to solitary confinement, denied access to families and lawyers and deprived of fresh air and sunlight. The punitive measures introduced were endorsed by the Public Prosecutor, 'Adnan 'Addoum, who said that the law stipulates placing those involved in hunger strikes into solitary confinement. The hunger strike led to the deterioration of the health of Ahmad al-Darj who had been suffering from an untreated leg injury apparently sustained during the Dhinniyyah clashes; 'Umar al-Rifa'i who suffers from a heart condition; and Ahmad Abu-Ghosh who suffered severe weakness and exhaustion which led to his being unable to stand on his feet. The ill-treatment of those on hunger strike was compounded by the denial of access to washing and clean clothes.

## **7. Unfair trial before the Justice Council**

In 2001 the Dhinniyyah detainees were referred to the Justice Council, a special court to which cases are referred by decree from the Council of Ministers based on a proposal by the Minister of Justice and endorsed by the Judiciary Council. The Justice Council is formed of five judges of the Court of Cassation with the head of the Court of Cassation as its president.

The court ensures legal representation for the accused and allows defence lawyers access to case documents; its procedures and hearings are public and attended by the media. Amnesty International delegates have in the past attended Justice Council hearings.

The decision of the Justice Council is final and not subject to appeal. According to Article 356 of the NCCP the Justice Council has jurisdiction to deal with offences related to state security, espionage, and “terrorism” as provided by the Penal Code; all offences contained in Law 11 of 1958; and all offences related to firearms and weapons as provided by the Penal Code and the Military Justice Act. Cases involving such offences which are already being considered by ordinary and military courts may be referred to the Justice Council which has jurisdiction to deal with civilian and military offenders.

The prosecution is represented in the Justice Council by the Public Prosecutor or a person delegated by the Public Prosecutor. While the Justice Council in theory follows the same procedures adopted by ordinary courts as provided by the NCCP, it is in practice the subject of intervention by the executive and the Public Prosecutor who, according to Article 367 of the NCCP, has the right to call for additional investigations into case(s) under consideration by the Justice Council. It appears that most of the offences considered by the Justice Council have so far been of a political nature mainly involving defendants belonging to political, religious or other groups opposed in one way or the other to the government. As such the choice of referring the cases to the Justice Council and the way they are prosecuted may be based on political considerations rather than legal merit. In what appears to be discrimination by authorities against the Dhinniyyah detainees, their cases were referred to the Justice Council, while cases of people from other political groups with similar offences including state security offences were not. Nor were cases involving high profile political killings during the civil war referred to Justice Council. Article 26 of the ICCPR states “[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Among the serious flaws of the Justice Council is that it has no jurisdiction over pre-trial detention procedures including interrogation, and this may be one of the reasons why it is unable to investigate claims of torture and other abuses during pre-trial detention. Principle 3 of the Basic Principles on the Independence of the Judiciary<sup>10</sup> states “[the] judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.” Principle 5 emphasizes the right to be tried before an ordinary court: “[everyone] shall have the right to be tried by ordinary courts or tribunals using established legal procedures.

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<sup>10</sup> Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.”

Many of the Dhinniyyah detainees told Amnesty International about such abuses in pre-trial detention. Among them is defendant, Dr Muhammad Khaled, who states:

*“I was interrogated twice by the investigating magistrate. The second interrogation took place after I was transferred to Qasr Nura Prison where I told the magistrate that I needed to change my statement and he replied, ‘we will look into that’. My demand was not met so I told my lawyer to make a representation to the magistrate to this effect, but to my surprise the lawyer said it was too late and that I could make any changes to my statement when I was brought before the court. Later when I had the opportunity to read the documents after being moved to Rumieh Prison, one month after the interrogation, I realized that my statement had been distorted to the extent that questions I answered with ‘no’ were changed into ‘yes’”.*

It also appears that the Minister of Justice has discretion over which cases are referred to the Justice Council given the absence in the NCCP of clear criteria for selecting or proposing cases to be tried by the Justice Council. The arbitrariness of selection of cases referred by the Council of Ministers for consideration by the Justice Council is exemplified by the fact that cases involving “collaboration” with Israel which may be categorized as espionage are referred to the Military Court and not the Justice Council which has jurisdiction over such offences. This remains the case even though trials before the Military Court fall even shorter of international standards for fair trial than trials before the Justice Council. So far, it appears that since the end of the civil war the cases brought before the Justice Council have mostly involved high-profile anti-government figures belonging to unauthorized Christian or Sunni Islamist political organizations.

Following the examination in 1997 of the last periodic report by Lebanon on its implementation of the ICCPR, the HRC stated that “some aspects of the State party’s legal system do not conform with the provisions of the [ICCPR] ... decisions passed by the Justice Council are not subject to appeal, which is contrary to article 14, paragraph 5, of [the ICCPR]”. The HRC expressed “concern about the independence and impartiality of the State party’s judiciary” and failure of the State party to “provide citizens with effective remedies and appeal procedures for their grievances”. The HRC recommended that “the State party review, as a matter of urgency, the procedures governing the appointment of members of the judiciary, with a view to ensuring their full independence”. Six years on, none of these concerns has been addressed by the Lebanese authorities, as far as Amnesty International is aware.

Members of the Justice Council are usually senior members of the Court of Cassation, an arrangement which often limits the time they can devote to the proceedings of the Justice Council. One consequence of this is routine delays of hearings held at the Justice Council which, as is evident in this case, can continue for years in a manner that undermines the right to fair trial. Since the Dhinniyyah case was referred to the Justice Council in early 2001 only six of the dozens of defendants charged have had their cases heard.

The Justice Council sessions have so far been interrupted by a myriad of complaints lodged with the court by individual defendants regarding extraction of “confessions” under torture, repeated incidents of ill-treatment and aspects of unfairness of their trials. For example, during the hearing which took place on 8 June 2002, detainees who had been on hunger strike for weeks and whose health had deteriorated seriously as a result were forced to attend the hearing. It was adjourned shortly after as the hunger strikers were too weak to walk or stand without assistance. This session, like the previous one, was interrupted by further complaints by the detainees, including those on hunger strike, about increasing ill-treatment at Rumieh Prison, allegedly being prevented from praying and the placing of hunger strikers in solitary confinement. One defendant said they were told by a prison official that the measures were introduced according to instructions from the Public Prosecutor, ‘Adnan ‘Addoum. The Public Prosecutor, who was present at the session, responded by stating that “the Public Prosecutor has not given any directives to the prison authority regarding the detainees and according to regulations any person on hunger strike is moved to solitary confinement”. However, the Justice Council did not initiate any inquiry into the allegations made by the defendants regarding their ill-treatment and the punitive measures taken against hunger strikers.

The Justice Council also failed to order an independent and impartial investigation into allegations made by defendants, including Ihab al-Bana, Yahya Miqati and ‘Abd al-Mun’im Za’rur, during previous hearings about their torture and ill-treatment during incommunicado detention and the subsequent extraction of “confessions”. During a court session on 30 November 2001 ‘Abd al-Mun’im Za’rur stated that he had been beaten and coerced to make statements incriminating himself while being interrogated at the Ministry of Defence Detention Centre. He said that taking part in the Dhinniyyah encampment of 1999 was for the purpose of worship and prayers and not for military training as written in the statement attributed to him by the investigating magistrate. He insisted that during the interrogations at the Ministry of Defence he was coerced to confess that he had joined the Dhinniyyah encampment of 1999 with the intention of taking part in military training and to plot against the army. When asked by the Justice Council as to why he had made the same statement before the investigating magistrate he said he thought the investigating magistrate was a member of the Military Intelligence and not a judge.

## **8. National calls for respect of the Dhinniyyah detainees’ rights**

The Dhinniyyah case has attracted some attention within the political and religious circles in Lebanon leading to calls for the expediting of the trial of detainees. In June 2002 a delegation comprising the Minister of Education, ‘Abd al-Rahim Murad, the Minister of Public Works and Transport, Najib Miqati, and members of parliament met with the Minister of Justice, Samir Jisr, to raise concerns about the prolonged detention without trial of the Dhinniyyah group and their detention conditions. The delegation urged the Minister of Justice to expedite the trial of the detainees, release the detainees pending their trial and improve conditions of detention. The Mufti of the Republic and the spiritual leader of the Sunni Muslim community in Lebanon, Shaykh Muhammad Rashid Qabbani, also demanded a speedy resolution of the

Dhinniyyah case, following a meeting in June 2002 with a delegation of Sunni Islamic organizations, scholars from the north, and the Committee of Relatives of the Dhinniyyah Detainees. Shaykh Qabbani said, "I call on all officials in the country for solidarity to end the legacies of the Dhinniyyah events through a just and speedy trial of the detainees and their release pending trial according to laws and regulations". He said any delay in the resolution of the case is "harmful to Lebanon and it's a concern for human rights".

Tripoli MP, Misbah al-Ahdab, in a press conference in Tripoli in December 2001, expressed concern at certain "politically" motivated measures by the judiciary and the preferential treatment of other detainees held on charges related to internal state security. He referred to the release of certain detainees held on internal state security offences, pending trial, in contrast to the continuing detention of those held in connection with the Dhinniyyah clashes contrary to the "constitutional right of those to be treated equally with others", and criticized the delay in the trial of the detainees before the Justice Council. In May 2002 Misbah al-Ahdab raised the issue of the Dhinniyyah detainees with the Speaker of parliament through whom he directed a question to the government on why the judiciary refuses the release of certain detainees while releasing others. He also asked how long their detention would continue since the Justice Council was not convening regularly to reach a judgment.

Another member of parliament, Ahmad Fitfit, called in a press conference in June 2002 for the release of those Dhinniyyah detainees whom the investigations show had not been directly involved in the Dhinniyyah events. He said there are a number of innocent young men in detention who must be released according to the NCCP, and went on to criticise officials who had levelled uncorroborated accusations against these men including allegations of membership of *al-Qa'ida*.

## **9. Conclusion and recommendations**

Amnesty International has raised in this report a number of concerns related to the Dhinniyyah detainees. Among these concerns are: prolonged incommunicado detention during which the detainees were reportedly tortured and ill-treated; extraction of "confessions" under torture; violations of the rights to the presumption of innocence; trials that fall short of international standards for fair trial; and fears that detainees may face the death penalty. Amnesty International urges the Lebanese authorities to take, as a matter of urgency, measures addressing these concerns, and to ensure that the rights of the Dhinniyyah detainees are respected at all times. The authorities must honour their obligations under the ICCPR and CAT and ensure that the provisions of these treaties are fully implemented in law and practice. Amnesty International is, therefore, calling on the Lebanese authorities to implement the following recommendations:

### **Torture and ill-treatment**

- Order an independent, impartial and effective investigation into all allegations of torture or ill-treatment alleged by the Dhinniyyah detainees. This should include:

- allegations of torture during incommunicado detention and all other allegations of ill-treatment while in custody, including in Rumieh Prison;
- such investigations should be carried out according to international standards related to investigation of torture and ill-treatment including the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- members of the investigating body should be independent, competent and impartial and have access to independent medical and other expertise;
- the result of such investigations should be made public. Victims should be provided with reparation and any perpetrators brought to justice in accordance with international standards for fair trials.
- Implement the CAT to which Lebanon acceded in 2000. This should include incorporation of its provisions in Lebanese laws with a view to ensuring that torture is prohibited legally and in practise. As a further step in this direction the authorities should ratify the Optional Protocol to the CAT.
- Ratify the First Optional Protocol to ICCPR and the declaration under Article 22 of the CAT that individuals can bring complaints about the violations of their rights under this Convention to the relevant UN Committee.

#### **Extraction of confessions under torture**

- All allegations of extraction of confessions under torture must be investigated according to international standards. The judicial institutions involved in the trial of the Dhinniyyah detainees must ensure that any confessions believed to have been taken in such a manner are excluded from judicial proceedings, as required by the CAT.

#### **Incommunicado detention**

- Ensure that detainees are not subjected to prolonged incommunicado detention as this facilitates torture and constitutes a form of cruel, inhuman and degrading treatment. Detainees must be held in recognizable places of detention in humane conditions.

#### **Safeguards in pre-trial detention**

- Introduce measures, as a matter of urgency, to ensure that the rights of the Dhinniyyah detainees and other pre-trial prisoners are respected at all times. This should include application of all the rights already incorporated in Lebanese law and implementation of all other guarantees provided by international standards and treaties to which Lebanon is a state party.

#### **Treatment of untried prisoners**

- Ensure that the Dhinniyyah detainees' right to the presumption of innocence is respected and that they are humanely treated as untried prisoners. The authorities

should implement all relevant international treaties and standards including the ICCPR, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Standard Minimum Rules for the Treatment of Prisoners. These include the requirement for segregation of untried prisoners from convicted prisoners and that they are treated in a manner appropriate to their status as unconvicted detainees.

- Provide proper medical care including treatment at specialist institutions or civil hospitals to sick detainees, whose calls for such treatment supported by medical reports, have so far been unheeded. As required by international standards all such medical care should be provided free of charge.

#### **The right to fair trial**

- Ensure that the Dhinniyyah detainees are given a fair trial in accordance with international treaties and standards. As a pre-requisite the detainees should be tried before a competent and impartial court established by law without any interference of political or any other nature with the judges having exclusive power to decide on matters of judicial nature.
- Ensure that the defendants are treated on an equal footing in court vis-à-vis the state, in accordance with the principle of “equality of arms”. The judicial authorities must in particular take measures to prevent the prosecution from disclosing information about the case outside the court which could prejudice the detainees’ right to receive a fair trial.
- Take, as matter of urgency, measures to expedite the trials of the Dhinniyyah detainees with a view to finalizing the trials without undue delay as required by international standards.

#### **Solitary confinement and cruel, inhuman or degrading treatment**

- Take immediate steps to ensure that the Dhinniyyah detainees are well-treated and not subjected to any form of cruel, inhuman or degrading treatment. The authorities must in particular stop repeated confinement of detainees in dark cells or subjection to any other unlawful punishment prejudicial to their mental and physical health.

#### **Death penalty**

- Under no circumstance should any of the Dhinniyyah detainees be given the death penalty, which Amnesty International opposes in all cases as the ultimate form of torture and cruel, inhuman or degrading punishment. To ensure that the death penalty is not applied in this case the authorities must take immediate measures to allow the detainees to be tried before an ordinary court and not before special courts or according to exceptional laws such as Law 11 of 1958.
- As a step towards the abolition of the death penalty the authorities should declare a moratorium on executions and consider the ratification of the Second Optional Protocol to the ICCPR.

## **Lebanon**

### **Samir Gea'gea' and Jirjis al-Khoury: Torture and unfair trial**

#### **Introduction**

Leader of the banned Lebanese Forces (LF), Samir Gea'gea', and Jirjis al-Khoury, a member of the LF, have been held at the Ministry of Defence Detention Centre (MDDC) in Beirut since 1994. Both are serving life sentences for their alleged involvement in politically-motivated killings and are being held in cruel, inhuman and degrading conditions, after unfair trials. Samir Gea'gea' and Jirjis al-Khoury are now the only political prisoners held following their trials at the MDDC.

In this report, Amnesty International documents human rights violations suffered by Samir Gea'gea' and Jirjis al-Khoury during their incommunicado pre-trial detention, their interrogation, their trial before the Justice Council, and their imprisonment at the MDDC. The main human rights concerns are:

- Jirjis al-Khoury was not allowed access to lawyers during interrogations while he was held incommunicado in pre-trial detention, and was not brought promptly before a judge to review the lawfulness of his detention;
- While held incommunicado in pre-trial detention Jirjis al-Khoury was made to believe that he was a witness, and was not informed as required by law of charges being brought against him;
- While held incommunicado in pre-trial detention Jirjis al-Khoury was reportedly tortured and ill-treated, and the "confessions" he claimed he made under torture were subsequently accepted as the main evidence in his trial;
- Samir Gea'gea' and Jirjis al-Khoury were unfairly tried before the Justice Council, a special court whose decisions are final and not subject to appeal and which so far has failed to investigate allegations of torture and other abuses reportedly committed during pre-trial detention;
- Samir Gea'gea' and Jirjis al-Khoury have been held for over ten years in solitary confinement in cruel inhuman and degrading conditions, in a manner detrimental to their physical and mental health.

Samir Gea'gea' and Jirjis al-Khoury, like scores of other LF members, may have been victims of human rights violations committed in a climate of political repression and intimidation. Amnesty International is concerned that there is no apparent prospect of these two long term political prisoners being retried by the Justice Council. The organization is, therefore, calling for Samir Gea'gea' and Jirjis al-Khoury to be released or promptly retried, before an ordinary and independent criminal court, in proceedings that conform with international fair trial standards, and for the allegations of torture and

ill-treatment to be investigated. Over the last ten years the Lebanese authorities have ignored calls by Amnesty International and other human rights groups for the injustice visited upon the two men, including unfair trial, lack of pre-trial guarantees and allegations of torture in incommunicado detention, to be rectified.

### **Contextual Background**

On 27 February 1994, a bomb exploded in *Sayidat a-Najat* (Lady of Deliverance) church in Zuq Michael in Junieh, near Beirut, killing 10 people and injuring others. In March and April 1994 scores of members and supporters of the Lebanese Forces (LF), the main Christian militia during the Lebanese civil war, including its leader Samir Gea'gea', were rounded up and detained for various periods in connection with the bombing. Following these arrests, the authorities banned the LF alleging that it was responsible for the church bombing, even though the investigation into the incident had not reached a conclusion. Consequently, there were additional restrictions on the freedom of expression and association of LF affiliates and suspected supporters, as well as other opposition groups. These measures led to serious human rights violations, including arbitrary arrest, torture, and unfair trials.

During the interrogation of LF members held in connection with the church bombing, the examining magistrate announced that he had discovered evidence indicating that the LF - led by Samir Gea'gea' - had perpetrated the assassination of the leader of the Liberal National Party, Dany Cham'oun and members of his family in October 1990. Subsequently, Samir Gea'gea' and other LF officials were indicted for the killings; some were indicted *in absentia*. They were then referred to the Justice Council, the highest criminal court in Lebanon, in connection with both the church bombing and the killing of Dany Cham'oun and his family. Accordingly the Justice Council proceeded with a concurrent trial for Samir Gea'gea' and other LF officials accused in both cases. In June 1995, the Justice Council issued a verdict in relation to the Dany Cham'oun case, sentencing Samir Gea'gea' to death, immediately commuted to life imprisonment.

In the case of Samir Gea'gea' and his involvement in the political killing of Dany Cham'oun, his defence lawyers argued that the crime took place during the civil war and was therefore covered by the General Amnesty Law of 1991 (Law No. 84/91). However, this argument was dismissed by the Justice Council which said the killing, despite having taken place during that period, fell within the category of crimes exempted from the Amnesty Law, and that the Justice Council had jurisdiction to pursue it.

The General Amnesty Law granted an amnesty for crimes committed before 28 March 1991. It was promulgated by the Lebanese government on 26 August 1991 and applied to crimes committed by all militias and armed groups throughout the civil war. The Amnesty Law was intended to encourage the 'turning of a new page' in the political history of Lebanon. However, it did allow for the exclusion of certain crimes, the most important of which are found in Article 3 of the Law, which says the amnesty does not cover "crimes of assassination or attempted assassination of religious figures, political leaders, and foreign or Arab diplomats".

The Lebanese public appears to be divided over the Amnesty Law: while some argue, as does the government, that the Law facilitates peace and reconciliation, others believe it provides impunity for those responsible for human rights abuses in the past and prevents the emergence of truth. Amnesty International has on several occasions expressed its concern about the Lebanese Amnesty Law of 1991. In its report *Lebanon: Human Rights Developments and Violations (MDE 18/1997)* Amnesty International stated:

*"In general, Amnesty International believes that there should be thorough investigations into allegations of human rights violations. The object of such investigations should be to determine individual and collective responsibility and to provide a full account of truth to the victim, their relatives and society. Investigations must be undertaken by impartial institutions, and must be granted the necessary authority and resources for their task. The results of such investigations should be made public. Amnesty International believes that a new future of true and lasting peace and human rights protection in Lebanon is only possible if the country comes to terms with its past through a process aimed at investigating and establishing the truth of the war period and its related abuses."*

Apart from the general concern that the amnesty gives impunity to those who have committed human rights violations, the exemptions prescribed by the Amnesty Law have in effect created an environment which allows for selectivity and discrimination. The fact that certain crimes such as killings of religious and political personalities are exempt from the Amnesty Law has led to discrimination between victims of human rights violations during the war on grounds of their status - that is, only those violations committed against political and religious leaders are to be pursued to the exclusion of others. Likewise, the Amnesty Law states that those committing crimes covered by the amnesty, after the date of its promulgation, will be liable for prosecution and will also be liable for all the offences they committed during the war. This approach seems to be unfair and hampers attempts to address multiple human rights violations committed during the war, or to bring all perpetrators of these violations to justice, in an equal and fair manner.

The trials of Samir Gea'gea' and LF supporters are examples of the apparent selectiveness of this approach. For example, while asserting its jurisdiction over crimes such as assassination of political and religious leaders, the Justice Council has not actively pursued such cases apart from those allegedly committed by Samir Gea'gea'. This raises concerns about the impartiality and fairness of the court in dealing with the politically motivated assassinations during the war. This may be due to the fact that the Justice Council can only act if and when such cases are referred to it by the Council of Ministers, whose decisions in this regard may have been politically motivated. Although the case of the killing of Dany Cham'oun was originally referred to the Justice Council on 30 October 1990, shortly after the killing took place, it did not initiate and investigation or pursue Samir Gea'gea' for this crime until 1994 when he and scores of LF members were arrested in connection with the church bombing and at a time when the LF's relations with the government had broken down(1). It is not yet clear why the Justice Council has not initiated proceedings in the cases referred to it by the government even after the security and political situation gradually stabilised by 1992.

### **The arrests of Samir Gea'gea' and Jirjis al-Khour**

Samir Gea'gea' was arrested on 21 April 1994 along with scores of other LF members rounded up in mass arrests in March and April, following the February 1994 bombing of the *Sayidat al-Najat* (Lady of Deliverance) church in Zuq-Mikhael in Junieh which resulted in the death of 10 people and the injury of others. Jirjis al-Khour handed himself over to the authorities on 15 March 1994, a week after military intelligence officers stormed his family's home and arrested the entire family, including his ten year old sister. However, after members of the family were released, they were subjected to intimidation and harassment between 1994 and 2002. During that period their home was raided time and time again by members of the military intelligence and other security departments, and their personal belongings, including valuables and books were reportedly confiscated. On his arrest, Jirjis al-Khour was handcuffed and blindfolded and taken to the MDDC where he was held incommunicado for about six weeks.

Samir Gea'gea', a medical doctor by training, was born in 'Ayn al-Rummanah in Beirut in 1952. In 1986 he became leader of the LF, the main Christian militia during the civil war. Jirjis al-Khour, a computer technician, was born in Tyre in south Lebanon in 1968. His exact position within the LF at the time of his arrest is not clear, but he was allegedly a member of the LF security department. He was previously a member of the Phalange Party's students' bureau.

### **Pre-trial detention and torture at the MDDC**

There were serious violations and irregularities in Samir Gea'gea' and Jirjis al-Khour's pre-trial detention at the MDDC. The detainees were arrested without warrant and were held incommunicado without access to lawyers or families. They were not brought promptly before a judge to review the lawfulness of their detention. Amnesty International is not aware of any *habeas corpus* remedies made available to them during their unlawful detention.

Both defendants were denied access to their lawyers during their interrogations at the MDDC. At a later stage lawyers were allowed to see them only for short periods of time and at intervals which would not allow them to perform their defence tasks properly. The defendants did not have unrestricted access to their legal papers, and defence lawyers were not allowed to communicate with them during trial proceedings. In the case of Jirjis al-Khour, these flaws led defence lawyers to argue that all statements obtained during preliminary interrogations should be declared null and void as most were not carried out by authorized judicial officers, in contravention of the Code of Criminal Procedures.

Following his incommunicado detention and during the course of almost one year, Jirjis al-Khour was allowed to see his lawyer only three times, briefly and in a very restricted manner. While held incommunicado he was not informed of the charges brought against him and only knew of them when the indictments were issued. During interrogation while held incommunicado, he was made to believe that he was a witness rather than a defendant, and was not informed as required by law of his rights in pre-trial detention nor of the charges being brought against him.

Jirjis al-Khouri told the court he was tortured during incommunicado pre-trial detention, and stated that "confessions" - which he retracted - were extracted as a result. He said he was tortured by members of military intelligence who used many techniques including: the *ballanco* (hanging by the wrists which are tied behind the back); electric shocks; having his toe nails crushed; having his hair pulled out; repeatedly being deprived of food and sleep over a period of more than 40 days; being forced to drink dirty water; and hearing threats to kill members of his family. As a result of torture, he said he was unable to stand for about one month, bled from parts of his body including his mouth, suffered hallucinations and forgot his name. He said he was being beaten in the presence of judges and the Public Prosecutor. He was told that he had to choose one of two options: to confess that he had himself bombed the church or that he had participated in the bombing. He told the court that finally he signed papers presented to him because he could no longer stand the effects of torture which were compounded by pain from a back operation he had had in 1987.

Amnesty International has received many reports of torture committed at the MDDC. Fawzi al-Rasi, who was among those held in connection with the church bombing in 1994, died in custody apparently as a result of torture there. He died after being admitted to an intensive care unit on 22 April 1994. At the time of the arrest and subsequent incommunicado detention of Samir Gea'gea' and Jirjis al-Khouri, the MDDC was an unlawful place of detention operating contrary to Lebanese law and international standards. It continues to operate outside the state's ordinary prison system despite its legalization as a place of detention in January 1995.

The MDDC is one of about eight "private" detention centres in the country which were authorized by the government during the first half of the 1990s through a decree issued by the Council of Ministers. They are under the jurisdiction of the Minister of Defence and are apparently run by the military intelligence and other security services. A maximum security prison, the MDDC has been used over the years as a transit detention centre where detainees are held for weeks or months, before being transferred, mainly to ordinary prisons. In certain cases political detainees may be brought back to the MDDC where they may be abused again. The MDDC continues to be out of bounds of the International Committee of the Red Cross (ICRC) and apparently of prison inspection systems operated by the Ministry of Interior.

The reputation of the MDDC was such that when a detainee was told in 2000 that he was being transferred there he was overwhelmed with "fear and was praying to God to be dead before [his] arrival so they could not touch [him]"(2). Another former detainee and member of the LF held for years without trial at the MDDC told Amnesty International in 2002:

*"There was torture by electric shocks and the Ballanco and extraction of 'confessions' under duress. Cells were without windows or sun light. It was like a grave: you are confined to one place for long periods and subjected to ill-treatment, not allowed to have access to the toilet except one time during day time (during the night detainees are provided with containers to use instead) when the detainee will be blindfolded and handcuffed. At times the eleven cells in the*

*detention centre would be full to the extent that people would be left handcuffed and blindfolded in the corridors. As a result of long solitary confinement underground detainees suffered physically and psychologically. They were physically weak suffering from pain in their joints."*

Some of the torture methods documented in recent years by Amnesty International from testimonies given by former detainees at the MDDC include:

- Incommunicado detention in underground cells of about three by two metres without access to fresh air or natural light;
- Being stripped naked;
- Blindfolding, hand-cuffing and tying of hands behind the back;
- Prolonged interrogation for hours, mostly during the night;
- Beating on different parts of the body;
- Crushing of toes;
- Pulling out of hair;
- Exposure to screams of other detainees being tortured;
- Being threatened that female relatives would be attacked and raped;
- Being forced to remain for prolonged periods in fixed positions;
- Being subjected to electric shocks;
- The *ballanco* (hanging by the wrists which are tied behind the back);
- Having one's religious beliefs denigrated;
- Being prevented from praying or having access to priests;
- Prolonged suspension in contorted positions while being beaten with sticks and cables on the feet;
- Deprivation of sleep, food and drink for prolonged periods;
- Denial of access to the toilet except once during the day, and being forced to use containers during the night.

### **Trials before the Justice Council**

On 13 June 1994, 22 people including Samir Gea'gea' and Jirjis al-Khoury, were charged

in connection with the church bombing but charges against most of them were later dropped by the examining magistrate. The charges brought against both defendants in accordance with the provisions of the Penal Code and [Terrorism] Law 11/1/1958 included the offences of "carrying out acts intended to change the Constitution by illegal means", "killings" and aiming to abolish the "legitimate role represented by the army". Eight of the 22, including Samir Geagea and Jirjis al-Khoury, were referred to trial (five of them *in absentia*) before the Justice Council. In July 1996 the court acquitted Samir Geagea of the church bombing charge, but sentenced him to ten years imprisonment for maintaining a militia in the guise of a political party," and for "dealing with military weapons and explosives; Jirjis al-Khoury was sentenced to life imprisonment with hard labour.

Between 1995 and 1999 Samir Geagea was handed down multiple death sentences commuted to life imprisonment by the Justice Council for the October 1990 killing of Dany Chamoun and his family, the assassinations during the civil war of former Prime Minister Rashid Karami in 1987, and the attempted assassination of former Lebanese Minister Michel al-Murr in 1991. A Criminal Court also sentenced him to life imprisonment for the assassination of former LF cadre Elias al-Zayek in 1990.

The Justice Council is a special court to which cases are referred at the discretion of the Council of Ministers, on the advice of the Minister of Justice, and not as a result of normal judicial procedures. The Justice Council has jurisdiction over cases involving, among other things, assassinations of, or assassination attempts on senior politicians, diplomats and religious personalities and cases of political violence and "terrorism". There is no right of judicial review of the sentences passed by the Justice Council, including death penalty sentences. Amnesty International has expressed concerns about the Justice Council's procedures which are incompatible with fair trial standards as laid down by Article 14 of the International Covenant on Civil and Political Rights (ICCPR). The UN Human Rights Committee, the body which monitors implementation by states of the ICCPR, has pointed out that "*decisions passed by the Justice Council are not subject to appeal ... contrary to article 14, paragraph 5, of the Covenant.*"<sup>(3)</sup> Amnesty International is also concerned that defendants tried before this court are routinely held in prolonged pre-trial detention, sometimes for years.

Amnesty International considers trials before the Justice Council to be in violation of international standards for fair trial because its decisions are final and not subject to appeal. The way cases referred to this court are chosen is selective, and the manner in which they are prosecuted may be based on political considerations rather than legal merit. Article 26 of the ICCPR states "*[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*" Principle 5 emphasizes the right to be tried before an ordinary court: "*[everyone] shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal*

*process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."*

Most of the defendants sentenced by this court over the last ten years were affiliated to political groups opposed to the government. Their trials were seriously prejudiced as a result of politically motivated smear campaigns following their arrest. In the two cases discussed in this report and subsequent cases brought before this court, Amnesty International noticed a persistent violation of the right to presumption of innocence.

One of the main flaws of the Justice Council is that it does not have total jurisdiction over the legal process of the cases brought before it, especially jurisdiction over all pre-trial procedures. This is contrary to Principle 3 of the UN Basic Principles on the Independence of the Judiciary which states "*[t]he judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.*"

As far as Amnesty International is aware, the Justice Council has failed to investigate numerous allegations made by defendants of torture and ill-treatment during pre-trial detention. In the case of Jirjis al-Khouri, the Justice Council has failed to investigate serious allegations of torture and extraction of "confessions" under torture and ill-treatment despite Jirjis al-Khouri's accusation that the then Public Prosecutor was present while he was being beaten during interrogation in incommunicado detention.

### **Prolonged solitary confinement at the MDDC**

Over ten years after their arrests, Samir Gea'gea' and Jirjis al-Khouri remained held in solitary confinement in individual underground cells at the MDDC. They are not allowed to communicate with other detainees even when they are outside their cells, and are denied access to newspapers, radio, TV and any literature of a political nature. Both detainees, however, receive visits from members of their families on specified days of the week. The visits are restricted and are subject to prior approval by the Public Prosecutor, and are conducted from behind glass barriers in the presence of military intelligence officers.

Cut off from the outside world the two political prisoners have apparently suffered physically and mentally. Samir Gea'gea' was examined by a team of medical doctors, who made their findings public in a press conference held at the Medical Syndicate in Beirut on 16 September 2004. The examination revealed that Samir Gea'gea' suffers from osteomalacia, a disease of the bones uncommon among those who are in their early fifties as is the case with Samir Gea'gea', and which could lead to spontaneous fracturing of the bones. Despite additional medical examination the cause of this disease was unclear, leading the panel of doctors to believe that it may be due to a lack of exposure over the years to regular and adequate sunlight. The report also revealed that he suffers from tachycardia or an irregular heart beat which may be the result of "physically and mentally stressful conditions". The panel stressed the necessity of providing him with proper medical care in accordance with international standards, and concluded that the general health of Samir Gea'gea' appears to be fine, but there are signs of ill-health in

view of the heart and bone conditions. In previous years he had suffered from paralysis of one of his fingers and chronic pain in his right shoulder. Ten days after the release of the medical report on Samir Gea'gea', the authorities announced that he had been moved to a new cell with reportedly better conditions.

The precise health condition of Jirjis al-Khouri is not known given that he has not been allowed access to independent medical care, but he is reportedly suffering from pains in his spine, neck, leg and stomach. He reportedly sleeps on a mattress on the floor. According to information obtained by Amnesty International, his family's request to allow him access to an independent medical examination has been refused by the authorities. He is allowed access to his family every Tuesday and Thursday excluding public holidays, but his family's requests for him to be allowed access to priests, medical care and homemade food have been denied.

Amnesty International considers prolonged solitary confinement to be cruel and damaging to the physical and mental health of a prisoner. This is particularly so in the case of Samir Gea'gea' and Jirjis al-Khouri who have been held for over ten years in solitary and isolated cells in a place which is not a prison institution, not subject to ordinary prison rules, and not accessible to visits by the ICRC or other inspectors. Article 7 of the UN Basic Principles for the Treatment of Prisoners states: *"Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged."* The Human Rights Committee has stated that *"prolonged solitary confinement... may amount to acts prohibited by article 7"* of the ICCPR which states that *"no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*(4)

### **Lebanon's obligations under human rights law**

In these two cases the safeguards that must be accorded to pre-trial detainees have been absent, leading to allegations of torture and intimidation to extract "confessions". One of these safeguards is the right of the detainee to be brought without delay before a judicial or other competent authority. According to Article 9(3) of the ICCPR, to which Lebanon has been a state party since 1976, *"[a]nyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release."*

Principle 37 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states,

*"A person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention. No person may be kept under detention pending investigation or trial except upon the written order of such an authority. A detained person shall, when brought before such an authority, have the right to make a statement on the treatment received by him while in custody."*

The Lebanese authorities are also obliged to investigate allegations of torture. In the case of Jirjis al-Khouri the authorities refused to conduct an independent investigation into

claims of torture, and considered a medical report they commissioned to be conclusive proof that he had not been tortured. The Special Rapporteur on torture has stated that *"the absence of marks on the body that would be consistent with allegation[s] of torture should not necessarily be treated by prosecutors and judges as proof that such allegations are false"* and has called for *"the judiciary to be made more aware of other forms of torture, such as intimidation and other threats"*.(5) The UN Commission on Human Rights has stated that *"intimidation and coercion, as described in article 1 of the Convention [against Torture]..., including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person, can amount to cruel, inhuman or degrading treatment or to torture"*.(6) Amnesty International is concerned that despite categorical retraction by Jirjis al-Khouri of the statements he made while held incommunicado at the MDDC, asserting that they were made under torture, the Justice Council accepted them and considered them as the main evidence against him and other defendants. This contravenes Article 15 of the UN Convention against Torture which provides that states parties must *"ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made"*.(7)

The Special Rapporteur on torture has stated *"[n]o statement or confession made by a person deprived of liberty, other than one made in [the] presence of a judge or a lawyer, should have a probative value in court, except as evidence against those who are accused of having obtained the confession by unlawful means."*(8) The Special Rapporteur on torture has recommended, *"[p]rosecutors and judges should not require conclusive proof of physical torture or ill-treatment (much less final conviction of an accused perpetrator) before deciding not to rely as against the detainee on confessions or information alleged to have been obtained by such treatment; indeed, the burden of proof should be on the State to demonstrate the absence of coercion."*(9) Article 15 of the Convention against Torture states, *"[e]ach State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."* The Committee against Torture has recommended that *"all evidence obtained directly or indirectly by torture be strictly prevented from reaching the cognizance of the deciding judges in all judicial proceedings"*.(10)

At the MDDC and other "private" prisons operated by the military intelligence and other security forces, political detainees, arrested usually without warrant, are routinely held incommunicado for months without the knowledge of their relatives or lawyers. This practice, which has continued for years now, apart from being in itself a human rights violation, facilitates other human rights violations against detainees including torture and ill-treatment leading to physical and mental ill-health and even death in custody. These are violations of Lebanese law as well as of international human rights standards and treaties to which Lebanon is a state party, including the UN Convention against Torture. Article 10 of the UN Declaration on Enforced Disappearance states, *"[a]ny person deprived of liberty shall be held in an officially recognized place of detention"*.(11) The Human Rights Committee states that detainees should be held *"in places officially recognized as places of detention"*. Furthermore, the Special Rapporteur on torture has

stated, *"the maintenance of secret places of detention should be abolished under law. It should be a punishable offence for any official to hold a person in a secret and/or unofficial place of detention. Any evidence obtained from a detainee in an unofficial place of detention and not confirmed by the detainee during interrogation at official locations should not be admitted as evidence in court."*(12)

Despite calls, including from members of parliament, for the improvement of conditions in "private" detention centres and for them to be brought in line with Lebanese prison regulations and international standards, violations against detainees at the MDDC continue to be widely reported and appear not to be investigated. The lack of ICRC access to the MDDC runs counter to Decree No. 8800 issued by President Emile Lahoud on 4 October 2002. The Decree states *"Delegates of the ICRC shall be allowed to visit the prisoners they choose, to talk to them without restriction or surveillance for the whole duration of the visit, and in a place that they choose inside the prison. They shall be allowed to record the identity of the prisoners they meet."* The Decree authorizes medical delegates of the ICRC to meet all the prisoners they choose and to interview them without surveillance. However, despite this Decree the ICRC continues to be denied access to the MDDC, apparently due to the refusal of the military intelligence to comply with the Decree.

### **Conclusions and Recommendations**

Amnesty International considers the trial of Samir Gea'gea' and Jirjis al-Khoury to be in violation of international standards of fair trial, and their conditions of detention to be cruel, inhuman and degrading. The organization is equally concerned at reports of torture and ill-treatment inflicted on Jirjis al-Khoury and scores of other detainees who have been held at the MDDC. The organization regrets that the Lebanese authorities have failed so far to address its repeated calls for these two prisoners to be given a fair trial, and for all allegations of torture and ill-treatment and extraction of "confessions" under torture and ill-treatment at the MDDC during incommunicado detention, to be investigated independently. The organization believes that any statement made involuntarily or extracted under torture or ill-treatment should be excluded as evidence in judicial or other proceedings except where it is evidence against a person accused of perpetrating torture. Amnesty International calls on the Lebanese authorities to implement without delay the following recommendations:

- Samir Gea'gea' and Jirjis al-Khoury should be released, or promptly retried before an ordinary and independent criminal court, that applies regular provisions of the criminal law, in proceedings which must adhere to international standards for fair trial, including the right of the defendants to:
  - have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing, in private and without any hindrance;
  - be tried without undue delay;
  - examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on

their behalf under the same conditions as witnesses against them;

- not be compelled to testify against themselves or to "confess" guilt;
- have any statements obtained through torture or cruel, inhuman or degrading treatment or punishment made inadmissible in any proceedings before the court;
- appeal and review the court ruling before a higher court, which is similarly independent of government;
- Conduct an independent, thorough, and impartial investigation into their trials and allegations of torture and ill-treatment, and their prolonged solitary confinement in cruel, inhuman and degrading conditions;
- Reform the justice system, including by abolishing the single-tier courts and the death penalty. Ensure that all detainees are tried before a competent and impartial court established by law without any interference of a political or any other nature and with the judges having exclusive power to decide on matters of a judicial nature;
- Implement all relevant international treaties and standards including the ICCPR, the UN Convention against Torture, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Standard Minimum Rules for the Treatment of Prisoners;
- Enforce Presidential Decree No. 8800 and ensure that the ICRC is allowed immediate and unfettered access to all Lebanese prisons including those run by the MDDC and all other "private" detention centres. The MDDC and all other prisons must be subject to independent inspection through bodies that are independent of the authorities running the prisons;
- Improve detention conditions in the MDDC including by ensuring that they are brought in line with international standards. The MDDC and all other "private" prisons must be subject to normal prison regulations governing the prison system in Lebanon and in line with recognized international standards for the treatment of detainees;
- In particular take immediate steps to ensure that the detainees are well-treated and not subjected to any form of torture and cruel, inhuman or degrading treatment. The authorities must stop holding detainees incommunicado, confining detainees in dark cells or subjecting them to any other unlawful treatment or punishment prejudicial to their mental and physical health.

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(1) Among the cases involving killings of political and religious personalities, some of which were referred to the Justice Council, were those of Presidents Bashir Gemayel and Rene Ma'awwad; Kamal Jumblat the leader the Progressive Socialist Party; Mufti Hasan Khaled; and journalist and publisher Salim al-Luzi.

(2) See Lebanon: Torture and unfair trial of the Dhinniyyah detainees, Amnesty International, AI Index: MDE 18/005/2003, May 2003, page 12.

(3) Concluding Observations of the Human Rights Committee: Lebanon, UN Doc. CCPR/C/79/Add.78 (1997), para. 9.

(4) CCPR General Comment No. 20. (General Comments), Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment (Article 7), 10 March 1992, para. 6.

(5) UN Doc. E/CN.4/1998/38/Add.2, Report on Visit to Mexico, 14 January 1998, para. 88(i).

(6) Commission on Human Rights resolution 2003/32, 23 April 2003, para. 6.

(7) While Lebanon was not a state party to this convention at the time, this principle is enshrined in the Declaration Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly in 1975, Article 12.

(8) UN Doc. E/CN.4/2002/76, 27 December 2001, Annex 1.

(9) UN. Doc. E/CN.4/1999/61/Add.1 Report on visit to Turkey (1998), para. 113(e).

(10) UN Doc. A/53/44 (1998), Concluding observations on Germany, para.193.

(11) General Comment on Article 7, *ibid.*, para. 11.

(12) UN Doc. E/CN.4/2002/76, 27 December 2001, Annex 1.

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# Lebanon: Investigate Torture Allegations at Ministry of Defense

## ***Joint Statement by Human Rights Watch and CLDH***

(Beirut, May 11, 2007) – Lebanon’s judiciary should investigate allegations of torture and ill-treatment of nine detainees whose trial before a military court began on April 21, Human Rights Watch and CLDH (Lebanese Center for Human Rights) said today.

The nine stand accused of forming an illegal group and conspiring to commit crimes against the state with the aim of inciting sectarian strife. They are also charged with possession and transfer of weapons and explosive material and planning to assassinate the leader of Hezbollah, Hassan Nasrallah. Human Rights Watch and CLDH interviewed seven of the nine detainees and monitored their trial on April 21.

Lebanese soldiers and plainclothes officers arrested the nine accused over a three-day period starting on March 31, 2006. The detainees told Human Rights Watch and CLDH that, at the moment of arrest, army members blindfolded them and transferred them to the Ministry of Defense, where Army Intelligence detained them until Friday April 7, 2006. During their time at the ministry, they were denied access to counsel and to their families. Most of them did not even know that they were at the Ministry of Defense until after they left it.

The nine detainees are: Ghassan Shehab al-Suleiman al-Slaybi, 45; Muhammad Ghassan al-Suleiman al-Slaybi (son of Ghassan), 20; Youssef Munir Kobrosli, 32; Ibrahim Shehab al-Suleiman al-Slaybi (brother of Ghassan), 36; Ziad Tarek Yamout, 26; Safi Muhammad Ibrahim `Arab, 35; Siraj al-Din Munir al-Suleiman al-Slaybi, 23; `Ali Amin Khaled, 31; Ahmad `Isam al-Rashid, 22.

## **Torture Allegations during Detention at Ministry of Defense**

Four of the detainees allege that their interrogators tortured them during their detention at the Ministry of Defense in order to force them to confess, while others say they were being ill-treated and intimidated. Ghassan Slaybi told Human Rights Watch and CLDH that when he first arrived at the Ministry of Defense, armed guards hit him with a thick wooden stick on his back and later tortured him by placing him on an electric chair. He also alleged that his interrogators threatened to harm his wife if he did not cooperate. His son Muhammad, 19, who was arrested at the same time, also alleged that his interrogators hit him on the soles of his feet and suspended him in the extremely painful “balanco” position (hanging by the wrists, which are tied behind the back), in order to extract confessions from him.

While the other five detainees did not report being tortured at the Ministry of Defense, they told Human Rights Watch and CLDH that the interrogators frequently punched them during their questioning and that they were fearful during the whole week they spent at the ministry because they were blindfolded and completely disoriented. A number of them said they signed a confession without actually reading it.

“The Lebanese judiciary should investigate these serious allegations and hold those responsible accountable,” said Sarah Leah Whitson, Middle East and North Africa director of Human Rights Watch. “No verdict based on the confessions offered by these men under these circumstances will have any credibility.”

## **Reports of Torture and Lack of Investigation**

The first reporting of the detainees’ torture emerged publicly on July 9, 2006 in a report in *al-Balad* newspaper. *Al-Balad* published another report on December 23, 2006, in which it reprinted a letter from the nine detainees in which they said they were tortured. Despite these public reports, the Lebanese judiciary did not take any steps to investigate the allegations.

On April 21, 2007, the nine defendants appeared before the Military Tribunal in Beirut. A number of

them told the five-member panel that their interrogators extracted their confessions by torture and intimidation. The presiding judge allowed the defendants to describe their ordeal and in some instances asked whether they received medical care, but he did not order an investigation into the allegations of torture.

As a party to the Convention against Torture, Lebanon is obligated to “ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed.” Lebanese authorities must also ensure that anyone who alleges being subjected to torture “has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.”

Article 401 of the Lebanese Penal Code requires that anyone who “severely beats someone with the desire to obtain a confession about a crime or information regarding it will be imprisoned from three months to three years.”

“We recognize that there are real fears in Lebanon of people arming themselves; however, extracting confessions by torture will not make Lebanon any safer,” the two human rights organizations added.

### **Past Accounts of Torture at Ministry of Defense**

The allegations of torture and abuse of the nine detainees at the Ministry of Defense correspond with past reports of such practices. In October 2006, Solida issued a report documenting the various types of torture practiced at the Ministry of Defense between 1992 and 2005.

“The Ministry of Defense continues to be a symbol of fear in Lebanon,” said Marie Daunay, President of CLDH. “It is time for the Ministry to get out of the business of torture.”

At the time of arrest, the Ministry of Defense did not allow any independent organization to visit detainees. The Lebanese authorities and the International Committee of the Red Cross (ICRC) reached an agreement on February 21, 2007 to allow the ICRC to visit all the prisons in Lebanon, including the Ministry of Defense detention center.

### **Inadequacy of Trial before Military Court**

Human Rights Watch and CLDH also expressed concern that the nine detainees were being tried before a military court as opposed to the ordinary criminal courts, and that independent monitors and family members were denied access to the courtroom. The two organizations said that the trial of civilians by military courts should be very exceptional and occur only under conditions that genuinely afford full due process.

Lebanon’s military courts do not meet such conditions. In 1997, the United Nations Human Rights Committee noted, in its Concluding Observations on Lebanon, its concern regarding “the procedures followed by these military courts, as well as the lack of supervision of the military courts’ procedures and verdicts by the ordinary courts.”

### **Background**

Following the initial week at the Ministry of Defense, officials in the Lebanese Army transferred the nine detainees to the Military Tribunal where they met with the military investigative judge, Rachid Mezher. The detainees were able to see their families and their lawyers at this point. A number of detainees told Human Rights Watch and CLDH that Judge Mezher threatened with sending them back to the Ministry of Defense if they did not cooperate with the investigation.

After spending a few days at the detention facility affiliated with the Military Tribunal, the Lebanese Army transferred them to Lebanon’s main prison in Roumieh, where they remain to this date.

The four that reported being tortured at the Ministry of Defense are: Ghassan al-Slaybi; Muhammad al-Slaybi (son of Ghassan); Ziad Yamout; and Siraj al-Slaybi.

Ghassan al-Slaybi’s treatment appears to be the harshest. He told Human Rights Watch and CLDH: “I

was put on the electric chair on the first night I arrived at the Ministry of Defense.” After his arrival to the prison in Roumieh, military officials transferred him two more times to the Ministry of Defense. In early May 2006, members of the Military Intelligence moved him from Roumieh to the Ministry of Defense, where he spent approximately six days. During this time, his interrogators reportedly placed him again on the electric chair and made him sign a second confession without allowing him to read it. According to al-Slaybi, this second confession implicated the other detainees in acts that they did not commit. After he signed the second confession, army officials returned al-Slaybi to his cell in the Roumieh prison.

In August 2006, during the war between Israel and Hezbollah, members of the Military Intelligence took him for a third time to the Ministry of Defense. However, this time, al-Slaybi indicated that they did not torture him or make him sign a new confession.

Muhammad al-Slaybi, Ghassan’s son, indicated that he was subjected to torture and ill-treatment for the first three days of detention at the Ministry of Defense. He described being suspended in the “balanco” position on two separate occasions during this period. Muhammad told the court that he denied the confession he made at the Ministry of Defense, as it was taken under torture.

Siraj al-Slaybi, a relative of Ghassan, told Human Rights Watch and CLDH that his interrogators beat him and subjected him to electrical shocks during his stay at the Ministry of Defense. He said that “after four days in the Ministry of Defense, I told them, ‘write whatever you want.’” Appearing before the court, Siraj denied the confession extracted at the Ministry of Defense by stating, “if I answered ‘I don’t know,’ I would get beaten.”

While Human Rights Watch and CLDH did not meet with Ziad Yamout, one of the other detainees, one of his lawyers said that officials working in the Ministry of Defense also subjected him to severe beatings and torture. He recanted his confession before the court, and said that he had been severely beaten.

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#### **Related Material**

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EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK  
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME  
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



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Fédération internationale des ligues des droits de l'Homme  
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الغدرالية الدولية لحقوق الانسان



**LETTER ON THE OCCASION OF THE ASSOCIATION COUNCIL BETWEEN  
THE EU AND LEBANON, 19 February 2008**

To:

The Foreign Ministers of Member States of the European Union  
The High Commissioner for External Relations, Ms. Benita Ferrero-Waldner  
The High Representative for the Common Foreign and Security Policy, Mr. Javier Solana  
The Personal Representative of the SG/HR on Human Rights, Ms. Riina Kionka

February 14, 2008

Dear Foreign Ministers,  
Dear High Commissioner,  
Dear High Representative,  
Dear Personal Representative,

On the occasion of the third meeting of the Association Council between the European Union (EU) and Lebanon, to be held on 19 February 2008, Human Rights Watch (HRW), the Euro-Mediterranean Human Rights Network (EMHRN), the International Federation for Human Rights (FIDH), and the World Organisation against Torture (OMCT) are writing to express their concern about the human rights situation in Lebanon and to offer recommendations to address it. We hope that you will raise these points with the Lebanese authorities during the meeting of the Association Council.

The EU-Lebanon Action Plan adopted in January 2007, laid out the strategic objectives of cooperation between Lebanon and the EU and identified the “effective implementation of Lebanon’s international commitments with respect to human rights and fundamental freedoms” as a priority. The political crisis in Lebanon, along with the worsening of the security situation have made it essential for the EU to work with Lebanese authorities to improve Lebanon’s human rights practices and implement its obligations under international human rights treaties to which it is a state party.

We welcome the meeting of the first subcommittee on Human Rights between the EU and Lebanon on 12 April 2007, which was an opportunity to evaluate the human rights situation in Lebanon and we call for regular meetings of other sub-committees established by the Association Agreement. Such meetings are essential to translate the general commitments of the Action Plan into effective and concrete actions. In particular, we call for the convening of the first meeting of the EU-Lebanon subcommittee on Justice, Freedom and Security to develop a strategy for judicial reform.

Our hope is that the Commission's European Neighbourhood Policy (ENP) Progress report due in spring will include a comprehensive evaluation of the implementation of the Action Plan's priorities regarding human rights. We want to emphasise the importance of consulting and involving civil society in the implementation and monitoring of the Action Plan, especially through systematic consultation before and after subcommittee meetings dealing with human rights issues.

We urge that the following points be included in the agenda of the Association Council:

**1. To end the practice of torture and ill treatment, investigate allegations, and punish perpetrators**

Testimonies gathered by human rights groups have shown that the Military Intelligence unit at the Ministry of Defense, the Information Branch of the Internal Security Forces, and the police engage in torture and ill-treatment of certain detainees, especially those suspected of security related offenses. Accounts of torture have increased since 2007. In particular, the Lebanese army and internal security forces arbitrarily detained and physically and psychologically abused some Palestinian men fleeing the fighting in Nahr al-Bared. Lebanon has ratified the Convention against Torture (CAT) and Lebanese law prohibits torture, but accountability for ill-treatment and torture remains elusive as the authorities rarely pursue investigations into allegations of torture.

Accordingly, we urge the EU to:

- **Call on Lebanon to take immediate steps to end the practice of torture and other forms of ill-treatment, promptly investigate allegations of all such ill-treatment, punish perpetrators, void any confession taken under torture, and ensure adequate, effective and prompt reparation to the victims;**
- **Make the prevention of torture and prosecution of perpetrators a priority when devising any aid package to Lebanon's security agencies;**
- **Encourage Lebanon to submit as soon as possible its initial report to the Committee against Torture, overdue since 2005, and to ratify the Optional Protocol to the Convention on Torture and recognize the jurisdiction of the UN's Committee against Torture in reviewing complaints filed by states or by individuals (articles 21 and 22 of the CAT).**

**2. To respect and protect the rights of refugees and asylum seekers**

In Lebanon, refugees and asylum seekers are the targets of discrimination as well as, in some cases, arbitrary and prolonged detention. The estimated 300,000 Palestinian refugees in Lebanon remain subject to wide-ranging restrictions on housing and work. Non-registered Palestinian refugees—a group estimated to number between 3,000 and 5,000—are particularly vulnerable as they do not possess valid identification documents and do not receive any assistance from UNRWA or the Lebanese government. The fighting last year that pitted the Lebanese army against the armed Islamist group Fatah al-Islam left the majority of the 30,000 Nahr el-Bared Palestinian refugee camp residents homeless. The fighting exacerbated Lebanese-Palestinian tensions and led to an increase in harassment and abuse of Palestinian civilians at checkpoints on account of their identity. The Lebanese government appealed to international donors for almost US\$400 million to rebuild the camp and to care for those forced from their homes, but these funds have not yet materialized and Palestinian refugees from Nahr al-Bared remain in need of assistance.

An estimated 50,000 Iraqis are now also living in Lebanon. Since January 2007, the UN High Commissioner for Refugees (UNHCR) has recognized all Iraqis from central and southern Iraq seeking asylum in Lebanon as refugees on a prima facie basis. However, Lebanon has refused to give legal effect to UNHCR's recognition of Iraqi refugees and treats the vast majority of them as illegal immigrants, subjecting many to arrest, fines, detention, and coerced return. Indeed many Iraqi refugees, serving prison sentences for being in the country illegally are given at the end of their sentences only a choice to stay indefinitely in prison or return to Iraq. Lebanon provides almost no services to the Iraqis and no effective process for regularizing their status.

Accordingly, we urge the EU to:

- **Call on Lebanon to amend all laws that discriminate against Palestinian refugees, including those laws regulating the right to work and to own private property;**
- **Ask Lebanon to provide non-registered Palestinian refugees identification documents and legal status;**
- **Offer immediate assistance to Palestinian refugees displaced from Nahr-al Bared camp and to contribute to the rebuilding of the camp;**
- **Ask Lebanon to grant Iraqi refugees temporary legal status in Lebanon; and**
- **Encourage Lebanon to (i) ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt implementing asylum laws and regulations; and (ii) amend the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country so as to exempt asylum seekers and refugees from penalties for being in the country illegally.**

### **3. To provide protection for migrant domestic workers**

Migrants employed as domestic workers are excluded from the labor laws and face exploitation and abuse by employers, including excessive hours of work, non-payment of wages, and restrictions on their liberty. Many migrants workers suffer abuse at the hands of employers, in a climate of complete impunity for the employers.

Accordingly, we urge the EU to:

- **Call on Lebanon to revise its labor laws to provide legal protection for domestic workers equal to that afforded to other workers;**
- **Work with Lebanon to establish procedures to monitor and safeguard the rights of domestic workers and adequately prosecute and punish abusive employers.**

#### **4. To promote and respect women's rights**

While Lebanon has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), discriminatory provisions remain in personal status laws, nationality laws, and criminal laws relating to violence in the family. For example, current Lebanese law does not allow Lebanese women to confer nationality on either their spouses or children. Moreover, certain forms of violence against women – such as marital rape – are not considered as criminal offences under Lebanese law and perpetrators of honour crimes or rape are exonerated in certain cases, such as when the offender marries the victim.

The UN Special Rapporteur on trafficking in persons has expressed concern about trafficking practices reported in Lebanon and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) recommended that Lebanon enact specific and comprehensive legislation against trafficking.

According, we urge the EU to:

- **Call upon Lebanese authorities to promote gender equality in all fields and at all levels through the adoption of a plan “to increase women’s participation in political and economic life as well as eliminating all forms of discrimination against women” as jointly agreed in the EU-Lebanon ENP Action Plan;**
- **Ask Lebanon to lift its reservations with regard to the application of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was ratified in 1997, and to ratify its Optional Protocol to allow individuals or groups of individuals to present a communication to the CEDAW Committee;**
- **Request that the Lebanese authorities amend discriminatory laws against women in Lebanon’s personal status laws, nationality laws and in the Penal Code. In particular, Lebanon should adopt a unified personal status code consistent with international standards, enact adequate and comprehensive legislation criminalizing all forms of gender-based violence, and amend laws granting nationality so that both women and men have equal rights to transmit nationality to their spouses and children;**
- **Urge Lebanon to take up the recommendations which resulted from the Euro-Mediterranean conference on “Strengthening the Role of Women in the Society”, held in November 2006 in Turkey.**

**5. To investigate enforced disappearances in Lebanon, and Lebanese detainees in Syria and Israel, including the return of remains**

Lebanese authorities have made no progress in uncovering the fate of the many Lebanese, Palestinians, and other nationals who “disappeared” during and after the 1975-1990 Lebanese civil war. The government estimates that there were a total of 17,415 such cases. Many of these Lebanese and foreign nationals abducted from Lebanon were transferred to Syria or Israel during the civil war and several hundred Lebanese residents abducted in Lebanon may still be detained incommunicado in Syrian jails. An official joint Syrian-Lebanese committee established in May 2005 to investigate cases of Lebanese still detained in Syria has not yet publish any of its findings.

Accordingly, we urge the EU to:

- **Pressure Lebanon to conduct thorough, independent and impartial investigations into cases of disappearances and provide Lebanon with technical assistance in such investigations. Based on Lebanon’s past failures in investigating cases of disappearances, any future investigative body should include representatives from civil society and have broad international support to obtain cooperation from Syrian and Israeli authorities;**
- **Assist these investigation by asking Syria and Israel for information about any Lebanese or foreign nationals abducted from Lebanon by their military forces or militias allied with them during Lebanon’s civil war, and request the return of these detainees, or their remains, to Lebanon;**
- **Press the Lebanese government to ratify the International Convention for the Protection of all Persons from Enforced Disappearances.**

We hope that the concerns expressed in this letter will receive the attention they deserve.

Yours faithfully,



Joe Stork  
Executive Director  
Middle East & North  
Africa Division  
HRW



Marc Schade-Poulsen  
Executive Director  
EMHRN



Souhayr Belhassen  
Présidente de la  
FIDH



Eric Sottas  
Director  
OMCT



October 7, 2008

Minister Ziad Baroud  
Minister of Interior  
Ministry of Interior  
Sanayeh, Beirut  
Fax: 01-744429

By Facsimile

Your Excellency,

We are a group of Lebanese and international organizations working on human rights issues in Lebanon. We welcome your decision on August 6, 2008 to ask the General Inspectorate to investigate allegations of abuses occurring inside Lebanese prisons following the serious allegations of corruption, and of ill-treatment of prisoners aired on al-Fasad, a program on New TV.

We want to highlight the following areas of concern in Lebanese detention facilities that we hope the investigation will examine and publicly report on as soon as possible:

#### I. Deaths in custody and lack of proper medical care

Since January 2007, at least 27 detainees have died in Lebanese prisons and detention facilities (see Annex 1 for details). Some of these deaths raise suspicions about potential criminal acts by officials inside the prison while others highlight negligence of prison guards or shortcomings in the

medical care offered to inmates. In almost all cases, additional clarity and transparency from the Lebanese prison authorities is needed.

For example, Joseph Khajadorian died in Roumieh prison on December 10, 2007 only six days after being detained. On the al-Fasad program, the parents of Mr. Khajadorian said that prison authorities had informed them, although without providing them with any written report, that he died from a blood clot in his head. The family privately hired a medical expert who concluded that the cause of death was not a blood clot but rather asphyxiation. A former prison inmate told al-Fasad program that Joseph was having "frequent crises" in the jail but that the prison authorities had refused to transfer him to the hospital.

More recently, Saleh Zein al-Deen, 43, died in Roumieh prison on August 21, 2008 two weeks after being detained. He was arrested on the accusation that he threatened others with firearms. According to social workers working in the prison, he suffered from serious psychological problems. The official prison report states that Saleh died from asphyxiation while Saleh's family said that an examination of the corpse showed that he had a large wound on the head.

Deaths in detention are not limited to Roumieh jail but have also taken place in other prisons. Musa Khalil Darwish, a 61-year old Palestinian, died on October 3, 2007 in Zahleh prison. He had been arrested on charges of entering the country illegally and being in possession of weapons. No information is available on his death. Omar Sattam `Ulayf, a 17-year old Syrian national died on June 19, 2008 in the detention facility of the Tripoli court. No information is available on the cause of his death.

Deaths in custody also occur in police stations. On May 29, 2008, Muhammad G., 25, died in the Mount Lebanon police station (Mafrzet Istiksa' Jabal Lubnan) after the police had arrested him for being drunk. We do not know whether the authorities have investigated his death. In a similar turn of events, two weeks ago, on September 16, 2008, Haydar Y., 50, was found unconscious in the Ramlet al-Bayda police station in Beirut after being detained for being drunk. He was transferred to the Beirut Hospital where he died. Again, we do not know whether an investigation was ordered and what results were reached.

Other cases raise questions about the role of prison officials in protecting inmates from violence from other prisoners. Elias al-Habr died in early November 2007. His family told us that he died from beatings by other inmates. The cause of death was confirmed in the report of the medical examiner. The head of the prison dispensary, Mr. Abdo Hayek, stated on

the al-Fasad program that requests had been made to transfer Mr. al-Habr from his cell because other inmates were beating him but that the prison authorities and the head of the religious services inside Roumieh jail (*al-Murshidiyyah*) had refused the request.

Your Excellency, according to the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, “[a] death in any type of custody should be regarded as prima facie a summary or arbitrary execution, and appropriate investigation should immediately be made to confirm or rebut the presumption. The results of investigations should be made public.” Such public investigations into deaths in custody have not been carried out in Lebanon.

We are encouraged by your willingness to investigate allegations of ill-treatment and corruption inside Lebanese detention facilities and jails. Accordingly, we call on you to:

- investigate the deaths listed in Annex 1 and make the findings public;
- Issue instructions to conduct autopsies for every person who dies in the custody of any agency of the state, and make those reports publicly available;
- hold prison officials accountable for any deaths caused by their acts or negligence;
- order a review of medical procedures in place of detention and prisons.

## II. Torture and ill-treatment in detention facilities and prisons

Torture and ill-treatment remain a serious problem in Lebanese detention facilities and jails. While Article 401 of the Lebanese Penal Code criminalizes the use of violence to extract confessions, the enforcement of this provision has been almost non-existent.

Human rights groups in Lebanon have gathered testimonies from a number of detainees who reported being beaten and tortured during interrogation in a number of detention facilities. For example, detainees belonging to the so-called “Group of 13” accused of links to al-Qaeda, have stated that they were tortured by the information branch of the Internal Security Forces. A person who saw them during their detention at the Information Branch headquarters in Beirut reported seeing evidence of physical beatings on their body.

A number of other detainees reported being beaten by the Drug Repression Bureau (DRB) in the Hobeish police station in Hamra, Beirut and

n the DRB offices in the Zahle Justice Palace. Neighbors of the Hobeish police station have told us that they frequently hear screams coming out of the police station at night.

Migrant workers have also reported being ill-treated in detention. A migrant domestic worker from the Phillipines reported being beaten in the Jal al-Dib police station.

Your Excellency, a clear message needs to be sent to members of the security forces that torture and ill-treatment will not be tolerated, including in drug and security-related cases. Accordingly, we call on you to:

- Issue clear and public instructions to all members of the security forces that torture will not be tolerated and that violators will be punished in accordance with the law;
- Initiate prompt and impartial investigations into all credible reports of torture or deaths of detainees.
- Discipline or prosecute as appropriate all individuals, regardless of rank, found responsible for the torture of detainees. This includes individuals who carried out such abuse or ordered such abuses.

Thank you for your attention to this matter. We look forward to engaging in a constructive dialogue about how to effectively protect the rights of detainees in Lebanon. We will contact your office to seek a meeting to discuss this issue further.

Respectfully,

Human Rights Watch



Centre Libanais des  
Droits Humains  
(CLDH)



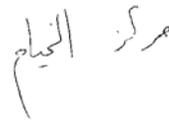
Association  
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l'Education et la  
Formation (ALEF)



Frontiers (Ruwad)



Khiam  
Rehabilitation  
Center



Al-Karama



Restart Centre  
for  
Rehabilitation  
of Victims of  
Violence and  
Torture



**Annex 1**  
**Deaths in Detention in Lebanon Since January 2007**

	Date of Death	Name of Detainee	Detention Facility
1.	6-Feb-2007	Muhammad Ali Yusef Khamis, b. 1983, Lebanese	Roumieh prison. Transferred to al-Hayat hospital, died there
2.	1-Mar-2007	Salem Yusef al-Hajj Musa, b. 1940, Lebanese	Roumieh prison, section of Convicted
3.	17-Mar-2007	Burhan Ali al-Jawhari, b. 1956, Lebanese	Roumieh prison, building of juveniles
4.	16-Aug-2007	Shuhayr Salim Habshi, b. 1935, Lebanese	Roumieh prison. Transferred to Dahr al-Bashek hospital, died there
5.	18-Aug-2007	Fawzi Abdel-Majid al-Sa`di, b. unknown, Palestinian	Roumieh prison. Transferred to Dahr al-Bashek hospital, died there (he was wounded by previous gunshot)
6.	25-Aug-2007	Ghassan al-Banna, b. unknown, Lebanese	Roumieh prison. Transferred to Dahr al-Bashek hospital, died there
7.	10-Sep-2007	Osheek Ibrahim Mahmud, b. unknown, Saudi	Jbeil prison. Transferred to St. Martine Hospital, died there
8.	3-Oct-2007	Musa Khalil Darwish, b. 1947, Palestinian	Zahle prison
9.	9-Oct-2007	Antoine abi-Saad, b. unknown, Lebanese	Ghazir police station
10.	Nov-2007	Elias al-Habr, b. unknown, Lebanese	Roumieh prison
11.	10-Dec-2007	Joseph Khajadorian, b. unknown, Lebanese	Roumieh prison, building of juveniles
12.	17-Dec-2007	Hussein al-Hajj, b. 1934, Lebanese	Zahle prison
13.	2-Jan-2008	Saleh Dawood Harun Sa`id, b. 1958, Sudanese	Roumieh prison, building of juveniles
14.	13-Feb-2008	Shakes Tshako Obasi, b.	Roumieh prison

		unknown, Nigerian	
15.	17-Feb-2008	Mahmud Salim Tarabey, b. 1940, Lebanese	Roumieh prison, building of juveniles
16.	3-Mar-2008	Hussein Subhi Salem, b. unknown, Lebanese	General Security detention. Transferred to Karantina hospital, died there
17.	6-Mar-2008	Wisam Mahmud al-Sandaqli, b. 1975, Palestinian	Roumieh prison
18.	5-Apr-2008	Nabil Jerjes Satraq, b. 1956, Lebanese	Transferred to al-Hayat hospital, died there
19.	21-Apr-2008	Abbas Mehdi Hussein, b. 1971, Iraqi	Transferred to al-Hayat hospital, died there
20.	3-May-2008	Fayez Shameet, b. 1931, Lebanese	Transferred to Beirut Governmental Hospital, died there
21.	29-May-2008	Muhammad G., b. unknown	Police station of Mount Lebanon (Mafrazet Istiksa' Jabal Lubnan)
22.	19-Jun-2008	Omar Sattam `Ulayf, b. 1991, Syrian	Detention facility of Tripoli court
23.	9-Jul-2008	Munan Kodel Yusef, b. 1959, Syrian	Transferred to Dahr al-Bashek hospital, died there
24.	Aug-2008	Ibrahim al-`Amer, b. unknown	Roumieh prison
25.	7-Aug-2008	Ali Fawzi	Roumieh prison
26.	19-Aug-2008	Salah Saleem Zein al-Deen	Roumieh prison
27.	16-Sep-2008	Haydar Y.	Ramlet al-Bayda police station



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HUMAN RIGHTS COUNCIL  
Ninth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING  
THE RIGHT TO DEVELOPMENT**

**Written statement\* submitted by Pax Christi International, International Catholic  
Peace Movement, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2008]

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\* This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

## On Torture in Lebanon

Pax Christi International is a global Catholic peace movement working with its partners and Member Organisations in the Middle East and northern Africa region. On behalf of its Lebanese partner organisation ALEF (*Association Libanaise pour l'Education et la Formation*), Pax Christi International wishes to draw the Council's attention to the issue of torture in Lebanon. As documented in ALEF's report "Lebanon: The Painful Whereabouts of Detention"<sup>1</sup>, according to research carried out in 2007, torture is commonly practiced by law-enforcement and military agents in Lebanon, despite the body of treaties prohibiting torture that have been signed by the State.

Lebanon has ratified the United Nations Convention Against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) in 2000. Lebanon has also signed, but not yet ratified, the Optional Protocol to the Convention, a positive step few States have taken. Lebanon is also a State Party to the Geneva Conventions (1949) and their two additional protocols (1977) which prohibit torture. The conventions also recognise the principle of "command responsibility" according to which a superior can be held responsible for acts of his subordinate.

Despite Lebanon having signed relevant international treaties, Lebanese domestic laws fail to prohibit torture. Neither the Lebanese Constitution, nor the Criminal Procedures Law, nor Criminal Law reflects the international definition of torture. Other laws, such as drug-related laws and laws regulating prisons and detention centres also fall short of explicitly prohibiting torture.

According to ALEF's research, during 2007, torture has been practiced by the ISF (Internal Security Forces) against a disturbing number of arrested persons, including, but not limited to, illegal migrants, drug addicts and sex workers. The military intelligence has also tortured suspects of crimes against national security and dozens of Palestinian refugees during the conflict in Nahr al-Bared refugee camp in Northern Lebanon in May 2007, and in the aftermath that lasted until September 2007.

Allegedly, torture has been routinely practiced by the military intelligence against suspected Fatah al-Islam fighters and Palestinian refugees in 2007, as well as by members of the Drug Repression Bureau against certain groups such as drug addicts. Torture against these groups is initially used to extract information, but sometimes turns into becoming a tool for deterrence and collective punishment, with impunity for the perpetrators and with at least the implicit consent of the relevant authorities.

According to ALEF, Hobeich detention centre in Beirut is particularly well known for torture and ill-treatment of drug addicts. Beating by sticks, hosing down suspects, and hoisting the suspect to a stick until he collapses are amongst the methods reported there. Such practices reportedly also take place in Zahle prison.

Interviews conducted by ALEF document the different torture methods used in the Yarzeh detention centre at the Ministry of Defense, and the Kobbah detention centre (North

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<sup>1</sup> Association Libanaise Pour l'Education et la Formation, "Lebanon: The Painful Whereabouts of Detention", June 2008.

Lebanon), including electrocution, *balanco* - a method in which the detainee is hung from the wrists, tied behind his back, and “balanced” back and forth, rape, beating on genitals and weak or injured parts of the body. Other forms of ill-treatment reported by ALEF are sleep deprivation, blindfolding, humiliation, standing up for long periods and beating.

Pax Christi International views torture as morally unacceptable, practically useless and politically counterproductive. Morally unacceptable because it is contrary to the value of human dignity; practically useless because numerous studies have confirmed that testimonies retrieved under torture are unreliable; and politically counter-productive in the case of the struggle against terror, since it only leads to more hatred and creates a breeding ground for extremism.

Therefore, Pax Christi International and ALEF recommend the Human Rights Council to consider carrying out the following measures:

- Ask the Special Rapporteur on Torture to visit Lebanon, and especially visit the detention centres.
- Engage in a constructive dialogue with the Lebanese government that aims to ensure that Lebanon:
  - sends its overdue periodic reports to the CAT committee
  - ratifies the Optional Protocol to the CAT
  - includes CAT provisions in the domestic law
  - works towards a better law enforcement and ends the impunity of perpetrators of human rights violations.
  - accepts article 22 of the CAT allowing for individual complaints to be brought up before CAT committee

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**AMNESTY**  
INTERNATIONAL



**AMNESTY INTERNATIONAL REPORT 2009**  
**THE STATE OF THE WORLD'S HUMAN RIGHTS**

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## Racism and discrimination – migrants and Roma

Racially motivated attacks continued and the authorities failed to respond adequately. Roma citizens and visible minority migrants faced mounting racist violence, leaving them under constant fear of attacks.

ECRI and the UN Special Rapporteur on racism expressed concern at the lack of comprehensive national legislation dealing with all forms of discrimination. Law enforcement officials tended to prosecute racist aggression as acts of hooliganism or vandalism, disregarding the racial connotations of the crime.

Both ECRI and the Special Rapporteur noted the use of racist discourse by some politicians and the media, and urged the government to adopt legislation that unambiguously criminalizes all types of hate crimes.

## Rights of lesbian, gay, bisexual and transgender people

On 31 May, a Pride march was held in Riga to celebrate the rights of LGBT people. The march was protected by law enforcement officials and no major attacks were mounted against participants. However, a large number of counter-demonstrators engaged in verbal abuse. Prior to the event, derogatory statements were reportedly made against LGBT people by an official in the Mayor of Riga's office.

## Torture and other ill-treatment

In March, the European Committee for the Prevention of Torture, reporting on a visit in December 2007, strongly criticized the authorities for failing to investigate fully allegations of ill-treatment of detainees by law enforcement officials and prison staff, and improve detention conditions in police stations and prisons. Conditions had been found on some occasions to be inhuman and degrading.

The Committee reported allegations of deliberate physical ill-treatment of detainees by prison staff at Daugavpils Prison and Riga Central Prison. The Committee also received reports of psychological ill-treatment, such as prison staff verbally abusing detainees and threatening to put inmates in cells with other inmates prone to violence.

The Committee expressed particular concern at the allegations of frequent and severe inter-prisoner violence in various prisons. These included severe

beating, sexual assault (including rape) and threats. The Committee highlighted the case of a juvenile prisoner in the Šķīrotava Prison in Riga who had been repeatedly raped by fellow inmates. The Committee expressed concern that the staff had apparently been aware of the situation, but had failed to take effective steps to protect the minor.

## Death penalty

In September several politicians, including the head of the parliamentary Human Rights Committee, the Justice Minister and the Interior Minister, called for a review of domestic law on the abolition of the death penalty with a view to reintroducing it. The President of the Parliamentary Assembly of the Council of Europe expressed his concern about such statements.

## Amnesty International report

📄 Latvia and Lithuania: Human rights on the march (EUR 53/001/2008)

# LEBANON

### LEBANESE REPUBLIC

Head of state:	Michel Suleiman (from May)
Head of government:	Fouad Siniora retentionist
Death penalty:	4.1 million
Population:	71.5 years
Life expectancy:	30/20 per 1,000
Under-5 mortality (m/f):	88.3 per cent
Adult literacy:	

**At least 30 civilians were killed in political violence. Torture and other ill-treatment of detainees were reported. Women faced discrimination and were inadequately protected against violence. Migrant domestic workers were exploited and abused. Palestinian refugees faced continuing discrimination although steps were taken to alleviate conditions for some of the most vulnerable. The Minister of Justice proposed a law to abolish the death penalty.**

## Background

Following renewed political violence between supporters of the government and Hizbullah and

other parties, the two sides agreed an accord on 21 May in Qatar which ended an 18-month political stalemate. Parliament then elected a new President. In July, a national unity government was formed and a new electoral law was passed in September. A Human Rights Action Plan was in development. On 15 October, Lebanon and Syria agreed to establish diplomatic relations.

At least 30 civilians were among around 160 people killed in political violence. More than half died as a result of armed clashes between pro-government forces and the Hizbullah-led opposition in May, when about 70 people were killed, and fighting between rival groups in Tripoli in June and July.

■ On 13 August, five civilians and 10 soldiers were killed in a bomb attack on a bus in Tripoli.

■ On 10 September, Saleh Aridi, a leading member of the Democratic Party, which advocates close ties with Syria, was killed by a car bomb.

## Impunity

Little action was taken to address impunity for political killings, enforced disappearances, torture and other abuses committed during the civil war (1975-1990) and since then. The Lebanese authorities said in 1992 that more than 17,000 people had disappeared in the custody of the parties to the conflict.

In March, Milad Barakat was returned to Lebanon after 16 years in prison in Syria. Lebanese security officials had detained him in 1992 and handed him over to the Syrian authorities, who sentenced him to 15 years' imprisonment for fighting against the Syrian army. There was no new information, however, about some 650 Lebanese and other nationals reported to have disappeared in the custody of the Syrian authorities after they were abducted or detained in Lebanon. In August, the authorities said they were "committed to pursuing the issue of Lebanese citizens who are missing or detained in Syria".

No participants from either side of the 2006 war between Israel and Hizbullah were brought to justice for serious violations of international humanitarian law.

## Rafiq al-Hariri case

On 2 December, the 11th report was issued of the UN International Independent Investigation Commission on its investigations into the killing of former Prime Minister Rafiq al-Hariri and 22 others in February 2005 and 20 other bombings and

assassinations. The Special Tribunal for Lebanon, which will further investigate and prosecute the cases, was scheduled to begin functioning on 1 March 2009.

■ In August, Ayman Tarabay and Moustapha Talal Mesto, two of nine men detained without charge since 2005 in connection with the investigation into the killing of Rafiq al-Hariri, were released on bail. The seven others continued to be detained without charge or trial even though the UN Working Group on Arbitrary Detention ruled in November 2007 that six of them were arbitrarily detained.

## Aftermath of the 2006 war

One person was killed and seven others working with clearance teams were injured, as well as 22 civilians, by unexploded cluster bombs fired by Israeli armed forces during the 2006 war. The Israeli authorities continued to refuse to provide the data to assist clearance of unexploded munitions and were still occupying the border village of Ghajar at the end of the year.

On 16 July, the bodies of two Israeli soldiers captured by Hizbullah from northern Israel in July 2006 were handed to Israel in exchange for five Lebanese prisoners, four of them Hizbullah members, and the human remains of almost 200 Arab nationals.

## Torture and other ill-treatment

Allegations of torture and other ill-treatment in custody were not independently investigated, and "confessions" allegedly given under torture were used in trials as evidence. On 7 October, a group of human rights organizations listed 27 deaths in custody since 2007, 15 of them in 2008.

In December, Lebanon ratified the Optional Protocol to the UN Convention against Torture.

■ On 5 June, the trial began before the Military Court in Beirut of Hassan Naba' and 12 others referred to as the "Net of 13". Detained in December 2005 and January 2006, they were charged with "plotting to commit terrorist acts". In court, several of the defendants repudiated "confessions" made while held in pre-trial detention at the Information Branch of the Internal Security Department in Beirut and alleged that they were given under "police brutality and torture", but the court failed to investigate their claims. Three of the defendants were released on bail on 25 September.

No investigations were carried out into credible reports that the majority of 316 suspected Fatah al-Islam members or sympathizers arrested in the wake of the May to September 2007 clashes in the Nahr al-Bared Palestinian refugee camp were tortured in detention. Methods alleged included the *ballanco* (hanging by the wrists tied behind the back), electrocution, having a glass bottle forced into the anus, beatings and religious insults. Tens of detainees said that they gave “confessions” as a result.

## Excessive use of force

Seven protesters were killed, reportedly by Lebanese army soldiers and unidentified individuals, on 27 January during demonstrations against power cuts affecting Beirut’s largely Shi’a southern suburbs. Eleven soldiers and two army officers charged with “involuntary manslaughter” were among more than 70 people charged in connection with the events.

## Violence and discrimination against women

Women migrant domestic workers continued to receive inadequate protection against workplace exploitation and physical, sexual and psychological abuse. At least 45 died from unnatural causes, many apparently as a result of suicide or falling to their deaths while trying to escape from high buildings in which they worked. The authorities generally did not adequately investigate the deaths or any abuse that may have preceded them. On 4 September, Shi’a cleric Sayyed Muhammad Hussein Fadlallah urged employers not to abuse migrant domestic workers and called on the authorities to provide better protection.

■ On 17 January, the body of Ethiopian domestic worker Enate Belachew was found in her employer’s house in south Beirut; she had apparently hanged herself.

In February, the UN Committee on the Elimination of Discrimination against Women recommended that the Lebanese authorities enact legislation to criminalize violence against women, ensure that women and girls subject to violence have immediate access to protection, prosecute and punish perpetrators, and amend the Penal Code to ensure that perpetrators of so-called “honour crimes” do not escape punishment. The Committee also called for marital rape to be criminalized, for enactment of a draft law regulating the employment of domestic

workers, who are excluded from the Labour Law, and for women domestic workers to be protected from exploitation and abuse.

## Refugees and asylum-seekers

Several hundred thousand Palestinian refugees continued to suffer from discriminatory restrictions affecting their economic and social rights, notably their access to employment, health care, social security, education and housing.

On 19 August, it was announced that some 2,500 “non-ID” Palestinian refugees, who are not registered with the Lebanese authorities or the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and consequently face more restrictions of their human rights than registered Palestinian refugees, had been issued with official temporary ID cards that would enable them to access rights and services previously denied them. A similar number of “non-ID” Palestinians were yet to approach the authorities for the ID cards, apparently fearing arrest.

Only a small minority of the 27,000 Palestinian refugees displaced from Nahr al-Bared camp by fighting there between May and September 2007 were able to return home.

On 21 February, UNHCR, the UN refugee agency, welcomed the government’s steps to issue work and residency papers to some 50,000 Iraqi would-be refugees, previously considered illegal and subject to imprisonment and deportation.

## Arbitrary detention

The authorities failed to rectify the situation of Nehmet Na’im al-Haj and Yusef Cha’ban, who remained in detention even though the UN Working Group on Arbitrary Detention declared in 2007 that they were arbitrarily detained.

## Human rights defenders

Human rights organizations were generally able to operate without undue interference from the authorities. However, lawyer Muhamad Mugarby was harassed. On 27 November, he was cleared by a criminal court in Beirut of slander of a public official, relating to a speech on human rights he made at the European Parliament in November 2003. However, the court’s decision was appealed in December by the Public Prosecutor. In April 2006, the Military Court of Cassation had dismissed the same charge against him.

## Death penalty

At least 40 prisoners were on death row but no new death sentences were imposed and there were no executions.

In October, the Justice Minister announced that he had submitted to the Council of Ministers a law to abolish the death penalty.

In December, Lebanon abstained on a UN General Assembly resolution calling for a worldwide moratorium on executions.

## Amnesty International visits

Amnesty International's Secretary General met President Michel Suleiman, Prime Minister Fouad Siniora and Speaker of the National Assembly Nabih Berri in Beirut in July. Amnesty International delegates visited Lebanon in October and November to attend meetings.

# LIBERIA

## REPUBLIC OF LIBERIA

Head of state and government:	<b>Ellen Johnson-Sirleaf</b>
Death penalty:	<b>abolitionist in practice</b>
Population:	<b>3.9 million</b>
Life expectancy:	<b>44.7 years</b>
Under-5 mortality (m/f):	<b>212/194 per 1,000</b>
Adult literacy:	<b>51.9 per cent</b>

**President Ellen Johnson Sirleaf signed into law an Act that reintroduced the death penalty for murder committed during armed robbery. The judiciary continued to be hampered by lack of personnel. High rates of rape and other forms of sexual violence were reported. Efforts to address the increase in rape and sexual violence included a government decision to establish a special court to deal with these particular crimes. No progress was made in appointing commissioners to the Independent National Commission on Human Rights.**

**The work of the Truth and Reconciliation Commission (TRC) made significant progress, with individual hearings concluded by the end of the year. The trial of former President Charles Taylor resumed in January in The Hague. Chuckie Taylor, son of Charles Taylor, on trial in the USA under the 1994**

**torture act, was convicted for crimes he committed in Liberia in the late 1990s while serving as the head of the Anti-Terrorist Unit under former President Charles Taylor.**

## Background

In December the final phase of the disarmament, demobilization, rehabilitation and reintegration programme concluded with 7,251 ex-combatants, of whom 40 per cent were female.

Treason trials of former Armed Forces of Liberia (AFL) General Charles Julu and Colonel Andrew Dorbor resulted in acquittals in May. Former Acting Speaker of the National Transitional Legislative Assembly George Koukou, charged with treason, was pardoned by the President in January.

The trial on corruption charges of former Chairman of the National Transitional Government of Liberia (NTGL) Charles Gyude Bryant was discontinued, and he agreed to return misappropriated funds. The trial of Edwin Snowe, former Speaker of the House of Representatives, indicted for theft of public funds, continued.

During the year Liberia received US\$15 million from the UN Peacebuilding Fund to foster reconciliation and conflict resolution. In April, Paris Club creditors agreed on US\$254 million debt relief for Liberia, conditional on International Monetary Fund reforms. A poverty reduction strategy was finalized in June in Berlin in a meeting that brought together members of government and donors.

In February the first all-female peacekeeping unit from India was deployed as part of the United Nations Mission in Liberia (UNMIL). The mandate for UNMIL was renewed until September 2009 with troop strength at 11,000 by the end of the year.

The UN Independent Expert on Liberia visited Liberia in July.

Violent crime, especially armed robbery, was on the increase throughout the year, fuelled by high unemployment, disputes over land ownership, poverty and readily available small arms. The activities of ex-combatants continued to be a source of instability, particularly in the context of illicit mining activities.

The UN extended the arms embargo on Liberia for another year.

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persons, may be disadvantaged in their claims to public authorities with regard to their entitlement to public services. This has a negative impact on their enjoyment of economic, social and cultural rights”.

The Committee urged Latvia to “ensure that adequate support is provided to members of linguistic minorities, especially older persons, through, inter alia, increased allocation of resources to subsidize language courses, with a view to enhancing opportunities for those wishing to acquire fluency in Latvian”. The Committee also recommended that Latvia, in line with Article 10 of the Framework Convention for the Protection of National Minorities to which Latvia is a party, “consider providing translators and interpreters in State and municipal offices, in particular, in regions that have a high concentration of minority language speakers”.

The Committee also urged Latvia to enact comprehensive anti-discrimination legislation without further delay.

### Rights of lesbian, gay, bisexual and transgender people

On 3 June, a Pride march was held in Riga to celebrate the rights of lesbian, gay, bisexual and transgender people. While participants in similar events in 2005 and 2006 had been subject to physical attacks and did not receive adequate police protection, the 2007 march was adequately protected and no major attacks took place.

Over 400 people, including the Latvian lesbian, gay, bisexual and transgender group Mozaika and dozens of Latvian activists, an Amnesty International delegation of approximately 70 people, several Members of the European Parliament and a Swedish government minister, marched in a park in central Riga. The park was closed off and guarded by hundreds of Latvian law enforcement officials, making it virtually impossible for counter-demonstrators to carry out attacks on participants in the Pride parade.

There was, however, a noticeable presence of a large number of counter-demonstrators at the march. Counter-demonstrators ranged from persons of retirement age to pre-teens; they engaged in loud verbal abuse and made obscene gestures towards the Pride march participants. Two home-made explosives were set off inside the park.

### Racism

In January, the first ever prison sentence for racially motivated assault was handed down under Section 78

of Latvia's Criminal Code. The case concerned a man who was attacked in central Riga in the middle of 2006. The second ever prison sentence for a racially motivated crime was announced in May when two teenagers were sentenced for a racially motivated attack which had taken place against a woman of Brazilian origin in December 2006. One of the teenagers was given a prison sentence.

In June, the European Union (EU) sent a formal request to Latvia to implement the EU Racial Equality Directive (2000/43/E), which Latvia had to date failed to do.

## LEBANON

### LEBANESE REPUBLIC

Head of state:	<b>Emile Lahoud (until November)</b>
Head of government:	<b>Fouad Siniora</b>
Death penalty:	<b>retentionist</b>
Population:	<b>3.7 million</b>
Life expectancy:	<b>71.5 years</b>
Under-5 mortality (m/f):	<b>27/17 per 1,000</b>
Adult literacy:	<b>88.3 per cent</b>

**Political violence and instability dominated the year, with more than 40 people killed in bombings and other attacks and hundreds killed in months of fighting between the Lebanese Army and the Fatah al-Islam armed group in and around Nahr al-Bared Palestinian refugee camp. The tension and divisions in the country, still recovering from the devastating war between Israel and Hizbullah in 2006, virtually paralysed parliament and prevented the election of a new President.**

**Women faced discrimination in law and practice, and the state failed adequately to protect them against violence. Palestinian refugees continued to suffer discrimination and violations of their social and economic rights. Reports of torture and ill-treatment in detention increased. Courts continued to condemn people to death but there were no executions.**

### Nahr al-Bared

Intense fighting broke out in Nahr al-Bared Palestinian refugee camp on 20 May between Fatah

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al-Islam, an Islamist armed group that had recently moved into the camp, and Lebanese armed forces. According to reports, 168 Lebanese soldiers, 42 civilians and 220 Fatah al-Islam members were killed before the army gained control of the camp on 2 September.

During the clashes, both sides put civilians at risk. Fatah al-Islam established armed positions in the camp and withdrew to them after attacking an army base. The army carried out heavy and possibly indiscriminate artillery shelling of the camp. The camp was largely destroyed. It appeared that after the army took control there was widespread looting, burning and vandalism of vacated homes and property. In December, the Prime Minister wrote to Amnesty International to say that the army was investigating the reports, noting that one finding was that the army had burned some homes to rid them of a poison spread by Fatah al-Islam.

Most of some 30,000 Palestinian refugees displaced from Nahr al-Bared relocated to Beddaawi refugee camp. They were allowed to return to Nahr al-Bared from October but the majority remained displaced at the end of the year. The camp remained off-limits to the media and local human rights organizations.

■ On 22 May, two civilians were killed and others injured when a UN convoy delivering relief supplies inside the camp was hit by at least one explosive device. The army reportedly denied responsibility. The same day, Naif Selah Selah and a pregnant woman, Maha Abu Radi, were shot dead and other passengers were injured as their bus fleeing the camp approached an army checkpoint. A boy aged 13 or 14 was taken from the bus by armed men, threatened with a knife and given electric shocks to make him “confess” to planning a suicide attack, before being released. There were no known independent investigations into the incidents.

Scores of Palestinians were threatened, humiliated and abused by soldiers, often after being stopped at army checkpoints. Abuses included being stripped, being forced to lie on the road, and being beaten, kicked, hit with rifle butts, insulted and humiliated. In several cases individuals were reportedly whipped, given electric shocks and sexually abused.

Some 200 people were arrested and remained detained on account of their suspected involvement with Fatah al-Islam. Tens of these were reportedly

charged with terrorism offences that can carry the death penalty. There were reports that some detainees were tortured or otherwise ill-treated.

■ On 29 June, three protesters were killed during a peaceful demonstration calling for refugees displaced from Nahr al-Bared to be allowed to return to their homes. Lebanese Army soldiers opened fire on the protesters and then reportedly failed to intervene when Lebanese civilians attacked the demonstrators.

■ On 12 December, General François el-Hajj, the Lebanese Army's chief of operations during the fighting in Nahr al-Bared, and a bodyguard, were killed in a car bomb attack in Ba'abda.

## Killings

More than 40 people were killed in bombings and shootings by unknown assailants.

■ Two members of parliament who supported Fouad Siniora's government were assassinated in separate car bomb attacks in Beirut. Walid 'Eido MP and nine others were killed on 13 June, and Antoine Ghanim MP and five others were killed on 19 September.

■ On 24 June, six UN peacekeepers were killed in an explosion targeting their convoy near the southern town of Khiam.

## Rafiq al-Hariri assassination

On 30 May the UN Security Council adopted resolution 1757 to establish the Special Tribunal for Lebanon to try those suspected of involvement in the February 2005 killing of former Prime Minister Rafiq al-Hariri and 22 others and, if the court so decides, a number of other possibly related attacks committed since October 2004.

■ Five senior security officials and four other individuals arrested between August and November 2005 in apparent connection with the investigation remained detained without charge.

On 28 November the UN International Independent Investigation Commission submitted its ninth report into the killing and 18 other attacks it is helping to investigate.

## Torture and other ill-treatment

There were increased reports of torture and other ill-treatment, particularly of Palestinians, Sunni security suspects and individuals suspected of involvement with Fatah al-Islam. At least two men died in custody, possibly as a result of ill-treatment.

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■ Nine men on trial before the Military Court from 21 April alleged that they had been tortured while held incommunicado from March and April 2006 at the Ministry of Defence detention centre in Beirut. Ghassan al-Slaybi said he was given electric shocks, beaten with a stick and forced to participate in the torture of his detained son, Muhammad. Others said that they were subjected to *falaqa* (beating on the soles of the feet) and the *ballanco* (hanging by the wrists tied behind the back). Several of the men said they had signed false confessions under duress. The court reportedly refused their request for a medical examination.

On 20 February the Lebanese authorities and the ICRC signed a protocol giving the ICRC access to “all detainees in all places of detention”.

■ On 19 August Fawzi al-Sa’di, a Palestinian suspected of involvement with Fatah al-Islam, died in Roumieh prison, reportedly because he was denied adequate medical care. No investigation was known to have been initiated.

■ In a rare successful prosecution, a private in the Internal Security Forces was sentenced on 8 March by the Beirut Criminal Judge to 15 days’ detention for torturing an Egyptian worker in May 2004 at a Beirut police station. He had used the *farruj* (chicken) method, whereby the victim’s wrists are tied to the ankles and they are then hung from a bar placed behind the knees.

In February, the UN Working Group on Arbitrary Detention declared the detention of Nehmet Na’im al-Haj, held since November 1998, to be arbitrary and noted that his “confession” was obtained by torture. In May, it declared the detention of Yusef Cha’ban to be arbitrary and noted that he had been convicted largely on the basis of a “confession” allegedly made under torture and denied any right of appeal to a higher judicial authority.

## Death penalty

Four men were reportedly sentenced to death on 4 December for murder. At least 40 other prisoners remained on death row, but there were no executions.

## Refugees

Several hundred thousand Palestinian refugees, most of whom have lived in Lebanon all their lives, continued to suffer from discriminatory restrictions affecting their economic and social rights, notably their access to employment, healthcare, social

security, education and housing. Over half of Palestinian refugees live in decaying and chronically overcrowded camps or in informal gatherings that lack basic infrastructure.

Hundreds of some 50,000 Iraqi refugees were detained for not having valid visas or residence permits. The detainees faced indefinite detention or return to Iraq.

## Discrimination and violence against women

Women continued to face widespread discrimination in public and private life. Neither the legal system nor the policies and practices of the state provided adequate protection from violence in the family. Discriminatory practices were permitted under personal status laws, nationality laws, and provisions of the Penal Code relating to violence in the family. Migrant domestic workers continued to receive inadequate protection from workplace exploitation and physical and psychological abuse, including sexual abuse.

At least six female migrant domestic workers reportedly died in suspicious circumstances. It was unclear what investigations were carried out into the deaths or any abuse that might have preceded them.

■ On 25 January it was reported that Bereketi Amadi Kasa, aged 22 from Ethiopia, had fallen to her death while trying to flee her employers’ home in al-Zalqaa, north of Beirut.

In August Shi’a cleric Sheikh Muhammad Hussein Fadlallah issued a fatwa against “honour” killings, describing them as a repulsive act banned by Islamic law.

## Aftermath of 2006 war

No participants from either side of the 2006 war between Israel and Hizbullah were brought to justice for serious violations of international humanitarian law.

At least seven civilians were killed and 32 civilians were injured in 2007 by hitherto unexploded cluster bomb units fired by Israeli armed forces during the 2006 war. Two other civilians were killed and nine other civilians were injured by other previously unexploded or unidentifiable military ordinance. Five people working with clearance teams were killed and 14 others were injured. The Israeli authorities continued to refuse to furnish the UN with comprehensive cluster bomb strike data.

The fate of two Israeli soldiers seized from northern Israel by Hizbullah militants in July 2006 remained unclear. Hizbullah continued to deny them access to the ICRC.

## Impunity

No criminal investigations or prosecutions were initiated into mass human rights abuses that were committed with impunity during and after the 1975-1990 civil war. Abuses included killings of civilians; abductions and enforced disappearances of Palestinians, Lebanese and foreign nationals; and arbitrary detentions by various armed militias and Syrian and Israeli government forces. In 1992 the Lebanese government said that a total of 17,415 people had disappeared during the civil war.

## Amnesty International visits/report

🚗 Amnesty International delegates visited Lebanon in May/June and in October to research the Nahr al-Bared events and the situation of Palestinian refugees in the country.

📄 Exiled and suffering: Palestinian refugees in Lebanon (MDE 18/010/2007)

# LIBERIA

## REPUBLIC OF LIBERIA

Head of state and government:	<b>Ellen Johnson-Sirleaf</b>
Death penalty:	<b>abolitionist for all crimes</b>
Population:	<b>3.5 million</b>
Life expectancy:	<b>44.7 years</b>
Under-5 mortality (m/f):	<b>217/200 per 1,000</b>
Adult literacy:	<b>51.9 per cent</b>

**The human rights situation improved throughout the year, although challenges remained with regard to the administration of justice. Prisons were overcrowded, with the majority of detainees awaiting trial. No progress was made in the establishment of the Independent Human Rights Commission. The Truth and Reconciliation Commission made little progress in implementing its work. Violence against women remained widespread. There were several incidents of journalists being harassed by the security forces. The trial of former Liberian President**

**Charles Taylor, indicted for war crimes and crimes against humanity in Sierra Leone, continued in The Hague, Netherlands (see Sierra Leone entry).**

## Background

The fight against corruption remained a priority for Ellen Johnson-Sirleaf's government. Trials of former members of the National Transitional Government of Liberia charged with theft were ongoing. After a vote of no confidence by members of the House of Representatives, the former Speaker of the House of Representatives, Edwin Snowe, resigned. He was replaced in April by Alex Tyler of the Liberian Action Party.

In July three men, George Koukou, a former speaker of the National Transitional Legislative Assembly, Major General Charles Julu, a former Army Chief of Staff and head of the Anti-Terrorist Unit under Samuel Doe, and Colonel Dorbor were arrested and charged with treason; the trial is ongoing. Sanctions on diamonds and timber were lifted in April and Liberia was admitted to the Kimberley Process verification scheme, an internationally recognized process designed to certify the origin of rough diamonds with the aim to reduce smuggling. Liberian law makers debated a controversial bill aimed at freezing assets of former government officials but the bill was ultimately rejected.

UNHCR-assisted voluntary repatriation was completed in June. Approximately 80,000 Liberians still reside in other countries and some 50,000 refugees, mostly from Côte d'Ivoire, remained in Liberia.

Liberian ex-combatants were alleged to have been involved with the political crisis in Guinea in February. There were also unconfirmed reports of cross border movements of Liberian ex-combatants to Côte d'Ivoire.

In February a donor conference was held and reviewed Liberia's achievements. The USA also cancelled Liberia's US\$391 million debt.

In December the mandate of the UN Mission in Liberia (UNMIL) was extended to September 2008.

## Violent demonstrations

Delays in payment of state subsistence allowance led to demonstrations by former combatants in at least three cities in Liberia. In January, some 50 members of the Mandingo ethnic group staged a demonstration

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This report covers the period January to December 2006.

# LEBANON

## LEBANESE REPUBLIC

Head of state: Emile Lahoud

Head of government: Fouad Siniora

Death penalty: retentionist

International Criminal Court: not ratified

In a 34-day war in July-August between Hizbullah and Israel, about 1,200 Lebanese people were killed, hundreds of them children, and around one million were displaced by Israeli attacks. The attacks also destroyed tens of thousands of homes and much civilian infrastructure in Lebanon. At least 20 people were killed and scores injured by Israeli cluster munitions that remained after the conflict. Hizbullah launched missiles into Israel, causing the deaths of 43 civilians and damaging hundreds of buildings. The UN inquiry into the assassination of former Prime Minister Rafiq al-Hariri continued. Palestinian refugees resident in Lebanon continued to face restrictions, including on access to housing and work, and rights at work. The law continued to discriminate against women and failed to afford them adequate protection against violence.

### Background

On 12 July, Hizbullah's military wing (Islamic Resistance) attacked an Israeli patrol inside Israel, killing three Israeli soldiers and capturing two others. A major military confrontation ensued between Israeli and Hizbullah forces. The Lebanese government said that it had no advance warning of the attack by Hizbullah that triggered the conflict, did not condone it and sought a ceasefire from the outset.

Hostilities ended on 14 August, following UN Security Council Resolution 1701, which imposed a ceasefire and enlarged the role of the UN Interim Force in Lebanon (UNIFIL). On 17 August the Lebanese army moved into south Lebanon.

Internal tensions sharpened after the conflict. In November, six government ministers, including all five representatives of the Shi'a community, resigned from the cabinet provoking a political crisis. On 21 November, Industry Minister Pierre Gemayel of the Kataeb (Phalange) Party was killed by unknown assassins. The UN Security Council agreed to a request from Prime Minister Fouad Siniora that the UN International Independent Investigation Commission (UNIIC) would include the killing among the attacks committed since October 2004 in relation to which it was providing technical assistance to aid the investigations being carried out by the Lebanese authorities. Throughout December, thousands of supporters of Hizbullah, the Free Patriotic Movement (FPM) and allied political parties mounted continuous mass and largely peaceful protests in Beirut calling for a greater role in government.

### Hizbullah-Israel war

By the time of the ceasefire on 14 August, Israeli attacks had killed 1,191 people in Lebanon and injured more than 4,400, the overwhelming majority of them civilians. One-third of the civilians killed were children. Some 40 Lebanese soldiers were killed in Israeli strikes, even though the Lebanese army did not participate in the fighting.

Around a million people, a quarter of the country's population, were displaced during the conflict, of whom some 200,000 had not been able to return to their homes by the end of the year.

Much of Lebanon's civilian infrastructure was damaged or destroyed, including tens of thousands of homes, Beirut airport, seaports, major roads, bridges, schools, supermarkets, petrol stations and factories. About 50 schools were destroyed and up to 300 damaged by Israeli bombardments. Many of Lebanon's fishermen, factory workers and agricultural workers lost their livelihoods. A large oil spill caused by Israel's bombing in mid-July of the coastal Jiyre power station presented a long-term threat to the marine life of the region.

Up to one million unexploded cluster bomblets remained in south Lebanon after the conflict, posing a continuing risk to civilians. Some 200 people, including tens of children, had been killed and injured by these bomblets and newly laid mines by the end of the year. The task of clearing unexploded ordnance was made more difficult by the Israeli authorities' failure to provide maps of the exact areas targeted by their forces when using cluster bombs.

☞ Six-year-old 'Abbas Yusef Shibli was playing with three friends near his home in Blida village on 26 August when one of the children tried to pick up what to him looked like a perfume bottle. It exploded, rupturing his colon and gall bladder, and perforating his lung. His three friends were also injured.

Hizbullah fighters reportedly fired nearly 4,000 rockets, some of them armed with ball-bearings, into northern Israel, including into populated areas. The rockets could not be targeted sufficiently accurately to distinguish between military and civilian targets. The rockets caused the deaths of 43 civilians, forced thousands of civilians in northern Israel to be displaced from their homes or to spend long periods in bomb shelters, and damaged buildings. There were also clashes across south Lebanon between Israeli troops and Hizbullah combatants.

Hizbullah did not disclose the fate or condition of the two Israeli soldiers it had captured, while at least six Lebanese nationals, most of them known or suspected Hizbullah fighters, remained detained in Israeli prisons at the end of the year. Indirect negotiations for a prisoner exchange were reportedly ongoing between the two sides. Israel suspended access by the International Committee of the Red Cross (ICRC) to the prisoners it held after Hizbullah refused to grant such access to the two Israeli soldiers.

Both Hizbullah and Israel committed serious violations of international humanitarian law, including war crimes. Hizbullah's rocket attacks on northern Israel amounted to deliberate attacks on civilians and

civilian objects, as well as indiscriminate attacks. Its attacks also violated other rules of international humanitarian law, including the prohibition on reprisal attacks on the civilian population

#### Rafiq al-Hariri investigation

In September, the UNIIIC submitted its fifth interim report on its investigation into the killing of former Prime Minister Rafiq al-Hariri and 22 others in 2005. On 13 November the Cabinet approved a UN draft for an international tribunal to try those suspected of involvement in the killings, but it was unclear whether the absence of the six ministers who resigned invalidated the vote. The decision also required ratification by Parliament and the President.

#### Enforced disappearances

Despite campaigning by families and non-governmental organizations, the fate of thousands of Lebanese and other nationals who became victims of enforced disappearance between 1975 and 1990 remained unknown.

The identities were confirmed of 15 Lebanese soldiers, whose bodies were among 20 exhumed in Beirut in November 2005. In May, Lebanese Forces leader Samir Gea'gea' said that four Iranians who were kidnapped by his militia in 1982 were killed soon after their seizure. The State Prosecutor stated in June that some 44 bodies exhumed in 'Anjar in December 2005 dated from before the 1950s. The body of French national Michel Seurat who was kidnapped in 1985 was returned to his family in March after reportedly being found during construction work.

#### Political arrests

On 5 February, there were violent protests at the Danish Embassy in Beirut against the publication in a Danish newspaper of cartoons that offended many Muslims. The Embassy was set alight and at least one person died in the violence. More than 400 people were arrested, including 42 Syrian nationals who were reportedly not present at the protests. The 42 were detained in Barbar Khazen prison in west Beirut, under the control of the Internal Security Forces (ISF). They were held there for five days and denied access to legal counsel. At least two were beaten by ISF interrogators in an apparent attempt to force "confessions" about their involvement in the protests. On 10 February, they were taken before the military court in Beirut, which ordered their release.

On 11-12 February, more than 200 other people arrested in connection with the 5 February protests were reportedly brought before the same court, whose procedures fall short of international standards for fair trials. The outcome of the hearings was not made public.

#### Torture and other ill-treatment

Torture and other ill-treatment in custody continued to be reported.

☞ Thirteen people arrested between 30 December 2005 and 4 January 2006 on security charges were reported to have been tortured or otherwise ill-treated

while detained at the Information Branch of the Internal Security Department and in a special section of Rumieh prison. Alleged methods included beatings with sticks and metal bars, sleep deprivation and threats of death and rape. A number of the men reportedly "confessed" as a result of torture and duress. Three of the men were released in September.

The authorities continued to refuse to allow the ICRC unfettered access to all prisons, especially those operated by the Ministry of Defence where civilians are held. This was despite a presidential decree in 2002 granting the ICRC such access.

Human rights groups criticized a memorandum of understanding signed in late 2005 by the UK and Lebanon in which the Lebanese authorities provided assurances that terrorism suspects returned to Lebanon from the UK would not be treated inhumanely or tortured. The groups argued that such memorandums undermine the absolute prohibition of torture.

#### Palestinian refugees

Several hundred thousand Palestinian refugees living in Lebanon continued to face wide-ranging restrictions on access to housing, work and rights at work. A law regulating property ownership bans Palestinian refugees from owning property, and the Lebanese authorities prohibit the expansion or renovation of refugee camps.

In June, the UN Committee on the Rights of the Child criticized persistent discrimination faced by Palestinian children in Lebanon. The Committee expressed concern about the harsh social and economic living conditions of Palestinian refugee children in refugee camps and their limited access to public services, including social and health services and education.

#### Discrimination and violence against women

Women continued to face widespread discrimination in public and private life. Neither the legal system nor the policies and practices of the state provided adequate protection from violence in the family. Discriminatory practices were permitted under personal status laws, nationality laws, and laws in the Penal Code relating to violence in the family.

#### Human rights defenders

In general, human rights groups operated freely but some human rights defenders were harassed by the authorities.

☞ Muhamad Mugarby, a lawyer and human rights defender, was tried on charges of "slander of the military establishment" for criticizing Lebanon's military court system to members of the European Parliament in 2003. In April, the Military Court of Cassation dropped the charges and ruled that the Permanent Military Court, which had convicted him, did not have jurisdiction in such a case.

#### AI country reports / visits

##### Reports

- Lebanon: Limitations on Rights of Palestinian Refugee Children, Briefing to the Committee on the Rights of the Child (AI Index: MDE 18/004/2006)

- Israel/Lebanon: Deliberate destruction or "collateral damage" – Israeli attacks on civilian infrastructure (AI Index: MDE 18/007/2006)
- Israel/Lebanon: Under fire – Hizbullah's attacks on northern Israel (AI Index: MDE 02/025/2006)
- Israel/Lebanon: Out of all proportion – civilians bear the brunt of the war (AI Index: MDE 02/033/2006)
- Israel/Lebanon: Israel and Hizbullah must spare civilians – Obligations under international humanitarian law of the parties to the conflict in Israel and Lebanon (AI Index: MDE 15/070/2006)

#### Visits

AI delegates visited Lebanon in January, March, July, August, September and December. In December, AI's Secretary General held meetings in Beirut with the President, Prime Minister, Speaker of the National Assembly and other senior government officials, and visited victims and survivors of the recent war in areas of south Lebanon. AI also called for investigations and reparations for victims of violations during the Hizbullah-Israel war.

## LIBERIA

### REPUBLIC OF LIBERIA

**Head of state and government:** Ellen Johnson-Sirleaf  
**Death penalty:** abolitionist for all crimes  
**International Criminal Court:** ratified

There were violent incidents over land issues due to ethnic tensions in the north of the country as refugees and internally displaced people returned home. Dissatisfied demobilized former combatants contributed to the violence. Reforms of the police and army progressed, but the process for the reform of the judiciary was extremely slow. Few steps were taken to develop a mechanism to prosecute those suspected of committing war crimes and crimes against humanity during the conflict that ended in 2003. Former President Charles Taylor was handed over to Liberia in March and immediately transferred to the Special Court for Sierra Leone to face trial on charges of war crimes and crimes against humanity committed during the armed conflict in Sierra Leone. The Truth and Reconciliation Commission started operations in June. Violence against women remained widespread. There were several incidents of journalists being harassed by the security forces.

### Background

On 16 January Ellen Johnson-Sirleaf, the first woman head of state in Africa, was inaugurated. All political appointments were concluded by the middle of the year, with seven women in cabinet positions. Civil society organizations expressed concern over some appointments, such as that of Kabineh Ja'neh, former political leader of the armed group Liberians United for Reconciliation and Development (LURD), as an associate Justice to the Supreme Court.

The new President took a strong stand against corruption. An audit of the National Transitional Government of Liberia carried out by the Economic Community Of West African States (ECOWAS) was made public in July. Several senior government officials were dismissed after being accused of corruption. The Governance Reform Commission drew up an anti-corruption policy paper which largely focussed on addressing corruption within the government. At least six former members of the National Transitional Government of Liberia were arrested and charged with theft in early December, a move by the government which was publicly condoned by members of civil society.

The government met more than half its targets under a 150-day action plan designed to address some of the most urgent needs of the population. A donors' conference in July demonstrated a commitment to long-term engagement with Liberia.

The resettlement of 314,095 internally displaced people, including 9,732 refugees, which began in March 2004 was completed in April, approximately six months earlier than expected.

In September the mandate of the UN Mission in Liberia (UNMIL) was extended to March 2007. UNMIL released two public reports largely focused on failures in the administration of justice.

By September close to 39,000 former combatants still had not entered reintegration programmes. There were plans to incorporate these into projects sponsored by the United Nations Development Programme (UNDP) Trust Fund.

The unstable security situation in Côte d'Ivoire continued to present a threat to Liberia. There were concerns about the possible movement of armed groups from Côte d'Ivoire to Liberia and the recruitment of former Liberian combatants, including children.

### Sanctions

In June the government sent a letter to the UN Security Council highlighting progress made in meeting the criteria for lifting sanctions on diamonds and timber. Also in June, the UN Security Council lifted the embargo on timber, but extended the sanctions on diamonds for a further six months with a review after four months. The UN arms embargo was partially lifted.

The Minister of Justice sought to facilitate the passing of legislation to implement UN Security Council resolutions in Liberian law. Difficulties arose particularly in connection with the freezing of individuals' assets, since several members of parliament were on the asset freeze list. Edwin Snowe,

# 2006 Annual Report for Lebanon

## LEBANON REPUBLIC

**Head of state:** Emile Lahoud

**Head of government:** Fouad Siniora (replaced 'Najib Mikati in June, who replaced 'Umar Karami in April)

**Death penalty:** retentionist

**International Criminal Court:** not signed

**UN Women's Convention:** ratified with reservations

**Optional Protocol to UN Women's Convention:** not signed

Overview - Covering events from January - December 2005

**Former Prime Minister Rafiq al-Hariri and more than 30 other people were killed in bomb attacks against civilians. A UN inquiry suggested that senior Lebanese and Syrian officials were implicated in the attack on Rafiq al-Hariri. Several people were arrested for their alleged connections with a banned political party. Tens of prisoners, including some sentenced after unfair trials in previous years, were freed under an amnesty law in July. Palestinian refugees resident in Lebanon continued to face discrimination and to be denied access to adequate housing and certain categories of employment. The law continued to discriminate against women. Protection against violence in the home was inadequate; women migrants employed as domestic workers were particularly at risk of abuse. Mass graves were exhumed in November and December.**

### **Assassination of Rafiq al-Hariri**

Former Prime Minister Rafiq al-Hariri and 22 others were killed by a car bomb in Beirut on 14 February.

Rafiq al-Hariri's murder sparked popular protests and the government resigned after losing a confidence vote in parliament in February. Subsequent elections, held between 29 May and 19 June, were won by the Future Movement Block, led by Saad al-Hariri, son of the assassinated former Prime Minister.

Speculation that the Syrian authorities were involved in the assassination prompted new demands from within Lebanon and internationally for Syria to withdraw its military forces from Lebanon, in accordance with UN Security Council Resolution 1559 of September 2004. In May the UN confirmed that Syria had withdrawn its forces from Lebanon.

### **UN investigation**

The UN Security Council sent a fact-finding team, with the agreement of the Lebanese government, to investigate the killings. The team's findings led the UN Security Council to establish the UN International Independent Investigation Commission (UNIIC).

Four former heads of Lebanese intelligence and security services -- General 'Ali al-Hajj (Internal Security Forces), General Raymond Azar (Military Intelligence), Brigadier General Jamil al-Sayyed (Sûreté Générale) and Mustafa Hamdan (Presidential Guard) -- were arrested on 30 August and remained in detention at the end of the year. An interim report by UNIIC published in October implicated senior officials of both the Lebanese and Syrian security

services in the assassination and a fifth former Lebanese security official, Ghassan Tufeili, was arrested in November after he was named in the report. On 15 December, a second UNIIIC report requested that Syria detain several suspects. It also stated that Syria had hindered the investigation and that further investigation was necessary. On 15 December the UN Security Council endorsed a six-month extension of the investigation, but did not vote on the Lebanese authorities' request to establish an international court to try suspects in the case.

### **Other politically motivated killings**

Rafiq al-Hariri's assassination was followed by 13 other bombings of civilian targets in which 12 people were killed and at least 100 injured. Among those targeted were critics of Syria's military presence in Lebanon.

- Samir Qasir, an academic, journalist and well-known critic of human rights abuses by the Lebanese and Syrian governments, was killed by a car bomb on
- 2 June in Beirut.
- George Hawi, former leader of the Lebanese Communist Party, was killed by a car bomb in Beirut on 21 June.
- Gibran Tueni, a journalist and politician well known for his criticism of Syrian interference in Lebanon, was killed with two others in a car bomb explosion in Beirut on 12 December.

In November, six Lebanese men were reported to have been charged with mounting attacks at the behest of a Syrian intelligence officer who had been based in Beirut. They had not been brought to trial by the end of 2005.

Earlier, tens of Syrian nationals working in Lebanon were reported to have been killed and others injured in attacks by Lebanese, apparently in reaction to Rafiq al-Hariri's assassination; it was not clear whether there was an investigation or any prosecutions.

### **'Disappearances'**

A new joint Syrian-Lebanese committee was established in May to investigate the fate of more than 600 Lebanese who "disappeared" during and after the 1975-1990 Lebanese civil war, apparently while in the custody of Syrian forces. The findings of two previous Lebanese investigations were never fully disclosed and no perpetrators were ever prosecuted. Concerns about the new committee's independence and powers suggested that it would be no more effective.

A mass grave inside the Lebanese Ministry of Defence compound at al-Yarze, reportedly containing 20 bodies, was discovered in November. Another mass grave, reportedly containing 28 bodies, was exhumed in December at 'Anjar, in the Beqa' Valley, near the former Syrian military intelligence headquarters in Lebanon. During and after the Lebanese civil war, mass human rights abuses were committed with impunity. Abuses including killings of civilians; abductions and "disappearances" of Lebanese, Palestinian, and foreign nationals; and arbitrary detentions were carried out by various armed militias and Syrian and Israeli government forces. In 1992 the Lebanese government stated that a total of 17,415 people "disappeared" during the 1975-1990 civil war, but no criminal investigations or prosecutions had been initiated by the end of 2005.

## **Arrests and releases**

Samir Gea'gea and Jirjis al-Khoury, respectively the leader and a member of the Lebanese Forces, were freed under an amnesty law approved by parliament in July. Both were serving life sentences, imposed after unfair trials, for their alleged involvement in politically motivated killings. They had been held in solitary confinement since 1994 at the Ministry of Defence Detention Centre in Beirut.

The amnesty law also resulted in the release of at least 25 men detained for several years following violent clashes with Lebanese army troops in 2000 in the northern Dhinniyeh area. They had been charged with involvement in "terrorism" and other security offences. At the time of their release they were on trial before the Justice Council in proceedings that did not meet international standards. Some said they had been tortured and coerced into making false confessions.

Ten detainees from Majdel 'Anjar arrested in September 2004 were also released in the amnesty. Several of the men, who had not been charged or tried, were reported to have been tortured.

The authorities arrested 15 people in September for their alleged involvement with Hizb al-Tahrir (Islamic Liberation Party). All were released. Three -- Sherif al-Halaq, Muhammad al-Tayesh and Bassam al-Munla -- were convicted of membership of a banned organization and were awaiting sentencing at the end of the year.

## **Conditions in prisons and detention centres**

The authorities continued to refuse the International Committee of the Red Cross (ICRC) unfettered access to all prisons despite a presidential decree in 2002 authorizing such access for the ICRC. There was particular concern about lack of ICRC access to centres operated by the Ministry of Defence where detainees have been tortured and ill-treated.

## **Human rights defenders**

Many human rights groups operated freely but some human rights defenders were harassed or faced threats to their lives.

- Muhamad Mugarby, a lawyer and human rights defender, was detained for 10 hours in February. He was later charged with "slander of the military establishment" for criticizing Lebanon's military court system in a speech to the Mashrek Committee of the European Parliament in November 2003. He was due to appear before the Military Court in Beirut in January 2006.

## **Palestinian refugees**

According to the UN, some 400,000 Palestinian refugees were resident in Lebanon. They remained subject to wide-ranging restrictions on access to housing, work and rights at work despite the Minister of Labour's decision in June to allow Palestinian refugees to work in some sectors that had previously been barred to them by law. However, Palestinian refugees continued to be excluded from the medical, legal and other professions regulated by professional syndicates.

## **Discrimination and violence against women**

Women continued to be discriminated against and inadequately protected from violence in the family. Discriminatory practices were permitted under personal status laws, nationality laws and laws contained in the Penal Code relating to violence in the family.

In July, the UN Committee on the Elimination of Discrimination against Women recommended that Lebanon withdraw its reservations to Articles 9 and 16 of the UN Women's Convention concerning nationality and marriage rights and address inequalities which allow children to obtain Lebanese nationality only through their father and permit only men to divorce their spouse.

Women migrants employed as domestic workers faced multiple discrimination on grounds of their nationality, gender and economic and legal status. Their contracts effectively restricted exercise of their rights to freedom of movement and association by forbidding them from changing employers. They also faced exploitation and abuse by employers, including excessive hours of work and non-payment of wages. Hundreds were reported to have suffered physical and sexual abuse at the hands of employers.

The UN Special Rapporteur on trafficking in persons drew attention to the plight of migrant domestic workers during a visit to Lebanon in September, stating that they were denied basic human rights and were inadequately protected by law. The Minister of Labour said new legislation to improve conditions for migrant workers would be proposed by October 2005. However, no progress appeared to have been made on this by the end of the year.

## **AI country visits**

AI delegates visited Lebanon several times during 2005.

# **2005 Annual Report for Lebanon**

**Head of state:** Emile Lahoud

**Head of government:** 'Umar Karami (replaced Rafiq al-Hariri in October)

**Death penalty:** retentionist

**International Criminal Court:** not signed

**UN Women's Convention:** ratified with reservations

**Optional Protocol to UN Women's Convention:** not signed

## **Summary**

Scores of people, including Islamist activists and members of opposition groups, were arrested for political reasons. Most were released after short periods. Trials of Sunni Islamist activists accused of "terrorism" and other state security offences continued. There were reports of torture and ill-

treatment, and at least two detainees died in custody. There was an apparent increase of violence against women. Attacks on freedom of expression and association continued. At least three people were sentenced to death and three executions were carried out. Human rights groups and members of parliament stepped up their campaign for the abolition of the death penalty.

## **Background**

In September the authorities amended the Constitution to allow an extension of President Emile Lahoud's term of office. The government's proposed amendment was supported by a majority in parliament. Opponents rejected it as unconstitutional and linked it to undue interference by Syria in the internal affairs of the country. The amendment was passed one day after the UN Security Council issued Resolution 1559 sponsored by the USA and France calling for the respect of Lebanese sovereignty, the withdrawal of all foreign troops from the country and the disbanding of Lebanese and non-Lebanese militias. Four ministers resigned from the government in protest at the amendment. In October Marwan Hamadah, one of the ministers who resigned in September, escaped with injuries requiring surgery when a bomb planted in his car exploded. His bodyguard, Ghazi Abu-Karrum, was killed. The case was referred to the investigating military magistrate.

A new government led by 'Umar Karami was formed following the resignation in October of Prime Minister Rafiq al-Hariri, which included for the first time two women ministers.

Syria withdrew some 3,000 troops during the year.

A draft law calling for the abolition of the death penalty was presented to parliament by seven members of parliament as part of a national campaign to end the death penalty. A new "terrorism law" was passed in the context of the government's move to introduce a new Penal Code, a draft of which was being considered by parliament. A campaign led by human rights group Hurriyyat Khasah (Private Liberties) to promote respect for the rights of lesbians and gay men was stepped up during the year. It included calls for reform of provisions of the Penal Code that criminalize homosexuality.

## **Arrests**

Scores of people, mostly Sunni Islamist activists and members of opposition groups, were arrested for political reasons. Among them were members of two banned opposition groups, the Free Patriotic Movement and the Lebanese Forces, most of whom were released after short periods. Dozens of members of the banned Islamist Hizb al-Tahrir (Liberation Party) were detained for days or weeks and released on bail pending trials including before the Military Court. They were arrested for the peaceful expression of their political and religious opinions, including organizing a sit-down in July in Tripoli, northern Lebanon, to protest against the visit to Lebanon of the interim Iraqi Prime Minister, Iyad 'Allawi.

- Dozens of Sunni Islamist activists arrested in September without due legal process and detained incommunicado in secret detention centres remained held without access to their lawyers and families. They were arrested following raids carried out by the security forces in different parts of the country, including the south and the Beqa' Valley. The former Interior Minister accused them of involvement in "terrorism" and plots to bomb embassies, the

Justice Palace and other places. The detainees included Ahmad Salim al-Miqati, Nabil Jallul, Jamal 'Abd al-Wahid, Shafiq al-Banna and Isma'il al-Khatib. Two women -- Latifa al-Khatib, the sister of Isma'il al-Khatib, and An'am Jallul, the sister of Nabil Jallul -- were released, apparently without charge, following public protests against the serious violations surrounding the arrests and the subsequent death in custody of Isma'il al-Khatib (see below).

## **Trials**

Trials of Sunni Islamist activists before the Justice Council and other courts on charges of "terrorism" and other state security offences continued during the year. Trials before the Justice Council of dozens of Islamist activists, known as the Dhinniyyah detainees, charged with "terrorism" and other state security offences entered a fourth year. Proceedings fell short of international standards. There appeared to be no prospect of the detainees receiving a fair trial. The charges against them carry the death penalty.

- In March the Military Court sentenced a group of Islamist activists, including six Palestinians, a Yemeni national and a Lebanese national, to up to 20 years in prison on charges of "terrorism", including operating a "terrorist" network and involvement in bombing US fast-food restaurants. Mu'ammarr 'Abdallah 'Al- 'Awami was sentenced to 20 years in prison with hard labour; Usamah Lutfi Salih, Usamah Amin al-Shihabi, and Amin Anis Dib were given 15 years in prison with hard labour; and 'Ali Musa Masri was sentenced to five years in prison. 'Ali Muhammad Qasim Hatim and Muhammad 'Abd-al-Karim al-Sa'di (also known as Abu-Muhjin), the alleged leader of the banned Sunni Islamist group 'Usbat al-Ansar or League of Supporters, were tried in absentia and sentenced to life imprisonment with hard labour and 15 years in prison with hard labour respectively.

## **Torture and deaths in custody**

There were reports of torture and ill-treatment, and at least two detainees died in custody.

- In September Isma'il al-Khatib died in custody after more than 10 days' incommunicado detention at a secret location. Following his arrest (along with dozens of Sunni Islamist activists) he was described by the authorities as the leader of an al-Qa'ida network in the country. An official medical report stated that he died of a heart attack and that he had suffered, among other things, difficulty in breathing, swollen feet and liver problems. The report was repudiated by the family, including his sister who had been detained with him and said she heard him screaming in pain. Photographs taken of Isma'il al-Khatib after his death showed serious wounds on his body. The government ordered an investigation into his death.

## **Violence against women**

There was apparently an increase in violence against women. At least six women were killed during the year, mostly by male relatives, as a result of family crimes or other forms of violence against women. Such crimes continued to be committed by men with near impunity facilitated by lenient

sentences for killings carried out in a "fit of fury". Information was received on alleged torture, including rape, of Filipina maids working in Lebanon.

- A 27-year-old Palestinian man killed his sister by cutting her throat for allegedly having pre-marital sexual relations with her fiancé. The attack reportedly took place in October in a Beirut hospital where the woman worked. The man handed himself in to the authorities.
- Seventeen-year-old Fadela Farouq al-Sha'ar died on 5 February in Tripoli apparently after being strangled, allegedly by her brother. He was said to have confessed to the murder before disappearing. She was apparently killed for allegedly eloping with a man she wanted to marry without the consent of her family.
- A Filipina woman, Catherine Bautista, one of thousands of maids reportedly working in difficult conditions in Lebanon, died on 4 May. Her body was found almost naked in the garden of the building in Beirut where she worked. An investigation ordered by the authorities closed the case in July apparently after concluding that she had died after jumping out of her employers' apartment.

### **Freedom of expression and association**

Attacks on freedom of expression and association continued during the year.

- In May at least five civilians were killed, including a photographer, and at least 27 others injured when the Lebanese army apparently used excessive force to suppress a demonstration organized by the General Workers' Union in al-Sallum neighbourhood in southern Beirut. Following an official investigation, the government promised compensation for those injured.
- In April a dozen people were injured during the peaceful build-up to a demonstration outside the UN Economic and Social Commission for Western Asia (ESCWA) offices in Beirut organized to submit a petition calling for the release of Lebanese political detainees held in Syria. The injuries were caused when security forces used batons against the demonstrators. Human rights defender Ghazi 'Aad, who uses a wheelchair, was beaten. No investigation was known to have been carried out.
- In March a professor at the Lebanese University, Adonis Akra, appeared several times before the Publications Court in Beirut in connection with the publication of a book that included details of his incarceration in a Syrian jail and the torture techniques used against him. He was charged with undermining Lebanon's relations with a friendly country and tarnishing the image of its leaders. In February 2003 Adonis Akra had been detained by the security forces for seven hours and forced to cancel the launching of the book. The book was subsequently banned in Lebanon, copies of it were confiscated, and charges were brought against its publishers, Dar al-Tali'ah.

### **Refugees**

Palestinian refugees continued to be discriminated against despite calls by the UN Committee on the Elimination of Racial Discrimination (CERD) for their rights to be protected.

- In March CERD expressed concern "with regard to the enjoyment by the Palestinian population present in the country of all rights stipulated in the Convention [on the Elimination of All Forms of Racial Discrimination] on the basis of non-discrimination, in

particular access to work, health care, housing and social services as well as the right to effective legal remedies." CERD urged Lebanon "to take measures to ameliorate the situation of Palestinian refugees with regard to the enjoyment of the rights protected under the Convention, and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens."

### **Death penalty**

At least three people were sentenced to death. Three men -- Ahmad Mansour, Badea' Hamada and Remi Antoan Za'atar -- were executed in Rumieh prison in Beirut in January. The executions were the first since 1998.

### **AI visits**

AI delegates visited Lebanon several times during 2004.

## **2004 Annual Report for Lebanon**

### **LEBANON**

#### **LEBANESE REPUBLIC**

**Head of state:** Emile Lahoud

**Head of government:** Rafiq al-Hariri

**Death penalty:** retentionist

UN Women's Convention:ratified

**Optional Protocol to UN Women's Convention:** not signed

**Scores of people, including prisoners of conscience, were arrested, many of them arbitrarily. Most were released within hours or days. Many were Islamist activists held in connection with alleged "terrorism"; some were held for alleged "collaboration" with Israel. Scores of civilians were tried before military courts, whose procedures fall short of international standards for fair trial. Curtailments of the activities of human rights defenders increased and there were restrictions on freedom of expression, but generally a high level of human rights debate and activity was allowed. There were reports of torture and ill-treatment of detainees; none was known to have been investigated. At least three people were sentenced to death; the *de factom* moratorium on executions – in force for five years – appeared fragile at the end of the year.**

### **Background**

Prime Minister Rafiq al-Hariri submitted the resignation of his government to the President in April. However, he stayed on as Prime Minister and formed a new cabinet with minor ministerial changes.

Major amendments were proposed to the Penal Code by the parliamentary justice committee.

Human rights activists led a vigorous campaign against the proposals. If adopted, they could lead to serious restrictions on freedom of association and expression, and further erode the rights of women.

There were wide and lively discussions within the community of non-governmental organizations (NGOs) and human rights groups on issues of human rights and freedoms. Women's rights and violence against women were the subjects of media discussions as well as several national and regional meetings held in Lebanon during the year. In October, the Minister of Justice reiterated the commitment of Lebanon to make its legislation compatible with the UN Women's Convention, which Lebanon ratified in 1996.

Thousands of Syrian troops were redeployed within Lebanon or back to Syria during the year. There were mixed reactions among Lebanese political circles to the Syria Accountability and Lebanese Sovereignty Restoration Act, which was adopted by the US Congress in November (see Syria entry). Exiled opposition leader General Michel Aoun, who testified before the US Congress on the draft Act, was charged by the Lebanese authorities in November with harming relations with a friendly state (Syria), among other offences.

### **Violence against women**

Lebanese women's groups stepped up their campaigns against violence against women, such as "honour killings" and domestic violence including rape. Grave concerns were expressed by human rights activists and women's groups about the proposed revisions of the Penal Code. They feared that the revisions would further enhance the subjugation of women and perpetuate a culture of impunity for family crimes as the proposed Code would still allow for reduced sentences for men and women who commit murder in "honour crimes", and for women who kill their children born out of wedlock.

### **Unfair trials before military courts**

Trials before military courts continued to fall short of international fair trial standards.

- On 6 May, Muhammad Ramiz Sultan, Khaled 'Umar Minawi, 'Abdallah Muhammad al-Muhtadi and a Saudi Arabian national, Ihab Husayn Dafa, were sentenced by the Military Court to three years in prison with hard labour for vaguely defined "terrorist" offences. Khaled 'Umar Minawi was reportedly tortured in 2002 while held at the Ministry of Defence detention centre at al-Yarze. There was no known investigation into the allegation.
- On 20 December, Khaled 'Ali and Muhammad Ka'aki were reportedly sentenced to 20 years' imprisonment by the Military Court for planning to bomb US and other "Western" targets in the country. The defendants were believed to be leaders of an alleged "terrorist" organization suspected of planning attacks on fast food restaurants in Lebanon between the second half of 2002 and April 2003. Sixteen co-defendants in the case received prison sentences ranging between two months and 12 years. Some of the accused alleged in court that they had broken ribs as a result of torture; no investigation was ordered by the court. There were concerns that all were convicted as a result of "confessions" extracted under torture. Eight others were acquitted; all had spent eight months in pre-trial detention and were reportedly tortured.

### **Harassment of human rights defenders**

Many human rights NGOs continued to operate freely, but there was an increase in harassment of human rights defenders with the aim of curtailing their rights to freedom of expression and association.

- Muhammad al-Mugraby, a lawyer and human rights defender, was arrested on 8 August for "impersonating a lawyer" and held for three weeks in Beirut. He was released on bail on 29 August. He had criticized sections of the judiciary and the Beirut Bar Association, and called for reforms of both. In January, the Beirut Bar Association had struck his name off the Association's register *in absentia*. However, the decision should become final only after appeal, which had yet to be concluded by the end of the year.

- Samira Trad, director of Frontiers, a human rights organization that defends refugees and marginalized people in Lebanon, was detained overnight on 10 September and questioned by the General Security about Frontiers' work and the legality of the organization. She was charged under Article 386 of the Penal Code with "harming the honour and integrity" of the Lebanese authorities, which carries a sentence of up to one year's imprisonment. The Director of General Security told AI representatives that Samira Trad did not follow proper legal procedures in notifying relevant government authorities about the formation and activities of Frontiers.

### **Restrictions on freedom of expression**

Lively and critical debate continued in the media, but there were some incidents of restriction of the freedom of the press and publication.

- Adonis Akra, a philosophy professor, was forced to cancel a book-signing ceremony for the launch of his prison memoirs after being detained for seven hours. Several hundred copies of his book were seized and the authorities ordered the closure of the book's publishing company Dar al-Tali'ah.

- Tahsin Khayyat, the owner of a private television channel, NTV, was detained by military police for a day in December for allegedly having links with Israel. He was released without charge. NTV, other media organs and some politicians protested against his arrest, saying it was an attempt to exert pressure on the television channel. NTV had been banned from broadcasting at least once during 2003 apparently after airing a program about US military bases in Saudi Arabia.

### **Update**

- In April, the Court of Cassation turned down appeals against a previous ruling to close down the opposition-oriented television station MTV and its sister radio station, *Radio Mont Liban*, for allegedly broadcasting unlicensed election advertisements. This followed an eight-month legal battle over an alleged contravention of Article 68 of the Parliamentary Election Law which revealed major errors in the legal process, suggesting that the closure was politically motivated.

### **Torture and ill-treatment**

Torture and ill-treatment continued to be reported. The authorities refused to allow the International Committee of the Red Cross (ICRC) unfettered access to all prisons, especially those operated by the Ministry of Defence where civilians are held. This was despite a presidential decree in 2002 authorizing the ICRC such access. In October, at least one member of parliament, Saleh Honein, demanded a parliamentary investigation into why the ICRC was not allowed access to military prisons.

- On 17 January security forces reportedly used batons and tear gas in closed areas against 17

detainees refusing to attend a court hearing. Ihab al-Banna and Sa'id Minawi needed hospital treatment for serious injuries. The 17 detainees, all held in Rumieh Prison in connection with clashes with security forces in the Dhinniyyah plateau in February 2000, were subsequently held in solitary confinement as punishment. However, in July the Public Prosecutor allowed the detainees to have access to facilities to practise religion, to exercise outside their cells and to grow beards.

- Husayn Ahmad al-Qarahani, who was acquitted in December of involvement in the bomb attacks on US restaurants, and earlier of the June attack on *al-Mustaqbal* TV station, stated that he was one of a number of detainees tortured while held incommunicado at the Ministry of Defence detention centre in al-Yarze. He told the Military Court in October that the *ballanco* method of torture (hanging by the wrists which are tied behind the back), and beatings were used against him and other detainees, apparently aimed at coercing them to "confess". No investigations were known to have been carried into his allegations or into other cases of torture reported in 2003.

### **Government responses**

In September, in response to AI's reporting of alleged ill-treatment of detained foreign nationals, the government stated that foreign detainees were being treated well and in accordance with international standards. The same month the government criticized AI's report on the Dhinniyyah detainees (see below) for relying on "untrustworthy sources", and rejected the report's allegations of torture and lack of legal safeguards. AI remained concerned that no independent judicial investigation had yet been ordered into the alleged torture and ill-treatment of the Dhinniyyah detainees.

### **Death penalty**

At least three people were sentenced to death. A *de facto* moratorium on executions since 1998 continued, but appeared under threat in December when it was reported that the President might soon sign the execution papers for 27 or more people convicted of murder in previous years.

### **Civilian killings**

Civilians were victims of what may have been direct or indiscriminate attacks.

- Five-year-old 'Ali Nadir Yassin was killed on the night of 6 October when a missile apparently fired at Israeli military forces struck his family's house in the southern village of Hula. The UN Interim Force in Lebanon (UNIFIL) said the missile was a Katyusha, a type typically used by Lebanese resistance groups. *Hizbullah* (Party of God), the Islamist group which occasionally launches attacks on Israeli forces stationed in the Israeli-occupied Sheba'a Farms territory, denied any connection with the killing.

- On 9 December, student Mahmoud Hadi and mechanic Khodr 'Arabi were shot dead in their car by Israeli troops near the village of Ghajar, which is split between Lebanon and the Israeli-occupied Syrian Golan Heights.

### **Refugees**

#### **Palestinian refugees**

Palestinian refugees continued to face systematic discrimination, including wide prohibitions on the rights to work and own property, and on the freedom of movement. Draft legislation submitted to parliament to lift the ban on Palestinians owning property was withdrawn in

October by the Parliamentary Speaker.

### **Other refugees**

There were concerns that convoys organized by the Lebanese authorities to return Iraqis on a voluntary basis to Iraq may have included refugees and asylum-seekers who believed they were at risk of serious human rights violations if returned. A Memorandum of Understanding was signed in September by the Lebanese government and the UN High Commissioner for Refugees (UNHCR). It was seen to represent an important step in formalizing UNHCR's role in the protection of refugees and asylum-seekers in Lebanon.

However, there were concerns expressed about the Memorandum, including that it denies asylum-seekers access to refugee status determination procedures after a certain time limit, thereby excluding some people who need protection from being able to access it.

### **AI country reports/visits**

#### **Report**

- Lebanon: Torture and unfair trial of the Dhinniyah detainees (AI Index: MDE 18/005/2003)

#### **Visits**

AI delegates visited Lebanon in May/June. They participated in a regional conference on violence against women, investigated the situation of Palestinian refugees and other human rights issues, and met government officials, local human rights organizations and lawyers. Other meetings with government officials took place in October.

## **Annual Report 2003**

### **LEBANON**

#### **LEBANESE REPUBLIC**

Head of state: Emile Lahoud

Head of government: Rafiq al-Hariri

Death penalty: retentionist

International Criminal Court: not signed

**Dozens of people affiliated to Christian and Islamist opposition groups were arrested for political reasons. At least 12 others were detained for alleged affiliation to al-Qa'ida or other groups classified as "terrorist". Scores of people, including political prisoners and suspected members of the disbanded South Lebanon Army (SLA), were tried before the Military Court on charges of "collaboration" with Israel, and dozens of political prisoners remained held for long periods without trial in connection with Islamist groups. There were reports of torture and ill-treatment of political detainees. At least one politically motivated killing took place. The year witnessed an increase in violence against women in the community. At least 10 death sentences were passed, but there were no executions. There were reports of deportations, arrests and ill-treatment of refugees and asylum-seekers, and Palestinian refugees continued to suffer discrimination.**

## **Background**

The authorities introduced new measures to combat "terrorism", including activating the anti-terrorism Law 11 of 1958. As a result Sunni Islamist groups with a history of opposition to the government were targeted and legitimate rights to freedom of expression and association were suppressed.

In June Lebanon and the European Union signed an agreement covering political and economic matters which includes a clause on human rights.

In September the Prosecutor General ordered search warrants to be issued allowing surveillance in Lebanon and abroad of those thought to be involved in anti-government activities, including "contacting" Israel and activities "detrimental" to Lebanon's relations with its Arab neighbours. The move followed efforts in the USA to oppose the Syrian presence in Lebanon led by General Michel Aoun, the exiled former commander of the Lebanese army and leader of the opposition group Free Patriotic Movement (FPM). Amid growing discontent, especially among Christian opposition groups, about the Syrian military presence in Lebanon, the Commander of Syrian Military Intelligence in Lebanon was transferred to Syria and replaced.

## **Arrests**

Dozens of people affiliated to Christian and Islamist opposition groups were arrested. They included members of the unauthorized Lebanese Forces Party (LFP), the FPM, suspected member of Sunni Islamist groups including Hizb al-Tahrir ([Islamic] Liberation Party) and others allegedly affiliated to al-Qa'ida.

The arrests of LFP and FPM members were mostly related to their involvement in demonstrations opposed to the Syrian military presence in Lebanon and the distribution of political leaflets.

□ In March at least three students from the Lebanese University, including Bashir Matar and Charbel Ayoub, were arrested by members of the Internal Security Forces. They were later released without charge. They were taking part in a political rally organized by the LFP which was also attended by members of the FPM and the National Liberal Party.

□ In March, three men were arrested for allegedly distributing a leaflet by Hizb al-Tahrir critical of the Saudi Arabian Middle East peace initiative during the Arab summit in Beirut. Wisam Husain al Humsi, Muhammad Nayef al Humsi and Khaled Nayef al Humsi were arrested in western al-Biq'a'. Others who were allegedly distributing leaflets in villages in the area were still being sought. The three men were later referred to the Internal Security Forces "anti-terrorism" office in Beirut for questioning.

□ In October, on the eve of the Francophone Summit held in Beirut, at least 10 students including Edward Cham'un, Cynthia Zaraziri and Richard Yunan were arrested at a demonstration against government policies and the Syrian military presence in Lebanon. These three students were reportedly injured when members of the Internal Security Forces used excessive force to break up the demonstration outside Saint Joseph University in Beirut.

□ In September and October, Military Intelligence arrested Khaled Minawi (see below), an 18-year-old Lebanese national; Muhammad Ramiz Sultan, a Lebanese and Australian national; and Ihab Husain Dafa', a Saudi Arabian national. The three were held incommunicado and later charged with offences including establishing "a terrorist organization" and forming a "cell" belonging to al-Qa'ida. They were reportedly tortured and ill-treated to extract "confessions".

## **Trials**

Scores of people, including political prisoners and suspected members of the disbanded SLA, were tried before the Military Court on charges of "collaboration" with Israel. The trials fell short of international standards for fair trial and there were numerous reports of confessions being extracted under duress. Dozens of Islamist political prisoners remained held for long periods without trial.

□ In July the Military Court of Appeal sentenced Tawfiq al-Hindi, a leading member of the LFP, and journalist Habib Yunes to 15 months' imprisonment each; and journalist Antoine Basil to 30 months in prison. All were charged with "contacting" Israel. The sentences were passed following a retrial ordered by the Court of Cassation which rejected the previous three and four-year sentences passed by the Military Court. The trials appeared to be unfair and the three were possible prisoners of conscience. They had reportedly been tortured or ill-treated and they told the courts, throughout their trials, that confessions had been extracted under duress. Both Tawfiq al-Hindi and Habib Yunes were released in November after serving their sentences.

## **Torture**

There were reports of torture and ill-treatment of political detainees held in detention centres operated by Military Intelligence.

□ Fadi Taybah, a Sunni Islamist activist, was reportedly tortured and ill-treated at the Ba'abda Military Intelligence centre in August. He was arrested in Tripoli on 12 August, taken to Ba'abda, and reportedly tortured repeatedly over three days while being denied food and drink. He said intelligence officers beat his feet with cables during interrogation and that he was beaten on his head, his hands and his stomach. He was released on 20 August.

□ In October Khaled Minawi, an 18-year-old, was reportedly tortured and ill-treated while held incommunicado for five days at the Ministry of Defence Detention Centre. He was reported to have been tortured by the ballanco (suspension by the wrists, which are tied behind the back), and severely beaten in the stomach and face, in addition to being deprived of food for five days. He had previously been tortured while being held incommunicado in 2000, when he was just 16 years old.

## **Prison conditions**

Prison conditions improved in some areas in 2002, apparently as a result of campaigning by national and international human rights groups. The women's prison in Tripoli was moved to a new building and the residence of the male prison guards, which was inside Ba'abda women's prison, was moved to a separate building. In another positive development, in

October the authorities allowed the International Committee of the Red Cross access to Lebanese prisons.

### **Political killings**

At least one politically motivated killing took place during 2002.

□ In May police discovered the decomposed body of Ramzi 'Irani, an engineer and LFP activist, in the Beirut neighbourhood of Karkas. He had "disappeared" on 7 May on his way to collect his son from school in central Beirut. His body was found in the boot of his car and was taken for post-mortem examination. No independent investigation appeared to have been initiated into his "disappearance" and killing.

### **'Disappearances'**

A government commission of inquiry on "disappearances", set up in February 2001, concluded its work but its findings were not disclosed. National human rights groups and families of victims stepped up their campaign to find out what had happened to Lebanese who "disappeared" during the war, or who were believed to be detained in Syria.

In July members of the Committee of Families of Lebanese Detained in Syria met the Syrian Minister of Interior in Damascus and raised their concerns about Lebanese detained in Syria. The Minister undertook to look into their concerns in two months, but no response was available at the end of the year.

### **Violence against women**

The year witnessed an increase in violence against women in the community, including "honour" or "family" killings, rapes and beatings. Men continued to commit "honour crimes" with near impunity.

□ In July Ziyad Misbah Shahab stabbed to death his wife, Widad Muhammad al-Nabulsi, and his daughter, Nasrin, in the family's home in Beirut. He reportedly told police that he was "suspicious" of the "conduct" of his wife and daughter. Under Lebanese law, a man who murders a female relative in a "fit of rage" because of "suspicious" relations with another man is liable only to a lenient sentence.

### **Children's rights**

In January the UN Committee on the Rights of the Child examined Lebanon's periodic report on its implementation of the UN Children's Convention. It expressed concern at allegations that children as young as 15 had been tortured and ill-treated during incommunicado detention. The Committee recommended that the authorities take measures to prevent incommunicado detention of children, and investigate reported cases of ill-treatment of children.

### **Freedom of expression**

The year witnessed an increase in the use of repressive measures against the media, particularly those critical of government policies and the Syrian military presence.

□ In October the Publications Court reaffirmed an earlier decision ordering the closure of MTV television station for contravening Article 68 of the Parliamentary Election Law by allegedly broadcasting unlicensed electioneering advertisements. The court decision provoked a demonstration by Christian opposition groups in central Beirut which was forcibly dispersed by the security forces. At least six demonstrators, some of them MTV employees, were injured. MTV was owned by Gabriel al-Murr, an opposition member of parliament (MP), and the court decision was opposed by political groups, including the Qurnat Shahwan Gathering of opposition MPs. The Interior Minister banned public protests on this issue. In November the Constitutional Council stripped Gabriel al-Murr of his seat in parliament for alleged failure to declare his financial interests, following an unfair hearing with no right of appeal.

### **Death penalty**

At least 10 death penalty sentences were passed during the year, but there were no executions. A de facto moratorium on executions since November 1998 continued.

### **Refugees**

#### **Palestinian refugees**

Thousands of Palestinian refugees living in camps in Lebanon continued to face systematic discrimination. They risked arbitrary detention, their freedom of movement was restricted and they were barred from entering dozens of professions.

□ In September, two Palestinian civilians were killed when the Lebanese army stormed the densely populated al-Jalil refugee camp in Ba'albek, ostensibly to collect weapons and documents from an abandoned Fatah Revolutionary Council office.

#### **Other refugees**

Human rights violations against refugees and asylum-seekers, including arbitrary arrests and ill-treatment, continued. Dozens of asylum-seekers, including recognized refugees from Iraq, Sudan, Somalia and Tunisia, remained in detention. There were reports that 300 Iraqi nationals, among whom were asylum-seekers and refugees, were deported from Lebanon to countries where they would not be protected against forcible return.

□ Yasser Akrach, a recognized Sudanese refugee, was arbitrarily detained after a prison sentence for entering the country illegally had expired. In September, when he went on a two-day protest hunger strike, he was reportedly beaten and suspended by his wrists as a punishment.

□ Two Iraqi asylum-seekers, Khaled Salem Azzaoui and 'Ali Alkout, reportedly died in custody in Rumieh Prison in March, allegedly as a result of inadequate medical assistance.

### **AI country reports/visits**

#### **Statement**

- Lebanon: Amnesty International reiterates its concerns on the situation of refugees and asylum-seekers (AI Index: MDE 18/005/2002)

Visits

AI delegates visited the country several times to conduct research, hold talks with government officials and non-government organizations and carry out human rights training.\*\*\*\*\*

## 2002 Annual Report for Lebanon

LEBANON

LEBANESE REPUBLIC

**Head of state:** Emile Lahoud

**Head of government:** Rafiq al-Hariri

**Capital:** Beirut

**Population:** 3.6 million

**Official language:** Arabic

**Death penalty:** retentionist

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**Scores of suspected members and supporters of two unauthorized opposition groups - the Lebanese Forces (LF) and the Free Patriotic Movement (FPM) - were arrested during 2001. Most were arrested after demonstrations or other peaceful activities calling for the withdrawal of Syrian troops from Lebanon. At least 70 were referred for trial before criminal or military courts. Hundreds of suspected members and supporters of Israel's former proxy militia, the South Lebanon Army (SLA), continued to be tried in summary hearings before the Military Court. There were reports of torture and ill-treatment. At least eight people were sentenced to death; there were no executions. *Hizbullah*, the organization that played the leading role in the armed resistance to Israeli occupation in south Lebanon, continued to hold four Israeli hostages.**

### Background

Local elections were held in south Lebanon, the areas occupied by Israel from 1978 to 2000, for the first time in about four decades. *Amal* and *Hizbullah*, the two organizations with strongholds in the south, won a majority of seats.

In June a new Code of Criminal Procedures (CCP) was approved by parliament, but was returned to parliament by President Emile Lahoud with some reservations. Parliament approved the bill without amendments in July. However, the amendments suggested by the President were approved following a special parliamentary debate in August. The amended CCP allows the security forces to arrest and detain suspects for up to four days before bringing them before a judge, but maintains new guarantees provided for in the new law, such as immediate access of the accused to lawyers, doctors and family.

There were concerns and heated debates about prison conditions. The Parliamentary Committee for Human Rights undertook visits to several prisons where they found serious overcrowding and conditions that could amount to inhuman and degrading treatment. Among other things, the new CCP was designed to help reduce the prison population by limiting the period of pre-trial detention for all offences.

In July, the Lebanese Parliament repealed law No. 302 of 1994 which had expanded the scope

of the death penalty, abolished judges' discretion to consider mitigating factors, and made capital punishment mandatory for certain offences, including political crimes. It was widely believed that the repeal of this law would limit the use of the death penalty, and might impact positively on outstanding death sentences. Several human rights non-governmental organizations campaigned tirelessly for the abolition of the death penalty and lobbied lawyers, parliamentarians and government officials.

The future of Lebanese-Syrian relations and the continued presence of Syrian troops in Lebanon was a recurrent topic of discussion during the year among church leaders and political groups. Demonstrations calling for the withdrawal of Syrian troops were organized by Christian-based opposition groups such as supporters of former military leader General Michel 'Aoun. Scores of people were arrested for taking part in unauthorized demonstrations and membership of unauthorized political groups, or on charges of "staging a conspiracy" and "harming Lebanon's relations with a friendly state".

Syrian troops were reported to have completed a partial redeployment of their forces, withdrawing some of their checkpoints in and around Beirut. Press reports set the number of Syrian troops in Lebanon during the year at between 30,000 and 35,000 soldiers.

## Arrests

Hundreds of people were arrested for political reasons. They included members and supporters of the LF and the FPM, which support exiled former military leader General Michel 'Aoun.

- Four LF supporters were arrested in April following a sit-in protest held in the village of Becharreh, some 95km northeast of Beirut, against the continuing imprisonment of LF leader Samir Gea'gea'. Bechara Touq, Georges Sukkar, Hanna Rahmeh and Charbel Sukkar were reportedly held for three days at the Ministry of Defence detention centre before being released without charge.
- Over 200 members of the LF, the FPM, and the National Liberal Party were detained following a wave of arrests targeting these groups in August. They were reportedly detained because of their involvement in unauthorized political activities. The arrests were carried out by Lebanese Military Intelligence in different locations, including Beirut. Arrests were reportedly carried out without warrants. Both the Prosecutor General and the Minister of the Interior promised to investigate violations committed by officers during these arrests, but no report was made public during the year. Among the detainees were Tawfiq al-Hindi and Nadim Latif, leading members of the LF and FPM respectively, and scores of young men and women, including students and teenagers. Most of the detainees were subsequently released, some 77 of them on bail. Sixteen detainees were reportedly sentenced to prison terms ranging from one week to one month on charges of distributing leaflets "harming the reputation of the Syrian army" and "defaming the President of the Republic". However, Tawfiq al-Hindi and two journalists - Antoine Bassil, a Beirut reporter for the *Middle East Broadcasting Corporation*, and Habib Younes, editorial secretary of the newspaper *al-Hayat* in Beirut - were charged with "collaboration" with Israel. All three were held in Rumieh prison. They were formally indicted in December and referred to the Military Court on two separate but interrelated cases on charges that carry the death penalty. Their trials were continuing at the end of the year.
- Elie Kayruz and Salman Samaha, suspected LF members who were arrested during the wave of arrests in August, remained in custody until November, when they were released on bail.

They were also referred to the Military Court on charges of withholding information. They were possible prisoners of conscience.

- Daniel Ahmad Samarji and Bilal Ali 'Uthman were arrested in October in Tripoli, northern Lebanon, in connection with a leaflet denouncing the US bombing in Afghanistan. The leaflet was signed by a previously unknown organization, *Jaysh al-Shari'a* (the army of *Shari'a*). The two were referred to the Military Court, accused of planning acts of violence.

## Freedom of expression

There were reports of intimidation of journalists and other media workers.

- In March the *Lebanese Broadcasting Corporation International* (LBCI) was temporarily occupied by security forces following a dispute over censorship between shareholders, two of whom were government ministers. Nine employees were arrested. The incident was sparked by the refusal of the LBCI Director and majority shareholder, Michel Daher, to accept the appointment by other shareholders of a censor. The occupation ended after two days and the employees were released, apparently following an agreement among the shareholders; the idea of a censor was dropped.
- Raghida Dargham, a Lebanese-American journalist and UN correspondent for the newspaper *al-Hayat*, was indicted by the Military Court with "collaboration with the enemy". Raghida Dargham was reported to have taken part in a discussion panel in Washington, USA, with an Israeli official. Her trial before the Military Court was scheduled to begin in November. However, the charges against her were reportedly dropped on account of a letter she sent to the Military Prosecutor explaining the incident.

## Unfair trials

Hundreds of political prisoners were tried before the Military Court in summary proceedings and hearings that fell short of international fair trial standards. Dozens were tried before the Justice Council whose verdicts are not subject to judicial review.

- The trials of former SLA members and alleged "collaborators" with Israel continued during 2001. Most were sentenced to prison terms ranging from several weeks to three years on charges of providing information to the SLA or Israeli intelligence services or entering Israel. A few were sentenced to between seven and 15 years' imprisonment. Dozens were sentenced *in absentia* to death or terms of imprisonment. Over 3,000 suspected SLA supporters and "collaborators" with Israel had been sentenced since the beginning of the trials in June 2000.
- The trial of Islamist activists allegedly linked to the Sunni-based *'Usbat al-Ansar* and involved in the clashes with the Lebanese security forces in the Dinnayah plateau in February 2000, started before the Justice Council in April 2001 and was continuing at the end of the year. At least 24 defendants appeared in court charged with participating in or aiding the Islamist group. The rest were tried *in absentia*. Defendants stated in the court that they had been subjected to torture and ill-treatment during interrogation to extract confessions (see below). In October, *'Usbat al-Ansar* was listed by the USA as one of 27 "terrorist" organizations whose bank accounts were to be frozen.

## **Torture and ill-treatment**

There were reports of torture and ill-treatment. Methods of torture reported included kicking, beating and the *balanco* (hanging by the wrists, which are tied behind the back). There were continuing concerns that allegations of torture were not adequately investigated.

In August, in response to widespread public concern, the Lebanese authorities appointed a judge from the Prosecutor General's Office to investigate allegations of torture and ill-treatment of women in pre-trial detention.

- When Ihab al-Banna, a defendant in the Dinnyah trials (see above), appeared before the Justice Council in April he told the court that he and his co-defendants had been subjected to torture including beatings while in detention and after being transferred to Rumieh prison. He also alleged that detainees were denied medical care despite suffering from scabies. The Prosecutor General stated in court that his Office would duly investigate these allegations and, if proved, take legal measures against the perpetrators. The findings of such an investigation were not made public, but the Office of the Prosecutor General stated that the allegations could not be substantiated.
- Ahmad Muhammad 'Alyan and his niece, Huyam 'Ali 'Alyan, were both arrested in March, suspected of "collaboration" with Israel. They were taken to the Ministry of Defence detention centre where they were held incommunicado for weeks and reportedly subjected to torture and ill-treatment. Both were reported to have been forced to sign confessions. Both Huyam 'Ali 'Alyan and Ahmad Muhammad 'Alyan suffered ill-health as a result of their ill-treatment. According to a medical report Huyam 'Alyan suffered bruises on her arms and wrists, consistent with the use of violence and Ahmad 'Alyan suffered from back pain and had marks on his wrists, apparently resulting from the prolonged use of handcuffs.

## **Human rights defenders**

Kamal al-Batal, the director of the human rights group Multi-initiative on Rights: Search, Assist, Defend (MIRSAD), was convicted in March by the Military Court of "tarnishing the reputation of the *police des moeurs* [vice squad police]". Kamal al-Batal appealed against the verdict and at the hearing in July, attended by an AI observer, the Military Court of Cassation acquitted him of all charges.

## **Death penalty**

At least eight people were sentenced to death. No one was executed during the year.

## **'Disappearances'**

A Commission of Inquiry to investigate the fate of the thousands of Lebanese who went missing or "disappeared" during the civil war (1975 to 1990) started its work in February. The Commission was headed by the Minister of State for Administrative Development and was composed of members representing various judicial and security authorities: the Prosecutor General, the Director of State Security, the Director of General Security, the Director of Military Intelligence, the Director of

Internal Security Services, and a lawyer representing the Beirut Bar Association. The Commission was reported to have received information on at least 700 cases from relatives of "disappeared" people by the end of 2001. The mandate of the Commission was said to have been extended for a further six-month term. In December a group of non-governmental organizations held a joint press conference to campaign on the issue of the "disappeared".

## Hostages

In October 2000, *Hizbullah* captured three Israeli soldiers - Binyamin Avraham, Omar Su'ad and Adi Avitan. The three soldiers were seized while on a military patrol in the Israeli-occupied Shab'a Farms area on the southeastern border of Lebanon. A week later an Israeli reserve colonel, Elhanan Tenenboim, was abducted, apparently in Europe. None of the four had had access to the International Committee of the Red Cross (ICRC) nor were they known to have sent or received any messages from their families. The four Israelis were believed to have been held as "bargaining chips" to be exchanged for Lebanese nationals held as hostages by Israel, such as Sheikh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani, as well as Lebanese and Arab prisoners held in Israel. In October, the Israeli authorities stated that three of the four hostages were believed dead. *Hizbullah* refused to confirm this information.

## Refugees

Around 350,000 Palestinian refugees remained in Lebanon. They continued to be subjected to discriminatory legislation and policies, particularly as regards access to education, employment, housing and health care.

Hundreds of other refugees and asylum-seekers, mostly Iraqi and Sudanese nationals, continued to be detained by the Lebanese authorities on the grounds of illegal entry and residence in Lebanon. Detainees were reported to have staged a hunger strike in May and June to protest at their continued detention and at the pressure being put on them to accept "voluntary" repatriation. Scores of asylum-seekers, including those recognized as refugees by the UN High Commissioner for Refugees (UNHCR) in Beirut, were deported. There were reports of ill-treatment.

- Gimán Hamdan Ladu Kuku, a Sudanese national recognized as a refugee by the UNHCR, was deported to Sudan via Syria in March; his wife and son remained in Lebanon. There were fears that he would be at risk of human rights violations in Sudan.
- Muhammad Hasan al-Khafaji, a 14-year-old stateless person born to an Iraqi father, was arrested in September at a checkpoint in Tyre, south Lebanon. He was sentenced to two weeks' imprisonment for illegally entering Lebanon, but remained held in Rumieh prison despite serving his prison term. Muhammad Hasan al-Khafaji, his father and his sister were recognized as refugees by the UNHCR office in Beirut and were awaiting resettlement. Muhammad Hasan al-Khafaji was among at least 180 Iraqi refugees and asylum-seekers deported to northern Iraq in December.
- Ibrahim al-Taj Hussein Zaydan, a Sudanese asylum-seeker, was shot dead in March by an officer of the Lebanese General Security as he attempted to evade arrest. Members of the Lebanese General Security were apparently searching for suspected illegal immigrants in the Beirut neighbourhood of al-Awza'i and reportedly arrested 10 Sudanese nationals in the

same raid. A letter received from the Lebanese General Security stated that the killing was accidental, but AI continued to call for a thorough and impartial investigation into the incident.

## AI country reports/visits

### Reports

- Lebanon: Refugees and asylum-seekers at risk (AI Index: MDE 18/002/2001)
- Lebanon: Unfair trial of a human rights defender (AI Index: MDE 18/008/2001)
- Lebanon: Torture and ill-treatment of women in pre-trial detention - a culture of acquiescence (AI Index: MDE 18/009/2001)
- Lebanon: Amnesty International welcomes repeal of death penalty law (AI Index: MDE 18/010/2001)

### Visits

AI delegates visited Lebanon several times during the year for research, meetings with government officials and non-governmental organizations, and to participate in activities organized by the AI regional office in Beirut. An AI delegation led by AI's Secretary General met President Lahoud in December.

## 2001 Annual Report for Lebanon

### Lebanon

#### Lebanese Republic

**Head of state:** Emile Lahoud

**Head of government:** Rafiq al-Hariri (replaced Salim al-Huss in October)

**Capital:** Beirut

**Population:** 3.2 million

**Official language:** Arabic

**Death penalty:** retentionist

**2000 treaty ratifications/signatures:** UN Convention against Torture

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**Hundreds of people, including students and suspected opponents of the government, were arrested on political grounds. Most were arrested after demonstrations or other forms of peaceful protest and held in short-term detention. A dozen of the student demonstrators received unfair trials before the Military Court. Hundreds of former members or supporters of the South Lebanon Army (SLA) received summary trials which fell short of international fair trial standards. There were reports of torture and ill-treatment. At least eight people were sentenced to death, but there were no**

## **executions.**

### **Background**

Former Prime Minister Rafiq al-Hariri won an overwhelming majority in Beirut Province in the August parliamentary elections and was appointed Prime Minister in October.

Israel withdrew from its self-styled "security zone" in south Lebanon in May. Israel's proxy militia, the SLA, collapsed in the wake of the Israeli withdrawal resulting in the release of the remaining detainees in al-Khiam detention centre. Borders between Lebanon and Israel were redrawn under the auspices of the UN, pursuant to Security Council Resolution 425 of 1978. Shab'a Farms in southeast Lebanon remained a disputed territory between the two countries. The UN Interim Force in Lebanon (UNIFIL) was deployed in the former "security zone" following verification of Israeli withdrawal.

Syria maintained its military presence in Lebanon with the agreement of the Lebanese government. There were discussions in Parliament as well as religious and political circles about reassessing the Syrian presence in Lebanon.

At least 31 people died in armed clashes between an Islamist group and Lebanese security forces in the Dinniyah plateau east of Tripoli in north Lebanon. The dead included 18 Islamist militants, two women hostages, and 11 soldiers. More than 50 members of the Islamist group were arrested following these clashes and referred for trial before the Justice Council.

AI opened a regional office for the Middle East in Beirut in October.

### **Arrests**

Hundreds of people were arrested on political grounds. They included suspected members of an Islamist group; students connected with the Free Patriotic Movement, which supports former exiled army commander General Michel 'Aoun; suspected members of the Lebanese Forces (LF) party; and suspected collaborators with the SLA.

- At least 90 suspected members or supporters of the unauthorized LF party were arrested in September and October. These arrests followed a church mass and demonstration organized by the LF in Mount Lebanon to commemorate the death of Bashir al-Gemayel, President-elect and founder of the LF who was killed in 1982. Most of those arrested were detained for a few hours or days and released without charge. Some were reportedly forced to sign an undertaking not to engage in any political activity.
- At least four people were arrested in August in Junieh by the security forces for possessing and distributing literature calling for a boycott of the August 2000 parliamentary elections. They were released shortly afterwards without charge.
- Two brothers, 'Umar and Samer Mas'ud, were arrested in Qubayat in August, reportedly by a joint Lebanese-Syrian force for writing slogans on the walls calling for a boycott of the elections. They were said to have been taken to the Syrian intelligence headquarters in Halba for interrogation. They were released on the same day.

### **Unfair trials**

More than a thousand political prisoners were tried before the Military Court in summary proceedings. Scores of others were tried before the Justice Council whose verdicts are not subject to judicial review. The proceedings of both courts failed to meet international fair trial standards.

- In April, 12 students from the Free Patriotic Movement were tried by the Military Court on charges of assaulting the police and obstructing the highway. The students denied the charges, but were sentenced to between 10 and 45 days' imprisonment.

- More than 2,300 former SLA members and alleged "collaborators" with Israel were brought for trial before the Military Court. Most were sentenced to between one month and five years' imprisonment and fines or restriction orders. The longest sentence handed down was 15 years' imprisonment.

In breach of international human rights standards, defendants were detained incommunicado by Lebanese military intelligence for up to 10 days. There was concern that such summary trials, with barely seven minutes spent on each individual, neither allowed the innocent to be acquitted nor ensured that those who committed war crimes, including the systematic torture of detainees in Khiam, would be discovered.

- At least 63 defendants were referred for trial before the Justice Council in connection with the Dinniyah clashes. The trial was scheduled to start in January 2001.

### **Torture/ill-treatment**

There were some reports of torture and ill-treatment, including police brutality. Methods of torture reported included sleep deprivation, prolonged standing, psychological torture, beating, electric shocks and *Farruj* (chicken) where the victim is strapped to a revolving wooden bar resembling a roasting spit and beaten.

- Those detained in connection with the Dinniyah case were allegedly tortured and ill-treated during incommunicado detention. Khaled Minawi, aged 15, was reportedly beaten by members of the security forces during interrogation at al-Qubbah detention centre in Tripoli.
- Hiba Ma'sarani, who was being tried by the Criminal Court of Tripoli, stated that she had been repeatedly subjected to different forms of torture, including *Farruj* and beating during pre-trial detention in 1997 and again in February 2000.
- Detained asylum-seekers and refugees were also allegedly tortured and ill-treated. Talib Yassir Sabbah, a recognized Iraqi refugee, stated that he was subjected to various forms of torture including *Farruj* and locked up for hours in a small, crowded and overheated cell while in detention in Furn al-Shiback.
- During the trial of former SLA members some of the defendants stated that they had been tortured in pre-trial detention.

In none of the above cases were investigations known to have been carried out.

### **Khiam detention centre**

In the wake of the Israeli withdrawal from south Lebanon, and the collapse of the SLA, people in the surrounding areas broke into the Khiam detention centre and set the detainees free. For years torture and ill-treatment had been routine in Khiam where detainees were held outside any legal framework. At the time of their liberation there were 144 remaining detainees, some of whom had spent up to 14 years in detention without charge or trial. Among the detainees were five women, two of whom, Cosette Ibrahim and Najwa Samhat, were hospitalized in March for illnesses incurred as a result of torture and ill-treatment. Sixteen detainees were believed to have died in Khiam as a result of torture during the previous 15 years.

### **Human rights defenders**

Two human rights defenders - Muhammad Mugarby, a lawyer, and Kamal al-Batal, director of the

human rights group *Mirsad* - were subjected to harassment and prosecution before criminal and military courts. In May Muhammad Mugarby was charged with libel, defamation and dishonouring the judiciary in connection with criticisms he had made and his allegations of professional misconduct against five named judges. Kamal al-Batal was first summoned by the police for interrogation concerning an urgent appeal issued by *Mirsad* expressing concern about a raid by the Lebanese vice-squad on an Internet service provider, "Destination", and the interrogation of its manager about a Lebanese gay website. Kamal al-Batal appeared before the Military Court in November on charges of "tarnishing the reputation of the vice-squad". The trials of both men were continuing at the end of the year.

### **Death penalty**

At least eight people were sentenced to death; no one was executed. At the end of the year, 10 people were reported to be on death row.

- Hussain 'Ali 'Alyan, a former sergeant in the Lebanese Army, was sentenced to death by the Military Court in January on charges of "collaboration" with Israel.

Three death sentences passed in previous years were upheld by the Criminal Court of Cassation. In March the executions of two men were suspended following the refusal of then Prime Minister Salim al-Huss to sign the death penalty decree.

### **'Disappearances'**

In January the government set up an official Commission of Inquiry into the fate of those missing and kidnapped during the civil war (1975 to 1990). The Commission, which was headed by an army general and composed of four other military and security officers, was created as a result of pressure from the families of the "disappeared". A committee for the Relatives of the Kidnapped and Missing held vigils near the premises of the weekly Cabinet meetings outside the Beirut Museum. In July the Commission made public the conclusions of its report stating that none of the "disappeared" was alive in Lebanon and recommending that those missing for at least four years should be considered dead. A list of 216 people whose families believed they had been taken by Israeli forces or transferred to Israel was sent to the Israeli government through the International Committee of the Red Cross (ICRC). A list of 168 people whose families believed they had been taken by Syrian forces or transferred to Syria was sent to the Syrian government. Both governments denied all knowledge of the whereabouts of those on the lists.

### **Refugees**

Hundreds of refugees and asylum-seekers, especially those from Iraq and Sudan, were periodically detained on charges of illegal entry and residence in Lebanon. Scores of asylum-seekers were deported from Lebanon, some while their cases were still under review by the UN High Commissioner for Refugees (UNHCR). Most claimed that they were tortured or held in conditions amounting to cruel, inhuman or degrading treatment to force them to accept deportation to their countries of origin.

- Trabun Ibrahim Laku, a Sudanese national, was arrested in April and detained for six months. He was released in October suffering from partial paralysis and severe back pains. By the end

of the year no investigation has been launched into his allegations of torture and ill-treatment.

- 'Ammar Kazim Shams, an Iraqi national who had been recognized as a refugee by the UNHCR in May, was deported from Lebanon to an unknown destination. There are fears that he may have been forcibly returned to Iraq where he was at risk of human rights violations.

## **AI country statements and visits**

### **Statements**

- Lebanon: Commission of Inquiry into "disappearance" must be effective and public (AI Index: MDE 18/001/2000)
- Amnesty International calls on all involved in the conflict in south Lebanon to respect international human rights and humanitarian law (AI Index: MDE 15/020/2000)
- Lebanon: Guilt and innocence blurred in summary trials (AI Index: MDE 18/010/2000)

### **Visits**

AI delegates visited Lebanon several times during 2000 for research, trial observation and meetings with government officials, including Prime Minister Salim al-Huss. In March the Lebanese authorities approved a request by AI to open a regional office in Beirut for the promotion of human rights education and awareness.

## **2000 Annual Report for Lebanon**

### **LEBANON**

#### **Lebanese Republic**

Head of state: Emile Lahoud

Head of government: Salim al-Huss

Capital: Beirut

Population: 3.1 million

Official language: Arabic

Death penalty: retentionist

Scores of people were arrested on political grounds, including students arrested after demonstrations, who were prisoners of conscience. Dozens of people accused of "collaborating" with Israel received trials which fell short of international fair trial standards. There were reports of torture and ill-treatment. At least 12 people were sentenced to death; no

one was executed. Armed opposition groups, such as *Hizbullah* and *al-Takfir wa'l-Hijra*, also killed civilians and took prisoners.

### Background

Several officials were arrested as part of President Emile Lahoud's continuing anti-corruption campaign. Four judges were shot inside a court in Sidon in June by unknown gunmen. The government introduced a number of reform bills, but none had been adopted by the end of the year. Among them was a proposed new Code of Criminal Procedure. AI was concerned that a draft law to reform the judiciary might reduce the independence of the judiciary if adopted. During the year tensions increased between Palestinian refugees and the Lebanese authorities.

A strip of south Lebanon about 15 kilometres wide continued to be occupied by Israel and was policed by Israel's proxy militia, the South Lebanon Army (SLA). Syria continued to maintain a large military and intelligence presence in Lebanon.

### Arrests

Scores of people, including prisoners of conscience, were arrested on political charges during the year. Among them were students who were detained for distributing leaflets on behalf of opposition groups; they were usually released after a few hours or days.

Dozens of people were arrested, accused of involvement in armed attacks against Lebanese or Syrian officials or of "collaborating" with Israel.

### Freedom of expression

Journalists and artists continued to be charged for exercising their right to freedom of expression.

\* Three journalists — Melhem Karam, publisher of several journals and Chairman of the Journalists' Association, and Paul Elie Salem and Jamil Jamel Mroué, owner and managing editor respectively of the journal *The Lebanon Report* — were charged in July in connection with the publication of excerpts from and interviews with the author of the book *From Israel to Damascus*. The book contained references to the alleged participation of a former militia leader and government minister in human rights violations during the civil war in Lebanon. The charges were later dropped.

\* Marcel Khalifeh, a well-known musician, was brought before the Beirut Court of First Instance in November on charges of blasphemy. The charges related to his song entitled "I am Yusuf, my father" which was based on a poem by the famous Palestinian poet Mahmud Darwish and cited a verse from the Qur'an. He was acquitted in December; the judgment stated that the song was sung solemnly and did not insult the Qur'an.

### Torture and ill-treatment

There were some reports of torture and ill-treatment, including instances of brutality or excessive use of force by the army and military police against demonstrators.

\* In February Mahmud Ahmad Jallul, a cameraman for the television station *Tele-Liban*, was pulled out of his car as he was driving to work in Beirut. He and his wife were beaten by men in plain clothes and he was taken away in a car. It was reported that he had been detained by *Hizbullah* who handed him over after two days to Lebanese Military Intelligence who also beat him. He was detained in various detention centres and his family and lawyer did not have access to him for a month. He was found guilty by a military tribunal on charges of collaboration with the enemy, but acquitted on appeal and released in August.

\* A number of students were detained in October for several hours following a protest organized by Greenpeace against pollution from a chemical fertilizer company in Salata.

There were reports that police beat protestors with rifle butts; one protestor was said to have had his arm broken during the demonstration.

\* A student, Walid Achkar, secretary of the Free Patriotic Movement, which supports former President Michel 'Aoun, was arrested without warrant by the General Intelligence in Amioun in December and transferred to the Military Intelligence Centre in Kebbeh in Tripoli. There he was reportedly tortured for three hours by being beaten and forced to stand on one leg. He was transferred to Beirut and released without charge after four days' detention.

#### Unfair trials

Dozens of political prisoners were tried by the Justice Council and the Military Court whose proceedings — such as summary proceedings in the Military Court and the lack of judicial review for the verdicts of the Justice Council — failed to meet international fair trial standards.

\* In June the Justice Council convicted 12 defendants of the killing of former Prime Minister Rashid Karami in 1987. Among them was Samir Gea'gea', former leader of the banned Lebanese Forces — the main Christian militia during the civil war — who was sentenced to death, later commuted to life imprisonment. Samir Gea'gea' was already serving two other life sentences imposed by the Justice Council in 1995 and 1997. He and about 15 others, mostly former members of the Lebanese Forces, continued to be detained in the Ministry of Defence in cruel, inhuman or degrading conditions; all were said to be held in solitary confinement in damp basement cells with almost no access to exercise or visits.

#### Jezzine arrests and trials

More than 160 former members of the SLA surrendered to the Lebanese authorities in May after the SLA withdrew from Jezzine. Most were brought to trial in the following months before the Military Court in Beirut charged with "collaboration" with Israel or with the enemy" and were sentenced to up to a year's imprisonment. During their interrogation they were reportedly kept hooded and not allowed access to family or lawyers.

\* One trial before the Military Court in June of 19 people from Jezzine lasted for six hours before those accused were found guilty solely on the basis of their own confessions and sentenced to up to six months' imprisonment.

#### Releases

Antoinette Chahin and Jihad Abi Ramia were released in June after five years' imprisonment. They were acquitted by the Criminal Court of Cassation in a retrial. In 1997 Antoinette Chahin had been sentenced to death, commuted to life imprisonment with hard labour, and Jihad Abi Ramia to 12 years' imprisonment, in connection with the politically-motivated killing of Father Sam'an Boutros al-Khoury; the court had based its decision almost entirely on confessions by the two defendants extracted under torture. AI welcomed the acquittal but regretted that the Court had not ordered a proper inquiry into the torture allegations.

#### Death penalty

More than 12 people were sentenced to death, including at least two women. No one was executed.

#### South Lebanon

The village of Arnun on the edge of the zone occupied by Israel was disputed between Israel and the SLA, and Lebanon. In February, after being "annexed" by Israel and the SLA, the village was "liberated" by a mass demonstration of Lebanese students. It was reoccupied by Israel in April. In May and June the SLA withdrew from the Jezzine salient.

During the year 23 Lebanese and two Israeli civilians were reportedly killed in the military

conflict in south Lebanon, most as a result of deliberate or indiscriminate attacks.

\* In June, at least eight Lebanese civilians were killed in Israeli air raids. The raids were in retaliation for the killing of two Israeli civilians in a rocket attack by the *Hizbullah* armed group and were followed by further *Hizbullah* shelling of northern Israel.

Khiam detention centre

At least 130 people, including women and children, were held in the Khiam detention centre; some had been held for up to 14 years. The Khiam detention centre was run by the SLA in cooperation with the Israel Defence Force (see Israel and the Occupied Territories entry). Those detained were not charged or tried and had no contact with lawyers, although they were allowed to meet families once every three months. Detainees were routinely tortured and ill-treated in Khiam and in other SLA detention centres.

\* Suleiman Ramadan and Riyad Kalakesh, arrested in 1985 and 1986 respectively, were still detained in Khiam at the end of 1999.

\* Fatima Ja'afar, aged 16, was detained overnight in October at the SLA's No.17 Detention Centre. During interrogation she was reportedly struck on the head and knocked unconscious. The next day she was hospitalized in Sidon with multiple fractures of the skull and memory loss. Following her release the SLA also reportedly arrested her parents and detained them overnight. Ten other villagers from 'Ainata were detained in October, apparently in an attempt to find those who sympathized with the resistance to Israeli rule.

\* In November, 13 detainees including 'Ali Tawbeh and his father Mustafa Tawbeh, arrested in 1997, were released from Khiam Detention Centre. They had both been tortured in Khiam by methods including severe beating all over the body. Mustafa Tawbeh had spent seven months in hospital while imprisoned; 'Ali Tawbeh had been about 15 years old when arrested.

'Disappearances'

Despite repeated calls for investigations by the families of victims, there was no investigation during the year into the fate of more than 17,000 people, including Palestinians, Lebanese and other nationals, abducted by armed groups in Lebanon during the civil war (1975 to 1990).

AI country visit

In November AI delegates met Prime Minister Salim al-Huss and Minister of the Interior Michel al-Murr.

## **1999 Annual Report for Lebanon**

AMNESTY  
INTERNATIONAL  
REPORT

1999

This report covers the period January to December 1998

LEBANON

**Dozens of political detainees were tried; some aspects of their trials fell short of international standards. There were reports of torture and ill-treatment of detainees which were not investigated. At least five people were sentenced to death and two others were executed. A militia**

**allied to Israel continued to hold at least 140 prisoners in South Lebanon. Fifty former prisoners in South Lebanon and Israel were released in an exchange. At least 28 civilians were reportedly killed in the military conflict in South Lebanon, most in attacks which may have been indiscriminate. The fate of thousands of people abducted by armed groups in previous years remained unknown.**

In October the Lebanese parliament elected General Emile Lahoud, head of the army since 1989, President. In May and June local elections were held in all provinces, for the first time in 35 years, with participation from all political forces in the country. In June the Parliamentary Committee for Human Rights called on the government to ratify the **un** Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In December the new cabinet, formed under the premiership of Salim al-Hoss, decided to permit authorized demonstrations, banned since 1993, and to review the audio-visual media law of 1994, enforced in 1996 (see previous *Amnesty International Reports*).

In January the Lebanese army launched an attack on Sheikh Subhi al-Tufayli, former Secretary General of *Hizbullah* (Party of God), and a group of his followers in Ba'albek. In the violent clashes which ensued, scores of people were wounded and eight were killed, including a civilian woman and Khodr Tulays, a close aide to Sheikh Subhi al-Tufayli and a former member of parliament.

Conflict continued in South Lebanon in and around Israel's self-declared "security zone" mainly between the Israeli Defence Force (**idf**) and Israel's proxy militia, the South Lebanon Army (**sla**) on the one hand, and *Hizbullah* on the other. However, other groups such as the *Amal* Movement and the Lebanese National Resistance Movement were reported to have mounted operations against the **idf** and **sla** during the year. During the year military operations by all parties to the conflict threatened the safety of civilians.

In April the Israeli government offered to withdraw from South Lebanon, in accordance with **un** Resolution 425 of 1978, if the Lebanese government undertook to stop *Hizbullah* attacks against Israel and to safeguard the security of Israel's northern border. The Lebanese government rejected the offer insisting that **un** Resolution 425 required Israel to withdraw unconditionally. The International Monitoring Group met more than 30 times during the year to examine complaints lodged by Lebanon and Israel regarding violations of the 1996 "April Understanding" (see *Amnesty International Report 1997*).

With the agreement of the Lebanese government, Syrian forces remained deployed throughout most of the country.

In March, 121 Lebanese political prisoners were released from Syrian prisons, and handed over to the Lebanese authorities. Eighteen were remanded in custody in Lebanon; 103 were released. Among those detained was Kaytel al-Hayek, a former Lebanese army officer accused of involvement in the murder of former Prime Minister Rashid Karami (see below). Also detained was Zafer al-Muqadam who had been detained in Syria since 1996 for alleged links with the pro-Iraqi wing of the Arab Socialist *Ba'th* party (see *Amnesty International Reports 1997* and *1998*). Hani Shu'aib and Hassan Gharib, who were both detained in Syria for their suspected connection with pro-Iraqi wing of the Arab Socialist *Ba'th* party (see previous *Amnesty International Reports*), were among those released in March. Ahmad Hamad, a doctor who was arrested in Lebanon in 1997, was released from detention in Syria in June (see *Amnesty International Report 1998*). Scores of Lebanese nationals were still believed held in Syrian prisons (see **Syria** entry).

Dozens of political prisoners were tried during the year by the Military Court and the Justice Council, whose proceedings – such as summary proceedings in the Military Court and lack of judicial review for the verdicts of the Justice Council – fell short of international fair trial standards.

In July the Military Court sentenced journalist Pierre 'Attallah *in absentia* to three years' imprisonment on charges of "entry into enemy land [Israel] without permission and contempt of Lebanese security and judicial authorities" (see *Amnesty International Report 1997*).

The trial of those suspected of assassinating former Prime Minister Rashid Karami in 1987 continued throughout the year before the Justice Council. The defendants included Samir Gea'gea', head of the unauthorized Lebanese Forces (**If**) organization, who was already serving three life sentences (see previous *Amnesty International Reports*); 12 other **If** members, 10 of whom were being tried *in absentia*; army brigadier Khalil Matar; and Kaytel al-Hayek.

Kaytel al-Hayek also appeared before the Military Court in July accused of plotting to assassinate General Ghazi Kan'an, Head of Intelligence in the Syrian Forces operating in Lebanon, the same offence for which he had been tried *in absentia* in 1996 while held in Syria (see above). In August he was sentenced to three years' imprisonment, but the four years spent in Syrian custody were taken into consideration.

The retrial of Antoinette Chahin and others accused of the assassination of Father Sam'an al-Khoury (see *Amnesty International Report 1998*) began in June before the Criminal Court of Cassation and resumed, after recess, in October. During the trial two defendants, Rashid Daw and Sa'd Jabra'il, retracted their original testimonies, which constituted the sole basis for conviction in the previous trial, on the grounds that they had been extracted under torture. The trial was continuing at the end of the year.

There were reports of torture and ill-treatment of detainees during the year. In July, 11 people, mostly former **If** members, were arrested and detained in the Ministry of Defence. The authorities stated that the detainees had confessed to crimes including plotting the assassinations of political figures and carrying out a number of violent attacks, such as the bombing of a Syrian minibus in Tabarjah in 1996 (see *Amnesty International Report 1997*). The detainees were reportedly tortured or ill-treated at the Ministry of Defence and confessed under duress. The 11 were charged with "forming a subversive network aimed at destabilizing order in the country". Their trial before the Military Court began in December and was continuing at the end of the year.

Criminal suspects were also reportedly tortured. Linda Sacbibit, a Philippine housekeeper, was arrested in August on suspicion of theft. Linda Sacbibit was allegedly beaten and otherwise tortured while being interrogated in police custody. No investigation into these allegations or other reports of torture was known to have been launched during the year by the authorities.

At least one warden and four inmates were wounded in clashes in April when a riot erupted in Rumieh Prison in northeast Beirut in protest against ill-treatment. The riot started after guards reportedly beat and burned a prisoner. Prisoners' complaints included severe overcrowding; cells designed for two prisoners were housing six. The incident sparked calls from local human rights organizations for urgent reform of prison conditions.

At least two people were executed. In May Hasan Nada Abu Jabal and Wisam Nayif 'Issa, were hanged in public in the central square of Tabarjah, north of Beirut. The bodies of the two men reportedly remained on display for an hour and the executions were broadcast by television stations in Lebanon and abroad. This was the first public hanging in Lebanon since the expansion of the scope of the death penalty in 1994. At least five others were sentenced to death, most convicted of murder. They included Yahya Muhammad al-Ayubi, who was sentenced to death for murder in January. Ahmad Rida Yasin, whose sentence was upheld by the Court of Cassation in 1997, remained under sentence of death (see *Amnesty International Report 1998*).

In South Lebanon at least 140 people were held without charge or trial in the Kham Detention

Centre run by the **sla** in cooperation with the **idf** (see **Israel and the Occupied Territories** entry). In June, 50 detainees held in Khiam and in Israel were released in the context of an exchange of prisoners and bodies between Israel and the two Lebanese armed groups, *Hizbullah* and *Amal*. The exchange was brokered by the International Committee of the Red Cross (**icrc**) and the French government. Israel received the body of Itamar Ilya, an Israeli soldier who was killed in an Israeli operation in South Lebanon in September 1997. Israel gave back the bodies of 40 Lebanese killed in Lebanese operations against the **idf** or **sla**.

Other releases from Khiam unconnected with the exchange included those of Michel Nahra, 13-year-old Mazen 'Abdallah, and Suha Beshara (see *Amnesty International Report 1998*). Visits by the **icrc** and by prisoners' families to Khiam resumed in July after about a 10-month suspension (see *Amnesty International Report 1998*).

During the year 28 Lebanese civilians were reportedly killed in the military conflict in South Lebanon, most as a result of attacks which may have been indiscriminate. For example, in December Nadwa 'Uthman and her six children were killed in their home when Israeli warplanes raided suspected *Hizbullah* targets near Ba'lbek in the Eastern Beqaa', outside the "security zone". *Hizbullah* retaliated by firing rockets into the towns of Kiryat Shemona and Nahariya in northern Israel, reportedly injuring 11 civilians.

The fate of thousands of people, including Palestinians, Lebanese and other nationals abducted in Lebanon by armed groups since 1975, remained unknown.

Throughout the year Amnesty International urged the authorities to guarantee fair trials for political prisoners, to investigate allegations of torture, and to commute death sentences. The organization expressed concern over the safety of civilians in South Lebanon and Israel to the Israeli authorities and to *Hizbullah*.

In August the Lebanese authorities wrote to Amnesty International regarding the death penalty, stating that the punishment for intentional murder had been strengthened since 1994 as a "temporary measure", that the penalty was not carried out "except against the criminal who deserves such a punishment as he constitutes a true menace to society", and stressing that conviction followed long and open trials where the accused were entitled to the right of defence. While welcoming the willingness of the Lebanese authorities to enter into dialogue with the organization on this matter, Amnesty International remained concerned about the increasing number of death sentences and executions since 1994.

## **1998 Annual Report for Lebanon**

### **AI REPORT 1998: LEBANON**

**(This report covers the period January-December 1997)**

**Scores of political prisoners, including prisoners of conscience, were arrested by the security forces. Some were released without charge after a few days, but most were charged and tried. Several political detainees received trials which fell short of international standards. At least 17 people were sentenced to death and five were executed. A militia allied to Israel continued to hold at least 150 prisoners in south Lebanon. Scores of civilians were killed in military attacks in south Lebanon, some of which appeared to be deliberate attacks on civilian targets or attacks in which no attempt was made to distinguish between civilians and military targets. The fate of thousands**

**of people abducted by armed groups in previous years remained unknown.**

In August a cabinet meeting chaired by President Elias al-Hrawi charged the army, the internal security forces, and the Public Prosecutor's office with the task of pursuing "those who call for revolts and civil disobedience". This decision apparently followed a demonstration in the Beqaa' Valley in July organized by Sheikh Subhi al-Tufayli, former Secretary General of *Hizbullah*, Party of God – the main armed group fighting Israel's presence in south Lebanon – who called for a "hunger revolt" and "civil disobedience". Lebanese troops were deployed in the central and northern valleys of the Beqaa' for the first time since the mid-1970s.

The government granted additional licences to television and radio stations in July bringing the total number authorized under the 1996 law regulating audio-visual media (see *Amnesty International Report 1997*) to six private television and 15 radio stations. However, in September a radio station, *Sawt Beirut* (Voice of Beirut), owned by the opposition group the Lebanese Popular Congress, was closed down after the security forces surrounded the building. Two other stations, the *sawt al-haq* (Voice of Right) radio and *al-Hilal* (Crescent) television, belonging to the Islamic Unification Movement, were forcibly closed after the security forces stormed their building and clashed with protesters. Conflict continued in south Lebanon in and around Israel's self-declared "security zone" between the Israeli Defence Force (**idf**) and Israel's proxy militia, the South Lebanon Army (**sla**) on the one hand, and *Hizbullah* on the other. Civilian casualties were reported on both sides of the conflict, but most resulted from attacks mounted by the **idf** and **sla** in retaliation for *Hizbullah* operations.

With the agreement of the Lebanese Government, Syrian forces remained deployed throughout most of the country.

The International Monitoring Group, formed in 1996 as a result of the "April Understanding" (see *Amnesty International Report 1997*) met 25 times throughout the year.

In April Lebanon acceded to the Convention on the Elimination of All Forms of Discrimination against Women.

In April the **un** Human Rights Committee considered Lebanon's second periodic report on its implementation of the International Covenant on Civil and Political Rights (**iccpr**). Among other things, the Committee expressed concern about arbitrary arrests, torture and ill-treatment; urged the government to review its capital punishment policy and legislation; and called on Lebanon to bring its legislation into full compliance with the provisions of the **iccpr**.

Scores of people, including prisoners of conscience, were arrested on security grounds or for political reasons. Some were released without charge, but most were charged and tried or were standing trial at the end of the year. Elias Abu Rizq, former President of the General Trade Union Confederation (**cgtl**), was detained for nine days in May, charged with "impersonating" the current head of **cgtl** and "usurping authority". He was a prisoner of conscience. In July Elias Abu Rizq and Yassir Nehmeh, former Secretary General of the **cgtl**, were charged with "damaging the prestige of the state abroad and undermining its financial credibility". No date had been determined for their trial by the end of the year.

In December dozens of people were arrested in Beirut, the capital, in connection with a demonstration against the government's banning of a live television interview with the former military leader General Michel 'Aoun. Police and security forces used tear-gas, batons, and water canons to disperse the demonstrators, at least seven of whom were injured. Those detained included Hikmat Dib, an engineer who had been detained in 1994 and reportedly tortured (see *Amnesty*

*International Report 1995*). They were possible prisoners of conscience. All were released the following day.

More than 70 people were arrested in September when the security forces forcibly closed down television and radio stations belonging to the Islamic Unification Movement in Tripoli, north Lebanon. Two men, Khaled al-Wazze and 'Abd al-Hadi al-Masri, died in clashes between the security forces and the members and sympathizers of the Islamic Unification Movement who were protesting against the closure. The authorities launched an investigation into the circumstances of the deaths. Forty-eight of those arrested were charged with obstructing the security forces and appeared before the military court in Beirut in September. The court acquitted 17, fined six, and transferred one to a juvenile court. 'Abd al-Nasser Qaddur and Bilal al-Zu'bi were sentenced to prison terms of two and three weeks, respectively, and the remaining 22 were sentenced to up to five days' imprisonment. Derar al-Karmi, a Jordanian national working for a Beirut hotel, was reportedly arrested by Syrian military intelligence in January and taken to Syria where he was held incommunicado for three weeks before being released without charge or trial. The reasons for his arrest were not disclosed by the Lebanese or the Syrian authorities.

Ahmad Hamad, a medical doctor and suspected member of the pro-Iraqi wing of the Arab Socialist *Ba'th* Party, was believed to have been arrested in 'Akkar, north Lebanon, by Syrian military intelligence and subsequently transferred to Syria. His whereabouts remained unknown at the end of the year.

Rafiq Abu Younes, who had been detained in Syria since 1994 for his alleged links with the pro-Iraqi wing of the Arab Socialist *Ba'th* Party, was released in April. Hassan Gharib, Zafer al-Muqadam and Hani Shu'aib, Lebanese nationals detained in Syria for alleged links with the pro-Iraqi wing of the Arab Socialist *Ba'th* Party, remained in detention (see *Amnesty International Reports 1996 and 1997*). About 200 Lebanese detained in Syria in previous years remained held at the end of the year (see **Syria** entry).

Several political prisoners were sentenced after trials which fell short of international fair trial standards. In January Antoinette Chahin, a student who was alleged to have been involved in the assassination of the priest Sam'an al-Khoury in 1992, was sentenced to death, commuted to life imprisonment with hard labour. According to the court's verdict, the killing of Sam'an al-Khoury had been planned and carried out by the Lebanese Forces, of which Antoinette Chahin was allegedly a member. Other defendants, including Sa'd Jibra'il, Jihad Abi Ramia, and Rashid Daw, were each sentenced to 12 years' imprisonment with hard labour. Two others, Antoinette Chahin's brother, Jean Chahin, and George Bakhous, were sentenced to death *in absentia*. The trial was seriously flawed. The convictions were apparently based on confessions by some of the defendants which were allegedly extracted under torture and were retracted in court. An appeal filed by the lawyers of Antoinette Chahin and other defendants was upheld by the Court of Cassation. A retrial scheduled to start in November was postponed to February 1998.

The trial of 20 people charged with the killing of Sheikh Nizar al-Halabi, leader of the *al-Ahbash* movement (see *Amnesty International Reports 1996 and 1997*) concluded in January before the Justice Council. The Justice Council, whose verdicts are final, sentenced four people to death and 16 others to sentences ranging from one year to life imprisonment. Of those sentenced to death, three were executed (see below). The fourth, Ahmad 'Abd al-Karim al-Sa'di (also known as Abu Mahjan), leader of '*Usbat al-Ansar*, the group which allegedly perpetrated the killing, was sentenced *in absentia*. Twenty members of '*Usbat al-Ansar* were also referred to the military court on charges "of terrorist attacks and blowing up businesses selling alcohol in Sidon since 1993".

In April the Military Court of Appeal upheld the verdict, passed in 1995 by the military court in Beirut, on Hanan Yasin and her co-defendants for their role in a 1994 bombing which killed three people, including two members of *Hizbullah* (see *Amnesty International Reports 1996 and 1997*), but reduced the sentence imposed on Hanan Yasin from 15 to 12 years' imprisonment.

The trials of seven people accused of collaboration with Israel took place in May before the military court in Beirut. Among the defendants were Tony Shamieh, a journalist arrested in March; the brothers Wisam, Marwan, and Jirjis Khawand; Tony Abu Musa; Elias al-Halit; and Jean Saliba, who was tried *in absentia*. Most were former members of the Guardians of the Cedar Party. Sentences imposed ranged from one to 15 years' imprisonment. Most of the defendants claimed that they had been beaten by the military intelligence interrogators to extract confessions. No independent investigation was initiated into these or other allegations of torture reported during the year.

At least 17 people were sentenced to death, most convicted of murder, including Ahmad Rida Yasin, who was sentenced to death for murder by the Court of Cassation in October. Five people were executed. Two Palestinians, Munir 'Abbud and Khalid Muhammad Hamid and a Lebanese, Ahmad al-Kasm, were executed in March after being convicted of the killing of Sheikh Nizar al-Halabi (see above). Muhammad Mahmoud Kour and Hasan Jamal 'Attiyah, an Egyptian, were executed in March and April respectively; both had been convicted of murder.

In south Lebanon dozens of people were arrested by the **sla** or the **idf** and were either held without charge or trial at the Khiam detention centre, or transferred to Israel (see **Israel and the Occupied Territories** entry). Some were released after weeks or months in detention in Khiam. Ahmad Kamil Sa'id, a student, was arrested by the **idf** and held in Khiam for a month before being released. Roger Nahra, a journalist, and three of his relatives were arrested by the **idf** in July. Roger Nahra and two of his relatives were released after five weeks in Khiam, but Michel Nahra, a retired policeman, remained detained at the end of the year. Other Lebanese detainees in Khiam included 12-year-old Mazen 'Abdallah. A total of 53 detainees were released from Khiam during the year. At least 150 prisoners, most of them suspected members of armed groups opposed to the Israeli presence in Lebanon, or their relatives, continued to be held by the **sla** outside any legal framework in Khiam at the end of the year. Visits by the International Committee of the Red Cross and by prisoners' families were suspended by the **sla** in September.

During the year scores of Lebanese civilians were killed in military attacks in south Lebanon, some of which appeared to be deliberate attacks on civilian targets or attacks in which no attempt was made to distinguish between civilians and military targets. In August three civilians were killed, including two children of an **sla** commander, in Jezzine, south Lebanon, as a result of bombardment and shelling; *Hizbullah* denied responsibility. Seven civilians were killed and 36 wounded when a Jezzine-based militia allied to the **sla** retaliated by shelling residential areas of Sidon in what appeared to be a deliberate attack on civilian areas. In November at least seven civilians were killed and others wounded when mortar shells were fired at the village of Beit Lif in south Lebanon in an attack for which no group had claimed responsibility by the end of the year. Scores of civilians were killed in south Lebanon throughout the year, mostly as a result of **idf** and **sla** shelling.

The fate of thousands of people, including Palestinians, Lebanese and other nationals abducted in Lebanon by armed groups since 1975, remained unknown.

Amnesty International delegates visited Lebanon and raised the organization's concerns with government. In April Amnesty International received a response from the Lebanese authorities to its memorandum, submitted in September 1996 (see *Amnesty International Report 1997*), which provided information on specific cases, but did not address the organization's substantive concerns.

Amnesty International published *Israel/*

*South Lebanon: Israel's forgotten hostages – Lebanese detainees in Israel and Khiam Detention Centre* in July; and *Lebanon: Human rights developments and violations* in October, which highlighted human rights violations since the end of the war in 1990. In December Amnesty International received an official response to its report from the Lebanese Government which addressed some aspects of the report and stressed that Lebanese laws and the Constitution provide for "fundamental human rights guarantees". However, the response failed to address the organization's substantive concerns.

Throughout the year Amnesty International urged the authorities to release prisoners of conscience, guarantee fair trial for political prisoners, investigate allegations of torture, and commute death sentences.

## **1997 Annual Report for Lebanon**

### **AI REPORT 1997: LEBANON**

**Scores of possible prisoners of conscience were arrested by the security forces. Most were briefly detained and released without charge. Several political prisoners were tried and sentenced after trials, some aspects of which fell short of international standards. Allegations of torture and ill-treatment continued and one person died in custody. At least one person may have been extrajudicially executed. At least 10 people were sentenced to death and two others were executed. A militia allied to Israel continued to hold prisoners. Israeli forces unlawfully killed Lebanese civilians in southern Lebanon, including over a hundred in a single attack. The fate of thousands of people abducted by armed groups in previous years remained unknown.**

In April, Israel launched operation "Grapes of Wrath", which lasted 17 days and was directed against *Hizbullah*, Party of God, the main armed group fighting Israel and its allied militia, the South Lebanon Army (**sla**) in and around Israel's self-declared "security zone". For the duration of the operation, Israel maintained a steady barrage of fire from its artillery, air and naval forces on southern Lebanon resulting in the displacement of more than 300,000 Lebanese from their homes. At least 154

Lebanese civilians were killed as a result of the Israeli operation, 102 of them when Israeli artillery shelled a **un** compound in which they were sheltering. Throughout the operation, *Hizbullah* fired Katyusha rockets on populated areas of northern Israel on a daily basis, but no Israeli civilians were reported to have died. The operation ended after a new, written "understanding" was reached between the warring parties which included provisions for the protection of civilians and established a Monitoring Group consisting of the **usa**, France, Syria, Lebanon and Israel. The Group had met six times by the end of the year to look at complaints of breaches of the "understanding".

In March, the Lebanese Government ordered the army to take over responsibility for internal security for three months. The decision followed the announcement by the General Workers' Union of its intention to organize a strike and other protest actions to demand pay rises, the doubling of the minimum wage and a guarantee of rights and freedoms.

Parliamentary elections were held in August and September. For the first time Prime Minister Rafiq al-Hariri, who contested and won a seat in Beirut, formed a parliamentary bloc of his own. He was again appointed premier by President Elias al-Hrawi, in consultation with the new parliament, and a new government was formed in November. With the agreement of the Lebanese Government, Syrian forces remained deployed throughout most of the country.

In September, the Lebanese Government issued a new law regulating audio-visual media, which restricted broadcasting to six television and 12 radio stations. The remaining media companies were given until the end of November to submit new applications for licences or face liquidation, a deadline which was later extended. The new measures met opposition from various political and interest groups, who repeatedly organized protest actions demanding the repeal of the new law, which they believed would restrict freedom of expression.

Scores of possible prisoners of conscience were arrested by the security forces during the year. At least 76 people, mainly from Christian opposition groups, were arrested following an attack in December on a Syrian minibus in which the driver was killed and a passenger wounded. Those arrested included human rights defender Wa'el Kheir, Director of the Foundation for Human and Humanitarian Rights, and Pierre 'Atallah, an editor on *al-Nahar* newspaper, as well as a number of lawyers and other professionals. All those detained were released after questioning, the majority without charge. Two, including Pierre 'Atallah, were charged with distributing leaflets and making contact with Israel. None were charged for the attack on the Syrian minibus. Allegations of torture were made by some of the detainees. All those detained were possible prisoners of conscience.

About 25 members of the *al-mu'tamar al-sha'bi al-lubnani*, Lebanese Popular Congress (**lpc**), a Nasserite-oriented organization, were arrested throughout the year. In February, six **lpc** members were arrested for displaying placards criticizing government policies. They were tried on charges of disruption of public order and security and acquitted by the Criminal Court of Beirut. Five other **lpc** members were arrested in March for distributing the Congress newspaper *Sawt Beirut*, and released the same day without charge. In September, 11 **lpc** members were arrested for burning the **us** flag after the Friday sermon in front of al-Tariq al-Jadida mosque in Beirut. They were released the following day without charge. Another five **lpc** members arrested in October for burning the Israeli flag were detained for five days and released without charge. One of the five, Muhammad Sannu, a student, was allegedly beaten during his arrest.

Possible prisoners of conscience were also among members of the *al-mu'tamar al-watani al-lubnani*, Lebanese National Congress (**lnc**) – followers of former military leader General Michel 'Aoun – detained during parliamentary elections in August, mostly in connection with distribution of leaflets calling for a boycott of the elections. All were released without charge after brief periods of

detention. They included Faris Anton, Michel Chukri, and Ziad Karam, reportedly arrested by military intelligence officers in Jubail and released after several hours of interrogation, and students Tareq Trabulsi, Khalil Harfuch and Camille Harfuch, who were allegedly arrested by unidentified armed men accompanied by a police officer and illegally detained for one night in Brummanah in the Metn district. A further nine **Inc** members were reportedly arrested in September by the Syrian intelligence forces in Lebanon, interrogated in Zahle and Chtourah and released the following day without charge. They were also possible prisoners of conscience.

Zafer al-Muqadam and Hani Chu'aib were arrested in February on suspicion of membership of the unauthorized pro-Iraqi wing of the Arab Socialist Ba'th party and transferred to Syria. Most of the 13 members of the pro-Iraqi wing of the party detained in 1994 and taken to Syria (see *Amnesty International Reports 1995 and 1996*) were released. Two of them, Rafiq Abu Younes and Hasan Gharib, remained in detention in Syria without charge or trial. At least 200 Lebanese detained in Syria in previous years also remained held at the end of the year. Although some received family visits, most were reportedly held in incommunicado detention (see **Syria** entry).

Several political prisoners were tried and sentenced after trials which in some aspects fell short of international fair trial standards. The trial of Samir Gea'gea', leader of the banned Lebanese Forces (**If**), and seven other **If** members for the bombing of a church in 1994 (see *Amnesty International Annual Reports 1995 and 1996*) resumed before the Justice Court and concluded in July. Samir Gea'gea' was acquitted of the charges relating to the church bombing, but sentenced to 10 years' imprisonment for "maintaining a militia in the guise of a political party" and "dealing with military weapons and explosives". Fu'ad Malek, his deputy, was sentenced on the same charges to three years' imprisonment, reduced immediately to one and a half years. Jirjis al-Khoury was sentenced to life imprisonment with hard labour. Antonios Elias Elias, Ruchdi Tawfiq Ra'd and Jean Yusuf Chahin, who were tried *in absentia*, were sentenced to death. Paul and Rafiq al-Fahal were acquitted for lack of evidence. Jirjis al-Khoury, who retracted his initial statements in 1995, alleging that they had been extracted under torture, maintained his retraction when the trial resumed. However, the court rejected the torture claim on the basis of a medical report and the testimony of the prison doctor, who stated that he had examined the defendant during the interrogation period. No independent judicial investigation appeared to have been ordered into this case.

Ahmad Hallaq, who had been tried *in absentia* in 1995 for the killing of three people, including two members of *Hizbullah*, in an explosion in December 1994 (see *Amnesty International Reports 1995 and 1996*), was apprehended in February by Lebanese security forces in Israel's occupied zone and retried. He was sentenced to death in July and executed in September (see below). Appeals against his sentence had been rejected. Ahmad Hallaq's co-defendant, Tawfiq Nasser, who had also been tried *in absentia*, returned to the country earlier and gave himself up. He was retried with Ahmad Hallaq and sentenced to 10 years' imprisonment. Hanan Yassin, Ahmad Hallaq's wife, who was serving a 15-year sentence imposed following the original trial, was awaiting a review of her case by the military court of appeal.

The trial of those charged with the assassination of Sheikh Nizar al-Halabi, leader of the *al-Ahbash* movement (see *Amnesty International Report 1996*), started in May and was still in progress at the end of the year. Twenty defendants, nine Palestinians and 11 Lebanese, were charged with the killing. Three of those charged, including the main defendant, Ahmad 'Abd al-Karim al-Sa'di, known as Abu Mahjan, a Palestinian and leader of *'Usbat al-Ansar*, an Islamic group, were being tried *in absentia*.

There were continuing allegations of torture and ill-treatment in custody. A number of defendants in

the Sheikh al-Halabi assassination trial, including Muhammad Ahmad Isma'il, a Palestinian, Hani Subhi al-'Uthman and Tareq Isma'il, retracted statements made during the initial interrogation and before the investigating judge, alleging that they had been extracted under torture.

Torture and ill-treatment of non-political suspects were also reported. In February, a suspected drug-dealer, Munir Mtanios, died in custody, reportedly as a result of torture. It is not known whether any investigation was held. In February and March, the Parliamentary Human Rights Committee discussed reports of torture and urged the government to open an inquiry into allegations of torture and police brutality. The Justice Minister promised to investigate the allegations. In June, a criminal court in Zahle concluded that security force officials had tortured Elya Harb, held on drugs charges, causing him permanent paralysis, and instructed the State Prosecutor to initiate judicial proceedings against these officials.

At least one person may have been extrajudicially executed. In November, Farid Hanna Musalli, a suspect in a financial fraud case, was shot dead by police, who were reportedly trying to arrest him. Seven officers were arrested in connection with the killing and for entering the victim's home without a search warrant. Five were released immediately, but two, Eala Ra'ad and Jean 'Aqal, were remanded in custody. In December, Jean 'Aqal, the commanding officer, was released by the investigating judge in a military court.

At least 10 people were sentenced to death; most had been convicted of murder or spying for Israel. Two men were executed. In September, Ahmad Hallaq was executed by firing-squad in Rumieh prison, two months after his conviction for the December 1994 bombing (see above). All trial and appeals proceedings were completed, and presidential approval obtained in this two-month period. In October, Anas Dhibyan, sentenced to death in July, was executed by a firing-squad in Rumieh prison for the murder of his fiancée and a police officer. Those sentenced to death included Yusuf Ibrahim al-Hashim, sentenced in April *in absentia*; Hussam Suleiman and Muhammad 'Ali Mustafa, sentenced in May; and Ahmad al-Zamil, Chahin Aybu and Adib 'Abd Sabra, all Syrian nationals, also sentenced in May.

At least 130 prisoners, most of them suspected of membership of armed groups opposed to the Israeli presence in Lebanon, continued to be held by the **sla** outside any legal framework in the Kham detention centre in the "security zone". Visits by representatives of the International Committee of the Red Cross and by prisoners' families continued to be permitted (see *Amnesty International Report 1996*). About 82 prisoners were released during the year. Of these, 45 were released in July in an exchange of bodies and prisoners between *Hizbullah* on the one hand, and the **sla** and Israel on the other. Among those who remained in Kham at the end of the year were Suha Bechara, now the only woman prisoner following the exchange, Mahmud Ramadan, Ni'ma Bazzi, Lafi al-Masri and 'Ali Hijazi. 'Ali Hijazi's medical condition had deteriorated, reportedly as a result of ill-treatment and the absence of adequate medical care. At least 10 Lebanese were abducted in Lebanon and taken to Israel. Six remained in detention in Israel at the end of the year.

Israeli forces killed Lebanese civilians in clear breach of international law in southern Lebanon as a result of the "Grapes of Wrath" operation in April, during which more than 150 civilians died. In addition to the 102 civilians killed in the **un** compound in Qana, which Amnesty International believed was deliberately attacked, six were killed when an Israeli helicopter fired rockets at an ambulance carrying 13 civilians fleeing the village of al-Mansuri. A further nine civilians were killed when Israeli warplanes demolished a house in Upper Nabatiyya (see **Israel and the Occupied Territories** entry).

The fate of thousands of people, including Palestinians, Lebanese, Syrians and other nationals

abducted in Lebanon by armed groups since 1975 remained unclear. They included 'Adnan Hilwani, who went missing in 1982, and Christine and Richard Salim, who were abducted in 1985.

In an oral statement to the **un** Commission on Human Rights in February, Amnesty International repeated its call for the release of Lebanese detainees believed to be held in the Khiam detention centre and in Israel, as well as the release of any Israeli soldiers and **sla** members missing in Lebanon who were being held as hostages (see **Israel and the Occupied Territories** entry).

Amnesty International sent a delegation to Lebanon in May to investigate the killing of civilians by Israel in April. In July, the organization published a report, *Israel/Lebanon: Unlawful killings during operation "Grapes of Wrath"*, which called for an Israeli judicial inquiry into the killings and effective protection for all civilians.

In September, Amnesty International delegates met government officials in Lebanon to discuss human rights concerns and submitted a memorandum relating to arbitrary detention, torture, unfair trial and the death penalty. No response had been received from the government by the end of the year. In December, Amnesty International wrote to the authorities requesting information about the progress of the investigation into the killing of Farid Hanna Musalli. Throughout the year Amnesty International urged the authorities to commute all death sentences.

## 1996 Annual Report for Lebanon

### AMNESTY INTERNATIONAL ANNUAL REPORT 1996

[This report covers the period 01/01/95-31/12/95]

#### LEBANON

Scores of people, including possible prisoners of conscience, were arrested on security grounds. Some were briefly detained and released without charge; others were charged and tried or were awaiting trial. Several political prisoners were sentenced after trials some aspects of which fell short of international fair trial standards. Allegations of torture and ill-treatment continued to be received. One person died in custody. One person was executed and at least 11 others were sentenced to death. Armed political groups continued to commit human rights abuses. The fate of thousands of people abducted by armed groups in previous years remained unknown.

In January the Lebanese authorities issued a decree legalizing the use of the Ministry of Defence as a prison and permitting the intelligence services, the Military Court, the Court of Justice and the military police to open prisons. In October the Lebanese Assembly (parliament) extended President Elias al-Harawi's term of office for a further three years.

There was heightened tension in south Lebanon throughout the year. The South Lebanon Army (**sla**) militia and Israeli armed forces retained control of a "security zone" along the Lebanese/Israeli border. Hizbullah, the main armed political group fighting the **sla** and Israeli forces in Lebanon, controlled most of the areas north of the "security zone" in south Lebanon. Armed clashes and rocket attacks by both sides were frequent. With the agreement of the Lebanese Government, Syrian forces remained deployed throughout most of the country.

Scores of suspected political opponents, including possible prisoners of conscience, were arrested by government forces on security grounds. In March, two students from the American University of Beirut, both apparently supporters of General 'Aoun, a former military leader living in exile, were arrested. Tony Faddul was released without charge the following day; Joseph Najim, a reporter for the Nahar al-Shabab, a weekly supplement of the daily newspaper al-Nahar, was held for three days.

He appeared to have been detained in connection with an article, published on the anniversary of the 1982 Israeli invasion of Lebanon, in which he called for the withdrawal of all foreign forces from Lebanon. Both were possible prisoners of conscience.

In June, three journalists were tried before the Publications Court. Yusuf al-Huwaik, editor of the daily newspaper al-Diyyar, was sentenced to three months' imprisonment for "slandering" a member of parliament. Hassan Sabra and Ghazi al-Maqhour, the publisher and managing editor of the weekly magazine al-Shira' respectively, were each sentenced to one month's imprisonment for allegedly defaming the President. All three sentences were later commuted to fines.

Two members of the Lebanese Popular Congress, Muhammad Zughbi and Ibrahim Sannu, were arrested in July by the security forces and briefly detained. They appeared to have been arrested for distributing leaflets calling for a boycott of elections for a vacant parliamentary seat. They were possible prisoners of conscience.

In July about 200 people, including possible prisoners of conscience, were arrested in Beirut, Sidon and Nabatiyah during unauthorized demonstrations organized by the General Workers' Union in protest against high prices and tax policies. Many were detained for days or weeks before being released without charge, but more than 100 were tried on charges including possessing weapons. Most were sentenced to one month's imprisonment, immediately commuted to a fine, while others were acquitted.

In mid-March up to 30 members of the banned Lebanese Forces (**If**) party, a former Christian militia, were arrested after participating in a demonstration on the anniversary of the bombing of a church in March 1994 (see Amnesty International Report 1995). Sporadic arrests of **If** members continued throughout the year; most alleged that they had been tortured while in detention to extract confessions. Most had been released without charge by the end of the year.

Several political prisoners were sentenced after trials some aspects of which fell short of international fair trial standards. In June Samir Gea'gea', leader of the **If**, and nine others were convicted by the Court of Justice, Lebanon's highest court, of killing National Party leader Dany Cham'oun and his family in 1990 (see Amnesty International Report 1995). Trial proceedings were seriously flawed. Statements which witnesses alleged had been extracted under torture were accepted as evidence by the Court, which failed to investigate the allegations. Detainees were denied prompt access to families and lawyers and were not given the right to a judicial review of conviction and sentence, in contravention of the International Covenant on Civil and Political Rights, to which Lebanon acceded in 1972. Samir Gea'gea' was sentenced to death, but this was immediately commuted to life imprisonment with hard labour. Camille Hanna Karam was sentenced to 10 years' imprisonment and eight others, who were tried in absentia, were sentenced to prison terms ranging from life to 10 years' imprisonment with hard labour. Rafiq Sa'deh and two others, who were tried in absentia, were acquitted. In December the Court of Cassation refused a request for a retrial filed by the lawyers of Samir Gea'gea' and his co-defendants. There is no right of appeal against sentences imposed by the Court of Justice.

The concurrent trial of Samir Gea'gea' and other members of the **If** for the 1994 church bombing (see Amnesty International Report 1995) was postponed indefinitely in May and had not resumed by the end of the year. In February, one of the defendants, Jirjis Khoury, retracted his statements to police, alleging that they had been extracted under torture. Fu'ad Malek, the deputy of Samir Gea'gea' and his main co-defendant, was released on bail.

Six people tried in absentia were convicted by a military court in June of killing three people, including two members of Hizbullah, in an explosion in December 1994 which the security forces had

claimed had been masterminded by Israeli intelligence (see Amnesty International Report 1995). Ahmad Hallaq and Tawfiq Nasser were sentenced to death; Hanan Yassin, Ahmad Hallaq's wife, and Wafiq Nasser, a Palestinian, were sentenced to 15 years' imprisonment; Ghassan al-Humsi was sentenced in absentia to life imprisonment with hard labour; and his brother, Suhail al-Humsi, was sentenced to three years' imprisonment. At her trial, Hanan Yassin alleged that she had confessed under torture to her husband's involvement with the Israeli intelligence service.

In December a military court tried five people accused of facilitating the abduction of Mustafa al-Dirani by Israeli commandos in May 1994. Muhammad Ahmad al-Dirani and Muhammad Ali Salim al-Dirani were sentenced to death in absentia; the other three defendants were acquitted.

Five people charged with state security offences in 1994 remained on bail awaiting trial (see Amnesty International Report 1995). No information was available about the fate of 13 members of the illegal pro-Iraqi wing of the Arab Socialist Ba'th party detained in 1994 and who may have been taken to Syria (see Amnesty International Report 1995). Three Iraqi nationals, including two diplomats, and a Lebanese national detained for the 1994 assassination in Beirut of an Iraqi opposition figure (see Amnesty International Report 1995) were believed to remain in detention. A third Iraqi diplomat detained in connection with the assassination died in custody (see below).

Allegations of torture of political detainees continued to be reported. Methods of torture reported included *falaqa* (beatings on the soles of the feet with whips or wires), electric shocks, and "balanco" (hanging by the wrists which are tied behind the back).

At least one person died in custody. In June Khaled 'Alwan Khalaf, one of the Iraqi diplomats accused of the 1994 assassination of an Iraqi opposition figure (see above), died in al-Hayat Hospital from a brain haemorrhage. No investigation was known to have been carried out into the death. No information was received about any judicial proceedings against members of the security forces arrested in connection with the death in custody of Tareq al-Hassaniyah in March 1994, nor about the investigation into the death in custody of Mufid Sukkar in July 1994 (see Amnesty International Report 1995).

One person was executed and at least 11 others were sentenced to death; most had been convicted of murder. In January Husam 'Ali Nassar was executed by firing-squad in Rumieh Prison. Those sentenced to death included Elias al-Haber, who was sentenced in April; Khalil Radi Abu Huwaili, Jamal Hassan Sa'b and Safi Khalil Sa'b, who were sentenced in absentia in June; and Sultan Ahmad Mazlum, 'Abbas Abd al-Hamid Isma'il and Akram Sulaiman, who were sentenced in July.

More than 200 prisoners, most suspected of membership of armed groups opposed to the Israeli presence in Lebanon, continued to be held by the **sla** outside any legal framework in the Kham detention centre in the "security zone". Some or all may have been held as hostages. In January the **sla** and the Israeli authorities permitted some of the prisoners in the Kham detention centre to receive family visits for the first time since 1987. In October representatives of the International Committee of the Red Cross visited the detention centre, which had been closed to humanitarian agencies since 1985. About 75 prisoners were released during the year, including Bilal Hassan, Rafiq 'Adil Dabaja, 'Iyad Ibrahim, Muhammad 'Afan and Ghazi Ghani Hussain. In January Haitham Dabaja died after being held without charge for 10 years in the Kham detention centre. The exact circumstances of his death were unclear but it was reported that ill-treatment or torture may have contributed. No investigation was known to have been initiated.

Armed political groups continued to commit human rights abuses, including the apparently deliberate and arbitrary killings of civilians.

Dozens of civilians were killed by armed political groups, often in reprisal for killings by opposing

forces. Dozens of people were killed, apparently for political reasons; some may have been deliberately and arbitrarily killed by armed opposition groups. For example, in August, three gunmen shot and killed Shaikh Nizar al-Halabi, a religious leader and head of the Islamist al-Ahbash movement. At least five people, who were believed to be members of a militant Islamist organization, were arrested in December and charged with assassinating Sheikh Nizar al-Halabi. They were detained awaiting trial at the end of the year.

The fate of thousands of people – including Palestinians, and Lebanese, Syrian and other nationals taken prisoner in Lebanon by armed groups since 1975 – remained unclear. They included Daud Yusuf Lahud, abducted in 1983, and Sm'an Jad'a, abducted in 1985. New information came to light in 1995 suggesting that dozens of people who had been abducted since the end of civil war in 1990 may have been transferred to Syria.

Amnesty International urged the Lebanese authorities to commute all death sentences. It expressed concern about the fairness of important aspects of the trial of Samir Gea'gea' and others, including the lack of a judicial review of the conviction and sentence and the apparent failure to investigate reports of torture and ill-treatment. No response had been received by the end of the year.

In an oral statement to the **un** Commission on Human Rights in February, Amnesty International repeated its call for the release of Lebanese and other detainees held in the Khiam detention centre and in Israel, and of any Israeli soldiers and **sla** members missing in Lebanon who were being held as hostages.

## 1995 Annual Report for Lebanon

### AMNESTY INTERNATIONAL REPORT 1995

(this report covers the period 1.1.94-31.12.94)

#### LEBANON

Hundreds of people, including possible prisoners of conscience, were arrested on security grounds; some were released uncharged, while others were brought to trial. Allegations of torture or ill-treatment were received. Three people died in custody in suspicious circumstances. The fate of thousands of people abducted in previous years remained unknown. Four people were executed and at least two others were sentenced to death. Armed political groups committed human rights abuses.

The Lebanese army strengthened its control of most of the country. However, the South Lebanon Army (**sla**) militia and Israeli armed forces retained control of a "security zone" along the Lebanese/Israeli border extending northwards to the Jezzine region. Some parts of south Lebanon were controlled by Hizbullah, the main armed political group fighting the **sla** and Israeli forces in Lebanon. With the agreement of the Lebanese Government, Syrian forces remained deployed throughout most of the country.

In March, following investigations into the bombing of a church in February in which at least 10 people died, the government dissolved the Lebanese Forces (**lf**) party, a former Christian militia, and banned news broadcasts by private radio and television stations until July. Also in March the death penalty was extended to a further category of murder as well as to politically motivated killings.

Hundreds of suspected political opponents, including possible prisoners of conscience, were arrested by government forces and Syrian personnel stationed in Lebanon. Fifteen people were arrested between December 1993 and February 1994 and charged with having supplied Israel and the **usa** with information on the Syrian army, Fatah-Revolutionary Council (**frc**) and Hizbullah. All were allegedly tortured. For example, Georges Haddad's arm was broken, apparently as a result of beatings. Gabi Karam alleged that he was tortured in Syria where he was held for approximately six weeks before being returned to Lebanon. None was granted access to independent doctors. They were sentenced in July to between one month's and five years' imprisonment, apparently on the basis of statements made in incommunicado detention. In December seven of them had their sentences reduced on appeal to between nine months' and two years' imprisonment with hard labour.

In March and April, following the church bombing, hundreds of **If** members were arrested. Most were released without charge after a few days; some were held for up to three months. There were reports that many had been tortured or ill-treated in detention. The **If** leader, Samir Gea'gea', and his deputy, Fu'ad Malek, remained held. In June they were charged in connection with the church bombing together with Jirjis Khoury and five others in absentia. Also in June Samir Gea'gea', Camille Karam and Rafiq Sa'deh were charged with assassinating Dany Cham'oun, a former militia leader, and his family in October 1990. Ten others were charged in absentia. The trials of both cases began in November before the Court of Justice and were continuing at the end of the year. There is no right of appeal against sentences of this court. All those detained were held in the Ministry of Defence, which is not a recognized place of detention. In December the lawyers in the cases walked out after the court refused to consider a petition for the transfer of the detainees to a recognized detention facility.

In April, 12 members of the illegal pro-Iraqi wing of the Arab Socialist Ba'th Party, including Hasan Ghurayeb and Ne'meh Jamil, were reportedly detained by Lebanese security forces without arrest warrants after the assassination in Beirut of al-Shaikh Taleb al-Suhayl al-Tamimi, an exiled Iraqi opposition figure (see Iraq entry). Four Iraqi nationals, including three diplomats, and one Lebanese national were detained in connection with the killing, but had not been brought to trial by the end of the year. In September Rafiq Abi Yunes, a leader of the party, was also reported to have been arrested. The 13 men apparently did not undergo any judicial process in Lebanon, and some or all may have been taken to Syria.

About 20 people said to be supporters of General 'Aoun, a former military leader living in exile, were arrested in September in connection with the distribution of leaflets opposing the Syrian presence in Lebanon. Most were released without charge, but two men – Hikmat Dib and Alefari Atanasio – and three women – Huda Yamin, Lina Ghurayeb and Muna Shkayban – were charged with state security offences before a military court. All five were allegedly tortured or ill-treated while held in the Ministry of Defence and may have been prisoners of conscience.

Samir Nasr, a possible prisoner of conscience, was sentenced in February by a military court to two years' hard labour, reduced to one year on appeal. He had been convicted of being an accessory to dealing with the enemy in connection with alleged links between the Guardians of the Cedar, a political party, and Israel (see Amnesty International Report 1994). No investigation appeared to have been conducted into his allegations of ill-treatment. He was released in November.

Other reports of torture or ill-treatment were received. Methods described included severe beatings on all parts of the body, falaqa (beatings on the soles of the feet), suspension by the arms from a pulley, and electric shocks. Joseph Faddul and his two sons, Tony and Fawzi, were arrested in March

and held for about 36 hours in the Ministry of Defence, where they were reportedly kicked, beaten with rifle butts and verbally abused. Yusuf Sha'ban, Yusuf 'Abwani and Bassam 'Attiyah, all members of the **frc** on trial before the Court of Justice for the murder of a Jordanian diplomat in January, alleged that they had been beaten in order to extract confessions. The court refused to consider this evidence on the basis that such complaints could not be raised after charges had been brought. The court ordered an investigation, but it was not known to have been carried out. Yusuf Sha'ban was sentenced to life imprisonment and the two others to 10 years' imprisonment.

Complaints about torture were ignored by officials or inadequately investigated. For instance, the Lebanese authorities did not respond to 'Ubad Zwayn's allegations of torture in 1993 by Syrian personnel stationed in Lebanon (see Amnesty International Report 1994). In April the Minister of Justice denied that Georges Haddad and others had been tortured, but gave no details of any investigation.

At least three people died in custody in suspicious circumstances. In March Tareq al-Hassaniyah died in Beit al-Din Prison, reportedly from injuries sustained when his head was beaten against a wall. Up to seven members of the security forces were reportedly arrested in connection with his death. In April Fawzi al-Rasi, an **If** member, died while under interrogation in the Ministry of Defence. Official sources said that an autopsy showed that he had suffered a heart attack. However, Fawzi al-Rasi's relatives were reportedly not allowed to see the body before burial. In July Mufid Sukkar died while held by the anti-drugs unit. A government investigation into his death was initiated.

No information was published on the investigation into the killing of nine people during an apparently peaceful demonstration in September 1993 (see Amnesty International Report 1994).

In April judicial executions resumed for the first time in 11 years. Bassam Saleh al-Muslah was hanged after conviction for rape and murder (see Amnesty International Report 1994). Two Syrian soldiers, 'Abd al-Karim Hujayj and Muhammad Za'tar, were hanged for murder a week later. In May Shaker al-Buraydi was executed by firing-squad for killing three policemen. At least three others were believed to be held on death row at the end of the year.

More than 200 prisoners continued to be held at any one time by the **sla** in the Khiam detention centre in the "security zone". They were held outside any legal framework and without access to their families or the International Committee of the Red Cross. Some or all may have been hostages. Most were suspected members of armed groups opposed to the Israeli presence in Lebanon. Many were believed to have been tortured during interrogation. At least two people reportedly died shortly after release from Khiam. Poor conditions and medical care may have contributed to their deaths.

Armed political groups committed human rights abuses. Hizbullah was reported to have detained possible prisoners of conscience. For example, Ghassan Sheet, a lawyer from south Lebanon, was reportedly held for 65 days in a detention centre in Bir al-'Abed, apparently because he had tried to visit a client also detained by Hizbullah.

Dozens of people were killed, apparently for political reasons, although those responsible were often unknown. At least some may have been victims of deliberate and arbitrary killings by armed groups. In March **sla** forces reportedly shot dead a member of the Democratic Front for the Liberation of Palestine after he had surrendered during a confrontation. In April, three men were killed by unknown assailants in separate incidents: Husayn Abu Zayd, a leading member of Fatah, the main faction of the Palestine Liberation Organization; Ne'meh Haydar, an official of the armed political group Amal; and Isma'il Julaylati, reportedly affiliated to the political group Islamic Tawhid. In December, three people, including two members of Hizbullah, were killed in an explosion in Beirut.

Security forces later arrested three people in connection with the bombing, which the security forces claimed had been masterminded by Israeli intelligence forces (see Israel and the Occupied Territories entry).

In February Husayn 'Awadah, aged 16, was killed in Ba'albek, apparently by Hizbullah members with the acquiescence of local Lebanese security officials. He had apparently been "tried" at the request of his family by religious leaders under Shari'a (Islamic law) who found him to be responsible for the murder of a woman and her two sons. In response to a letter detailing Amnesty International's concerns about this killing, Hizbullah told Amnesty International that it had had no connection with the killing of Husayn 'Awadah.

The fate of thousands of people, including Lebanese, Syrian, Palestinian and other nationals taken prisoner by armed groups since 1975 remained unclear.

Amnesty International called on the Lebanese Government to release any prisoners of conscience and to investigate allegations of torture, deaths in custody and the killing of Husayn 'Awadah. The organization was concerned about possible arbitrary arrests and the fairness of trial proceedings. It expressed deep regret at the resumption of executions and the expansion of the death penalty and urged the commutation of all death sentences. In February officials said the section covering Lebanon in Amnesty International Report 1993 was "largely inaccurate" and denied that 'Adel Hawila had been tortured. In April the Minister of Justice, replying to Amnesty International's concerns about Georges Haddad and others, said that Amnesty International "had been misled by an inexact and tendentious presentation of the facts". Amnesty International delegates sought access to the country in May but had not been granted visas by the end of the year.

In an oral statement to the **un** Commission on Human Rights in February, Amnesty International called for the release of Lebanese and other detainees held in Khiam and in Israel, as well as Israeli soldiers and **sla** members missing in Lebanon, if they were being held as hostages.



U.S. DEPARTMENT OF STATE  
DIPLOMACY IN ACTION

## 2008 Human Rights Report: Lebanon

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

**February 25, 2009**

Lebanon, with a population of approximately four million, is a parliamentary republic in which the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shia Muslim. On May 25, parliament elected President Michel Sleiman, who serves as the head of state, in a process that was facilitated by Qatar and the Arab League. As stipulated in the constitution, former president Emile Lahoud stepped down in November 2007 at the end of his term, and the powers of the presidency were transferred to the cabinet. Although parliament was scheduled originally to begin the presidential election process in September 2007, the speaker rescheduled the session 19 times.

On May 7, opposition fighters led by Hizballah, a Shia opposition party and terrorist organization, seized control of Beirut International Airport and several West Beirut neighborhoods to protest government decisions to declare Hizballah's telecommunication network illegal and remove the airport security chief because of the presence of Hizballah's surveillance cameras monitoring the airport. During the heavy fighting, 84 persons were killed and approximately 200 were injured. On May 21 in Doha, Qatar, rival leaders reached an agreement to end the violence and the 18-month political feud. Sectarian clashes continued to break out between the Druze and Hizballah across the country and between Sunnis and Alawites in the northern part of the country, leading to the deaths of approximately 70 persons and the wounding of 275. UN Security Council (UNSC) resolutions 1559 and 1701 call upon the government to take effective control of all Lebanese territory and disarm militia groups. However, despite the presence of the Lebanese and UN security forces, Hizballah retained significant influence over parts of the country, and the government made no tangible progress towards disbanding and disarming armed militia groups, including Hizballah.

There were limitations on the right of citizens to change their government peacefully. Militant and sectarian groups committed unlawful killings, and security forces arbitrarily arrested and detained individuals. Torture of detainees remained a problem, as did poor prison conditions, lengthy pretrial detention, and long delays in the court system. The government violated citizens' privacy rights, and there were some restrictions on freedoms of speech and press, including intimidation of journalists. The government suffered from corruption and a lack of transparency. There were limitations on freedom of movement for unregistered refugees, and widespread, systematic discrimination against Palestinian refugees and minority groups continued. Domestic violence and societal discrimination against women continued, as did violence against children and child labor.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, militant groups killed civilians during the year in connection with the May 7-21 conflict and other internal sectarian clashes (see section 1.g.).

There were no further developments in the investigations following several 2007 car bomb deaths: Member of Parliament (MP) Walid Eido and 10 others in June, MP Antoine Ghanem and eight others in September, and Lebanese Armed Forces (LAF) chief of operations Brigadier General Francois el-Hajj and his bodyguard in December.

The four suspected members of the terrorist group Fatah al-Islam (FAI) arrested in March 2007 for the 2006 Ain Alaq twin bus bombings remained in detention at year's end, without formal convictions.

In June 2007 the news Web site Al-Mustaqbal reported that Judge Sa'id Mirza brought charges against Lebanese citizen Ibrahim Hasan Awadah and Syrian citizens Firas Abd al-Rahman, Mahmoud Abd al-Karim Imran, and Izzat Muhamad Tartusi for the 2005 attempted assassination of the defense minister and incoming Deputy Prime Minister Elias Murr, which injured Murr and killed one person. The suspects allegedly remained outside of the country in an unknown location at year's end.

Alleged FAI official Walid al-Bustani remained detained at year's end for his reported connection to the 2006 assassination of then-industry minister Pierre Gemayal.

There were no further developments in the investigations of the 2006 killings of Islamic Jihad member Mahmoud Majzoub and his brother or of the roadside bombs in Rmeileh that injured Internal Security Forces (ISF) Lieutenant Colonel Samir Shehade and killed four of his bodyguards. The ISF alleges that Israel was behind the Majzoub killings because the victims were Palestinian. Shehade, the former head of the ISF intelligence unit, departed for Canada following the assassination attempt against him.

During the year the UN International Independent Investigation Commission (UNIIC), established under UNSC resolution 1595, continued its investigation into the 2005 assassination of former prime minister Rafiq Hariri and other political killings. While preliminary reports pointed to possible linkages to Syrian intelligence services, the UNIIC did not reach a firm conclusion by year's end.

Israeli cluster munitions from the 2006 conflict continued to kill and injure civilians during the year. The UN Mine Action Coordination Center estimated that 560,000 to 1.1 million unexploded munitions remained despite ongoing removal and that munitions had killed 42 persons since the end of the conflict.

##### b. Disappearance

During the year there were no reports of politically motivated disappearances.

On July 16, Hizballah returned to Israel the bodies of two Israeli soldiers kidnapped in 2006; in exchange Israel returned five living prisoners to Hizballah, as well as the bodies of 200 Lebanese, Palestinian, and other Arab fighters.

On August 27, a Lebanese judge accused Libyan President Moammer Qaddafi and six of his aides of inciting and participating in the 1978 disappearance of Imam Moussa Sadr.

On September 2, the Public Prosecutor issued charges against 14 persons for the April 2007 kidnapping and killing of Ziad Ghandour and Ziad Qabalan, two youths affiliated with Progressive Socialist Party leader Walid Jumblatt, a Druze Muslim allied with the government. The ruling requested the death penalty for

five brothers who were at large at year's end, Mohammed, Shehadeh, Abdallah, Abbas, and Ali Shamas; a life term of hard labor for helping conceal the crime for Mustafa Omar al-Saedy, Ayman Fouad Safwan, Wissam Ghazi Orabi, and Saeb Ibrahim al-Dakkdoki; and up to three years' imprisonment for hiding Ali Shamas and failing to notify the authorities about the crime for Hanan Atwi, Abeer Qabalan, Hassan Hazeemah, Hana Ismail, and Rabih Houili.

#### c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The law does not specifically prohibit torture. Security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), reported that torture was common. In a February 14 letter to the Association Council between the European Union and Lebanon and an October 7 letter to the interior minister, HRW reported there were instances of torture during the year at the Ministry of Defense and the Information Section, the ISF's intelligence branch, as well as in certain police stations. The Lebanese Association for Education and Training (ALEF) also reported during the year instances of torture in the ISF's Drug Repression Bureau detention facilities in Beirut and Zahle.

On September 18, parliament authorized the government to ratify the Optional Protocol to the Convention Against Torture (CAT); however, at year's end the government had not submitted its initial report under the CAT. On November 5, eight international and local human rights organizations issued a press release stating that over the last two years they had gathered testimonies from a number of detainees who claimed that security officials beat and tortured them. The press release requested the government to take concrete and public measures to stop the use of torture in detention facilities and submit the initial report under the CAT, seven years overdue.

In May 2007 HRW and the Lebanese Center for Human Rights (CLDH) called for an investigation into allegations of torture and ill treatment of nine of 12 detainees whose military court trial began in April 2007. In interviews with HRW and CLDH, some detainees alleged that interrogators tortured them during their detention at the Ministry of Defense to force confessions, while other detainees claimed they were ill-treated and intimidated. Five detainees reported being blindfolded and frequently punched during questioning. On September 5, the court acquitted for lack of evidence the 12 suspects of allegedly planning to assassinate Hizballah leader Hassan Nasrallah; however, 11 of the 12 were sentenced to three to five years' imprisonment for conspiracy to commit crimes against the state with the aim of inciting sectarian strife and possession and transfer of weapons and explosive material. At year's end HRW and CLDH's call for an investigation had not been answered.

In May 2007 the Lebanese daily Al-Diyar reported that the ISF Information Section called Muhammad Abd-al-Amir Salhab in for questioning following the 2005 assassination of former Prime Minister Rafiq Hariri. According to Al-Diyar, security forces detained Salhab for three days, during which he "was subjected to all types of torture." At year's end Salhab remained in France seeking political asylum.

In 2006 the nongovernmental human rights organization Support of Lebanese in Arbitrary Detention (SOLIDA) issued a report documenting the various types of torture allegedly practiced at the Ministry of Defense between 1992 and 2005, before Syria withdrew its troops in 2005. Torture methods included physical abuse, sleep deprivation, and prolonged isolation. In April 2007 the army released a statement dismissing news reports that detainees suspected of belonging to armed groups were subjected to torture during interrogation. According to the Daily Star, the statement denied that any detainees had undergone "any sort of physical or psychological torment in order to force them to give false testimonies."

The government acknowledged that violent abuse of detainees sometimes occurred during preliminary investigations at police stations or military installations where suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress.

In June 2007 security forces arrested five dual Australian-Lebanese citizens--Hussein Elomar, Omar al-Hadba, Ibrahim Sabbough, Ahmed Elomar, and Mohammed Bassel--during a raid on al-Hadba's workshop in Tripoli on suspicion of supplying weapons to FAI. Security forces reportedly broke Hussein Elomar's jaw in detention and forced his nephew, Ahmed Elomar, to stand for long periods of time and beat him severely if he tried to rest. Ahmed's injuries included damage to his knee. Police dropped charges against Ahmed Elomar and Mohammed Bassel. The other individuals remained in custody at year's end.

Abuses also occurred in areas outside the government's control, including in Palestinian refugee camps. During the year there were reports that members of various Palestinian factions and foreign militias detained their rivals during clashes over territorial control of the camps, particularly in the north and south.

#### Prison and Detention Center Conditions

Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions, particularly in the women's prison, were very poor. According to HRW failure to provide appropriate medical care and negligence of authorities were likely causes of 13 deaths in prisons during the year. The government did not consider prison reform a high priority. The number of inmates was estimated to be 4,700, including pretrial detainees and remand prisoners. The government made a modest effort to rehabilitate some inmates through education and training programs.

Overcrowding and limited prison facilities meant that pretrial detainees were often held together with convicted prisoners, and juveniles may have occasionally been held together with adults during the year.

The government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). In February 2007 the ICRC and judicial and security authorities signed a protocol enabling the ICRC to visit all prisons in the country in accordance with decree 8800. According to its 2007 annual report released on May 27, the ICRC carried out 59 visits, visited 6,764 detainees, and monitored the cases of 415 detainees in 2007. According to its January-April report on its activities in the country, the ICRC carried out 15 visits to detainees in seven prisons to monitor conditions and the treatment of detainees so far during the year. The ICRC's 2008 report detailing their activities for the rest of the year had not been issued by year's end.

#### d. Arbitrary Arrest or Detention

Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the government arbitrarily arrested and detained persons.

#### Role of the Police and Security Apparatus

The ISF, under the Ministry of Interior (MOI), enforces laws, conducts searches and arrests, and refers cases to the judiciary while the State Security Apparatus, which reports to the prime minister, and the Surete Generale (SG), which is under the MOI, control the borders. The LAF may arrest and detain suspects on national security grounds. Both the State Security Apparatus and the SG collect information on groups deemed a possible threat to state security.

Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, a lack of strong enforcement limited their effectiveness. The government acknowledged the need to reform law enforcement, but the lack of political stability and security hampered these efforts. The ISF maintained three hot lines for complaints, which are believed to operate efficiently. Operation centers are set up for North Lebanon, South Lebanon, Biqa', Mount Lebanon, and Beirut. Each operation center receives approximately 50 calls per day with the exception of the Beirut operation center, which receives approximately 100 calls per day. Depending on the urgency and the seriousness of the calls, the ISF dispatches its forces for assistance. During times of security instability, these centers receive a greater number of calls.

#### Arrest and Detention

Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion. According to ISF statistics, of the 4,686 persons held in prison, 2,780 had not been convicted of crimes. Also, there were reports that security forces arrested civilians during the May clashes without warrants.

The law generally requires a warrant for arrest and provides the right to a lawyer, a medical examination, and referral to a prosecutor within 48 hours of arrest. If a detainee is held longer than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in the act of committing a crime must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. Family members were allowed to visit detainees every Tuesday, Thursday, and Saturday.

Many provisions of the law were not observed in practice, and security forces and extralegal armed groups continued the practice of arbitrary arrest and detention.

On April 26, Hizballah members detained Karim Pakzad, who was representing the French Socialist Party at a two-day socialist conference held in Beirut, and another person who were taking pictures at a Hizballah stronghold. After interrogating the two for four hours, Hizballah released them.

On August 15, Hizballah members detained Brazilian journalist Marcos Losekanna de Paulo Pimentel and Beirut-based Brazilian BBC journalist Tarek Saleh and interrogated them for five hours. The journalists were working on a story about a diner located in Hizballah's stronghold in the southern suburbs of Beirut that sold sandwiches named after weapons, dishes inspired by terrorist attacks, and snacks wrapped in camouflage paper.

In mid-September Hizballah members detained five employees from LebanonFiles.com who were conducting a survey in the southern Beirut suburb of Dahiyeh. The employees were reportedly interrogated for six hours before being released.

A November 2007 UN Commission for Human Rights working group cited as an example of arbitrary detention the UNIIC arrest of four Lebanese generals for the 2005 assassination of former PM Rafiq Hariri. The generals remained in prison at year's end. On August 6, Investigative Magistrate Saqr Saqr turned down a request for the release of the four generals. Separately, Saqr released two of another nine detainees held for giving false information related to the Hariri investigation. On August 26, the lawyers for one of the generals, General Security Major General Sayyed, filed a lawsuit in France against former UN Chief Investigator Detlev Mehlis for distorting the investigation and calling false witnesses.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions.

Human rights activists believed that there were numerous Lebanese and Palestinians from Lebanon in prolonged and often secret detention in Syria. The NGO Support of Lebanese in Detention and Exile (SOLIDE) estimated that more than 600 Lebanese prisoners remained in Syria. On August 20, Justice Minister Ibrahim Najjar stated in a televised interview that there were 745 Lebanese citizens missing in Syria, divided into two categories: convicted criminals and victims of "enforced disappearances." Najjar was the first government official to publicly classify the detainees.

On September 7, the Syrian delegation of the joint Lebanese-Syrian commission charged with investigating the missing individuals presented a list of 115 names of convicted Lebanese citizens held in Syrian jails; however, the Syrian list differed from the Lebanese delegation's list and contained names only of convicted Lebanese, rather than any of those classified as "enforced disappearances," the primary focus of human rights activists. According to SOLIDE, at year's end the Syrian delegation had not granted approval for Lebanese judges to check on the prisoners, although it agreed in principle.

During the year there were no reports of Syrian forces operating in the country carrying out searches, arrests, or detentions of citizens outside any legal framework.

#### e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. Influential politicians, as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. With UNIIC support, however, the judiciary continued to detain once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. Despite intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in 2004, the aftermath of the 2005 assassination of Rafiq Hariri led to gradual progress in eliminating political and security influence over the judiciary.

The judicial system consists of a council to determine the constitutionality of newly adopted laws upon the request of 10 members of parliament; the civilian courts; the military court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. There are also tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody. The religious Shari'a courts are often used by both the Shia and Sunni religious communities to resolve family legal matters. There are also religious family courts in the various Christian-sect and Druze communities.

The military court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The military court has two tribunals: the permanent tribunal and the cassation tribunal. The latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security and some high-profile cases. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. Defendants before the Judicial Council had the same procedural rights as other defendants; however, there was no right to appeal and judges had the discretion to order the generally public sessions be closed. On September 18, the cabinet referred the assassination case of Saleh Aridi to the Judicial Council, which was already considering the assassination cases of MPs Walid Eido, Antoine Ghanem, and Pierre Gemayel.

The Ministry of Justice (MOJ) appoints all other judges, taking into account the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 11 Palestinian-controlled refugee camps in the country.

#### Trial Procedures

There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. While defendants do not have the presumption of innocence, they have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed. While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants. A member from the Beirut Bar Association's Legal Aid Committee estimated that as many as 20 percent of the cases did not receive proper representation; however, this was believed to be related to the competence of the lawyer handling the case.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to resolve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally handed over the perpetrator to state authorities for trial.

#### Political Prisoners and Detainees

During the year there were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

While there is an independent judiciary in civil matters, in practice it was seldom used for bringing civil lawsuits for seeking damages for human rights violations committed by the government. During the year there were no examples of a civil court awarding an individual compensation for human rights violations committed against them by the government.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the law prohibits such actions, authorities frequently interfered with the privacy of persons regarded as enemies of the government. The law requires that prosecutors obtain warrants before entering homes, except when the security forces are in close pursuit of armed attackers; these rights were generally observed.

The Army Intelligence Service monitored the movements and activities of members of opposition groups. Although the law regulates eavesdropping, security services continued to eavesdrop without prior authorization.

Militias and non-Lebanese forces operating outside the area of central government authority also frequently violated citizens' privacy rights. Various factions used informer networks and monitoring of telephones to obtain information regarding their perceived adversaries.

There were no developments in the 2005 decree to create an independent judicial committee to receive telephone-tapping complaints and permit security services to monitor criminals' telephones. Similarly, there were no developments in the 2005 decree to create a centralized unit to supervise tapping telephones related to military personnel only. During a parliamentary session on August 26, Parliament Speaker Berri announced his intention to form a parliamentary investigative committee to look into telephone-tapping. Telecom Minister Gebran Bassil also noted the same day the need to formally regulate the practice of the country's two cellular telephone service providers in supplying information to any individual or party.

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

Internal strife along confessional divides and between the government majority and the opposition continued to plague the country throughout the year, and militant groups committed violence against political figures and government institutions.

On January 15, an explosion targeted a diplomatic embassy vehicle, killing three persons in an adjacent vehicle and injuring two security employees.

On January 25, a car bomb killed ISF Information Technology Intelligence branch head Captain Wissam Eid and three others and injured 36. Eid played a significant role in a number of sensitive investigations, including the assassination of PM Rafiq Hariri.

On January 27, violent riots broke out when youth from the predominantly Shia Muslim area of Shiyah were protesting what they perceived to be discriminatory power cuts. When an Amal movement official was killed by unknown gunfire, the riots turned violent with protesters throwing stones and setting cars ablaze. The riots led to the death of seven civilians, including the Amal Movement official, and more than 19 injured. On February 2, the LAF arrested 17 persons, including 11 soldiers and three officers, for their excessive use of force in containing the protests. Investigations were ongoing at year's end.

On April 20, two Phalange party supporters, Nasri Marouni and Salim Assi, were killed during the inauguration of the Phalange headquarters in Zahle. Alleged suspects Joseph and Tony Zouki, supporters of pro-"March 8 Alliance" MP Elie Skaff, remained at large.

Between May 7 and 21, Hizballah-led opposition fighters occupied parts of downtown Beirut to protest two government decisions taken against Hizballah. Armed clashes ensued between the predominantly Shia opposition and Sunnis aligned with the majority. The takeovers targeted Sunni-run political party offices and media outlets. Armed clashes also broke out between Druze and Hizballah in the mountains and between Sunnis and Alawites in the north. The May conflict reportedly resulted in more than 80 deaths and 250 injuries.

According to HRW, during the May conflict members of the opposition groups Hizballah, Amal, and the Syrian Socialist National Party (SSNP) used small arms and rocket-propelled grenades (RPGs) in densely populated areas of Beirut, killing numerous civilians. For example, HRW reported that on May 8, opposition gunmen shot and killed Amal Baydoun and her son, Haytham Tabbarah with an RPG while they were trying to flee their Ras al-Nabaa neighborhood. Opposition gunmen shot and injured Tabbarah's two brothers later that day while they were trying to join their family at the hospital.

Also during May supporters of the progovernment groups Future Movement and the Progressive Socialist Party (PSP) also resorted to violence against civilians and offices associated with opposition groups in areas under the progovernment groups' control in northern Lebanon, the Biqa', and the Shouf. According to Hizballah, PSP fighters detained and then executed two Hizballah followers. After examining photos of the two Hizballah members, HRW reported that at least one had been shot in the head at close range while the other appeared to have had part of the skin of his forearm removed. In Halba, a village in the north, armed Sunnis killed members of the SSNP after they had surrendered.

On May 31, a blast killed Lebanese soldier Ossama Hassan at an army intelligence post in the northern village of al-Abdeh near the northern city of Tripoli. In two separate attacks on August 13 and September 29, culprits bombed buses packed with LAF soldiers on their way to work in Tripoli, killing 20 persons, including 14 soldiers, and injuring more than 90. On October 28, the public prosecutor issued charges against 34 suspects accused of carrying out terrorist attacks, including the attack on the intelligence post and the Tripoli bus bombings. If convicted the 26 detained suspects and the eight who remained at large could face the death penalty.

On September 10, unknown actors planted a car bomb that killed Druze opposition figure Saleh Aridi and injured six others. Aridi reportedly played a major role in the reconciliation efforts of Druze leaders Walid Jumblatt and Talal Arslan following the May conflict.

In June 2007 HRW reported that LAF and ISF forces arbitrarily detained and physically abused some Palestinian men fleeing the fighting in the Nahr al-Barid refugee camp. During the conflict the LAF interrogated many men as they left the camp and detained those suspected of supporting or having information about FAI. The LAF interrogated some Palestinian detainees at the Kobbah military base near Tripoli, approximately 10 miles from Nahr al-Barid. HRW reported that other interrogations took place at checkpoints and private houses near the camp.

In one case documented by HRW in June 2007, the Lebanese military detained a Palestinian man from Nahr al-Barid for interrogation at different locations for four days. During the interrogations, army interrogators reportedly punched and slapped him, giving him food only twice in four days. HRW also reported that members of the Lebanese military intelligence allegedly subjected detainees to kicks, punches, and beatings with rifle butts during interrogation.

The Nahr al-Barid conflict caused other humanitarian concerns. Palestinian refugees and Lebanese displaced by the violence were without running water,

sewage, or electricity for weeks. Refugees who left the camp were treated for dehydration, diarrhea, and stomach illnesses, and the regular UNRWA-run health care clinics in the camp were not fully functioning due to security problems.

Members of international humanitarian organizations were attacked by FAI when attempting to enter the Nahr al-Barid camp. In May 2007, UN High Commissioner for Human Rights Louise Arbour condemned an attack by FAI on a UN aid convoy at Nahr al-Barid during the conflict that claimed the lives of two Palestinian refugees.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice, although journalists continued to feel intimidation, compounded by the May conflict. Individuals are free to criticize the government but are legally prohibited from publicly criticizing the president.

Dozens of newspapers and hundreds of periodicals were published throughout the country and were financed by and reflected the views of various local, sectarian, and foreign interest groups. There was very limited state ownership of newspapers and periodicals. Of the seven television and 33 radio stations, all but one television and one radio station were owned privately. The majority of media outlets had political affiliations, and a news station's political affiliations sometimes hampered its ability to operate freely.

Despite a general increase in media freedom since 2005, the tense political atmosphere, weak judiciary, and the government's failure to apprehend the perpetrators of the 2005 killings of journalists Samir Kassir and Gibran Tuani meant that journalists continued to feel intimidated. Partly due to the political divisions in the country, several journalists received threats from parties, politicians, or their fellow journalists.

The law permitted censoring of pornographic, political opinion, and religious materials when they were considered a threat to national security. The SG reviews and censors all foreign newspapers, magazines, and books before they enter the country. The law also prohibits attacks on the dignity of the head of state or foreign leaders. The government may prosecute offending journalists and publications in the Publications Court. The 1991 security agreement between the government and Syria, still in effect, contains a provision that prohibits the publication of any information deemed harmful to the security of either state. The media also practiced self-censorship at times due to fear of reprisal.

On May 9, Hizballah-led opposition fighters forced the pro- March 14 Future News television station and Radio al-Sharq to stop their transmission for four days. Using the LAF as an interlocutor, the gunmen threatened that if the employees did not suspend transmission, they would destroy the buildings. Management suspended transmission, at which point the gunmen entered the premises and cut all cables in the studio to guarantee no rebroadcast. Hizballah gunmen also set fire to the Future News archives building, destroying all records. On the same day, the gunmen also burned parts of March 14 majority leader Saad Hariri's Al-Mustaqbal newspaper offices as well as the Armenian radio station Sevan, located in the same building.

On November 27, a Beirut criminal court dismissed slander charges against Muhammad Mugarby, a prominent lawyer and human rights activist, resulting from a speech he gave to a European Parliament delegation in Brussels in 2003. Beirut public prosecutor Joseph Maamari appealed the verdict on December 11. The speech criticized the government for using the judiciary, particularly the military court, to suppress dissent. Mugarby also condemned the use of torture to coerce confessions from suspects and the court-ordered closure in 2002 of a television station that had criticized the authorities. Eight other legal actions were pending against Mugarby, including criminal actions initiated by the Higher Judicial Council, former and current judges, and the Beirut Bar Association.

There were no developments in the appeal filed by Al-Mustaqbal editor in chief Tawfiq Khattab and staff reporter Fares Khashan; authorities fined the two 50 million pounds (\$33,000) each for libel and damaging the reputation of President Lahoud in 2006.

The 2006 case in which the Lebanese Broadcasting Corporation (LBC) broadcast a show that ridiculed Hizballah Secretary General Hassan Nasrallah remained pending with the cabinet at year's end.

Also in 2006 the minister of justice filed a complaint against Al-Akhbar newspaper for alleging that two members of the Judicial Council had met with the head of the ISF Intelligence Department to discuss judicial appointments.

Most judicial cases launched in previous years against journalists were not pursued during the year. Investigations into the 2005 killings of Samir Kassir and Gebran Tuani and the 2005 attack on May Chidiac continued at year's end. There were no developments in the 2005 case against Al-Mustaqbal reporter and Future TV anchor Zahi Wehbe.

### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail and Internet discussion groups. The International Telecommunications Union indicated that the Internet penetration rate in Lebanon was 26.6 percent, with 950,000 Internet users. Internet access was publicly available, and the government continued to expand its high-speed infrastructure. The SG and MOJ sometimes contacted Internet providers to block pornographic and religiously provocative sites.

### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom; however, the government censored films, plays, and other cultural events. Filmmakers, playwrights, festival organizers, and others practiced self-censorship.

The SG reviews all films and plays and prohibits those that offend religious or social sensitivities. On March 26, the SG banned the Oscar-nominated film *Persepolis*, which portrayed the Islamic Revolution in Iran, then reversed its decision the following day. In 2006 the SG prohibited the film *The Da Vinci Code*, and it obliged playwright Lina Khoury to revise a play inspired by *The Vagina Monologues*.

### b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

The law provides for freedom of assembly; however, the government sometimes restricted this right. The MOI required prior approval to hold rallies, and groups opposing government positions sometimes were not granted permits.

On May 7, the General Labor Confederation's (GLC) strike calling for an increase in the minimum wage was called off soon after it started, when the demonstrators were unable to reach their designated demonstration points after opposition forces had taken advantage of the strike to set up roadblocks and burning tires in the streets. This led to the May conflict in and around Beirut. The roadblocks and burning tires remained in place until the Doha agreement was concluded on May 21. The opposition "sit-in" that began in 2006 also ended on May 21.

In January 2007 security forces failed to protect protestors in two instances: the Hizballah-led strike that left three dead and 133 injured and the Beirut Arab University violence, which killed four persons and injured more than 150. In June 2007 security forces reportedly fired on Palestinian refugees protesting in Nahr

al-Barid camp, killing three and injuring 50.

#### Freedom of Association

The law provides for freedom of association and the government did not interfere with most organizations; however, it imposed limits on this right. The law requires every new organization to submit a notification of formation to the MOI, which issues a receipt. However, the MOI sometimes imposed additional and inconsistent restrictions and requirements and withheld receipts, turning the notification process into a de facto approval process. For example, the MOI in some cases sent notification of formation papers to the security forces to conduct inquiries on an organization's founding members. On February 22, the Lebanese Center for Human Rights received the MOI's receipt of acceptance for the notification it submitted in 2006.

Organizations also must invite MOI representatives to any general assembly where votes are held for by-law amendments or when elections are held for positions on the board of directors. The MOI must then validate the vote or election; failure to do so could result in the dissolution of the organization.

The MOI did not immediately validate the February 28 elections of the Israeli Communal Council, representing the small Jewish community and Jewish property owners who do not reside in the country. Similar to the previous two such elections, the MOI did not validate them until May 15, following diplomatic intervention.

The cabinet must license all political parties. The government scrutinized requests to establish political movements or parties and to some extent monitored their activities. The Army Intelligence Service monitored the movements and activities of members of some opposition groups.

#### c. Freedom of Religion

The constitution provides for freedom of religion and the freedom to practice all religious rites, provided that the public order is not disturbed. The government generally respected these rights; however, there were some restrictions.

Formal recognition by the government is a legal requirement for religious groups to conduct most religious activities. The group must ensure the number of its adherents is sufficient to maintain its continuity.

Alternatively, religious groups may apply for recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters. Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. Although the government did not recognize officially some Baha'i, Buddhist, Hindu, and Protestant Christian groups, they were allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country were not recognized under the law.

Protestant evangelical churches are required to register with the Evangelical Synod, which represents those churches to the government. Representatives of some churches complained that the Synod has refused to accept new members since 1975, thereby preventing their clergy from ministering to adherents in accordance with their beliefs. The Pentecostal Church applied for recognition from the Evangelical Sect, but the leadership of the Evangelical Sect, in contravention of the law, refused to register new groups. The Pentecostal Church pursued recourse through the MOI; however, at year's end it had not been registered.

Although the law stipulates that anyone who "blasphemes God publicly" may face imprisonment for up to one year, no prosecutions were reported under this law during the year.

The unwritten "National Pact" of 1943 stipulates that the president, the prime minister, and the speaker of parliament be a Maronite Christian, a Sunni Muslim, and a Shia Muslim, respectively. The 1989 Taif Accord, which ended the country's 15-year civil war, reaffirmed this arrangement but also codified increased Muslim representation in parliament and reduced the power of the Maronite president.

Religious affiliation is encoded on national identity cards and indicated on civil status registry documents but not on passports, and the government complied with requests of citizens to change their civil records to reflect their new religious status.

The law provides that only religious authorities may perform marriages; however, civil marriage ceremonies performed outside the country were recognized by the government.

There were no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment strongly discouraged such activity.

#### Societal Abuses and Discrimination

Societal harassment and discrimination based on religion occurred, and the government failed to prevent or punish such actions. There were approximately 100 Jews in the country and 6,000 registered Jewish voters who lived abroad but could vote in parliamentary elections.

During the year Hizballah directed strong rhetoric against Israel and the Jewish population, and it cooperated in the publishing and distribution of anti-Semitic literature. Lebanese media outlets such as Al-Manar TV, which is controlled and operated by Hizballah, as well as independent newspapers, such as Al-Nahar and Al-Mustaqbal, continued to publish anti-Semitic material and drew no government response.

On April 16, representatives from the Israeli Communal Council, the legally registered Jewish organization, reported acts of vandalism and theft committed against a Jewish-owned cemetery in downtown Beirut where Hizballah flags had been raised.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf](http://www.state.gov/g/drl/irf).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights for Lebanese citizens but placed limitations on the rights of Palestinian refugees.

The government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature. Security forces were unable to enforce the law in the predominantly Hizballah Beirut southern suburbs and did not typically enter the Palestinian refugee camps.

The law prohibits direct travel to Israel. After the cancellation in 2005 of mandatory military service, there was no limitation on the travel of young men.

The law prohibits forced exile, and it was not used.

#### Internally Displaced Persons (IDPs)

According to international humanitarian organizations, a significant number of persons remained displaced from the 1975-90 civil war and the July 2006 war. Estimates from the Ministry of Displaced and the World Bank of persons displaced by the civil war range from 500,000 to 800,000, with an estimated 20-25 percent having returned home.

During the year there were no substantiated reports that the government deliberately attacked IDPs or made efforts to obstruct access of international humanitarian organizations from assisting IDPs in returning to their residence. Similarly, there were no reports that the government forcibly resettled IDPs.

The government continued to encourage IDPs displaced during the 1975-90 civil war to return, reclaim their property, and rebuild their homes. Despite this encouragement, many have not attempted to reclaim and rebuild their property due to the hazardous social and economic situation in some areas.

The second primary category of IDPs is those individuals displaced during the July 2006 conflict between Israel and Hizballah. The government encouraged the hundreds of thousands of internally displaced persons to return to their homes. According to the Internal Displacement Monitoring Center, at the height of the conflict, up to one million persons fled their homes; approximately 735,000 were internally displaced, while some 230,000 fled to neighboring countries. According to the government's Higher Relief Council, more than 700,000 displaced persons and refugees returned to their homes. While the Office of the UN High Commissioner for Refugees (UNHCR) believed there was no official and reliable figure, according to its data on the number of houses completely destroyed and damaged, the UNHCR reported that 40,000-70,000 persons remained displaced at year's end.

During the 2006 conflict, the government opened public schools to provide shelter for the individuals displaced from the south.

#### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol, but the government has mechanisms to provide assistance. The government cooperated with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. According to the UNHCR, the main theoretical protection against the refoulement of refugees was Article 3 of the CAT, to which Lebanon is a party. A number of judges have ruled that Article 3 was applicable to refugees, thus stopping their deportation or expulsion. However, this has not been systematic. Similarly, the SG has in most cases not implemented deportation orders against refugees, but there have been exceptional cases where Article 3 of the CAT was violated. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. According to the UNHCR, the government has not officially provided temporary protection to refugees. However, in practice there has been a policy of tolerance that permitted many undocumented refugees not to be arrested or detained. This has been the case for the estimated 50,000 Iraqis.

A 2003 agreement between the SG and the UNHCR recognizes and grants protection to non-Palestinian refugees, providing temporary relief for those seeking determination of refugee status. Those wishing to claim refugee status must do so within two months of arriving in the country. The SG issues residence permits, valid for three months, during which time the UNHCR must make a refugee status determination. The SG extended residency permits for up to 12 months for those accorded refugee status by the UNHCR. The government granted admission and temporary (six months) refuge to asylum seekers but not permanent asylum. The SG sometimes arbitrarily detained asylum seekers at its detention facility for more than a year before deporting them.

UNRWA has the sole mandate to provide health, education, social services, and emergency assistance to Palestinian refugees residing in the country as well as in the West Bank, Gaza, Syria, and Jordan. As of September 30, there were approximately 419,285 UNRWA-registered Palestinian refugees living in or near 12 camps throughout the country. The vast majority of Palestinian refugees were those displaced during the Arab-Israeli war of 1948 and their descendents. Additional Palestinians arrived in 1967 after the Six-Day War and in the 1970s after many were expelled from Jordan.

Palestinian refugees residing in the country were not able to obtain Lebanese citizenship and were not citizens of any other country. However, Palestinian refugee women married to Lebanese men were able to obtain citizenship and transmit Lebanese citizenship to their children. Palestinian refugees have limited social and civil rights, restricted access to governmental public health and education, and no access to public social services. The majority rely entirely on UNRWA for education, health, relief, and social services. Lebanon is the only country in which UNRWA operates secondary schools to address restricted access to public schools and the high costs of private schools. Palestinian refugees in the country have the worst socioeconomic situation in all of UNRWA's five fields of operations resulting in the highest percentage of Special Hardship Cases (SHCs). SHCs receive direct humanitarian support from UNRWA, including food aid, cash assistance, and shelter rehabilitation. There were approximately 50,144 registered SHCs during the year, which totaled 12 percent of the registered Palestinian refugee population in the country, in comparison with 9 percent in Gaza and 3 percent in Jordan.

According to a credible international human rights group, Palestinian refugees faced severe restrictions in their access to work opportunities and diminished protection of their rights at work. Very few Palestinians received work permits, and those who found work usually were directed into unskilled occupations. Some Palestinian refugees worked in the informal sector, particularly in agriculture and construction. Palestinian incomes continued to decline. In 2005 the minister of labor issued a memorandum authorizing Palestinian nationals born in the country and duly registered with the MOI to work in 50 (out of 72) professions banned to foreigners. However, there were no indications that this memorandum was implemented consistently.

Property laws do not explicitly target Palestinian refugees but bar those who are not bearers of nationality of a recognized state from owning land and property. Under this law Palestinians may not purchase property, and those who owned property prior to the 2001 issuance of this law are prohibited from passing it on to their children. The parliament justified these restrictions on the grounds that it was protecting the right of Palestinian refugees to return to the homes they fled after the creation of the state of Israel in 1948. All other foreigners may own a limited-size plot of land, but only after obtaining the approval of five different district offices.

The amount of land allocated to official refugee camps in the country has only marginally changed since 1948, despite a fourfold increase in the registered refugee population. Two refugee camps previously destroyed in the civil war were never reconstructed. Consequently, most Palestinian refugees lived in overpopulated camps that suffered repeated heavy damage as a result of fighting during the 1975-90 civil war, the 1980s Israeli invasion of the country, continuing camp feuds, the July-August 2006 conflict between Israel and Hizballah, and the May-September 2007 Nahr al-Barid conflict. The government generally prohibited the construction of permanent structures in the camps on the grounds that such construction encouraged refugee settlement in the country. Refugees frequently feared that the government might reduce the size of the camps or eliminate them completely.

Over the last three years, the government, in coordination with UNRWA, took concrete steps to improve relations between Palestinian refugees and the Lebanese community and address the housing conditions in the camps. In October 2005 Prime Minister Siniora supported the launch of UNRWA's multiyear Early Recovery Plan and Camp Improvement Initiative to support new infrastructure development projects, by improving housing and upgrading sewage, water, and electricity systems in the camps.

According to the Internal Displacement Monitoring Center, 16,000 Palestinian refugees were displaced at the height of the July 2006 conflict.

As a result of the May-September 2007 Nahr al-Barid conflict, an estimated 35,000 Palestinian refugees were displaced. The majority sought shelter with host families in the neighboring Beddawi camp in northern Lebanon, while several hundred families sought shelter in UNRWA as well as government-run schools throughout the north of the country. In October 2007 refugees began returning to the "new camp" along the periphery of Nahr al-Barid. In September UNRWA estimated that approximately 2,400 families had returned to the "new camp." UNRWA estimated that there were approximately 5,300 families in the camp before the Nahr al-Barid conflict.

During and after the fighting in Nahr al-Barid in September 2007, the government provided emergency relief, with assistance from UNRWA, the international donor community, and relief nongovernmental organizations (NGOs), to Palestinian refugees who had fled Nahr al-Barid. UNRWA, in coordination with the government, provided temporary housing in schools in nearby Beddawi camp and started efforts to begin removing the rubble in preparation for new camp

housing to be built. Most humanitarian assistance to refugees was provided through UNRWA's 2007 and 2008 Emergency Relief Appeal. At year's end small numbers of refugees had returned to areas adjacent to the camp; however, a full return was expected to take three years or longer. Among the most pressing concerns was ensuring temporary accommodation and emergency food assistance for refugee families, as well as addressing the loss of employment. Displaced communities raised concerns about their security and freedom of movement, as security measures tightened in response to sporadic clashes in northern Lebanon. In June UNRWA, the government, and the World Bank launched a comprehensive three-year plan to rebuild Nahr al-Barid camp and surrounding communities.

Children of Palestinian refugees faced discrimination in birth registration and access to adequate housing, social security, and education. The government did not provide health services or education to Palestinian refugees, who relied on UNRWA for these services. Many Palestinian children reportedly had to leave school at an early age to help earn income. Poverty, drug addiction, prostitution, and crime reportedly prevailed in the camps, although reliable statistics were not available.

At year's end the MOI had not rendered a decision on the legal status of approximately 4,000 persons who stood to lose Lebanese citizenship due to the State Consultative Council's 2003 decision to invalidate the 1994 naturalization decree, which naturalized several thousand Palestinians.

The government issued travel documents to Palestinian refugees to enable them to travel and work abroad. The government did not issue visitors visas to Jordanian nationals who were born in the country and were of Palestinian origin.

After Palestinians, the next largest group of refugees in the country was Iraqis, of which there were more than 10,407 registered with the UNHCR at year's end; however, this number did not include a substantial number of Iraqi refugees who entered the country illegally in search of jobs, education, and security. According to the UNHCR, an estimated 50,000 Iraqis were living in the country. During the year the government provided very limited services for Iraqi refugees and had no process for regularizing their status. Due to government inaction and Lebanon's not being a party to the 1951 Refugee Convention or the 1967 Protocol Relating to the Status of Refugees, there remained no temporary protection regime for Iraqi asylum seekers, as advocated by the UNHCR, and the government regularly deported Iraqis who may have had valid persecution claims. According to a December 2007 HRW report, authorities during the year arrested Iraqi refugees without valid visas and detained them indefinitely to coerce them to return to Iraq. According to the SG, there were 16 detained Iraqis in the country at year's end. During the year the SG deported 183 Iraqis to Iraq for illegal immigration into Lebanon. From February 18 until June 18, the SG granted a grace period for illegal immigrants, including Iraqis, to regularize their status and allowed Iraqi detainees an additional three months to arrange for new sponsors in Lebanon if they did not wish to return to Iraq.

#### Stateless Persons

There were approximately 3,000 Palestinian refugees who were registered neither with UNRWA nor with authorities. Also known as undocumented, or non-ID Palestinians, most moved to the country after the Palestinian Liberation Organization's (PLO) expulsion from Jordan in 1971 and faced increased protection issues after the PLO leadership departed Lebanon in 1982. Non-ID Palestinians were not eligible for assistance from UNRWA, faced restrictions on their movements, and lacked access to fundamental rights under the law. The vast majority of non-ID Palestinians were males, and UNRWA refugee and Lebanese women were unable to transmit their citizenship or refugee status to their husbands. In January the government and Palestinian leaders struck a quiet agreement that would grant a new legal status to non-ID Palestinians. The Lebanese Palestinian Dialogue Committee (LPDC) was working with UNRWA to implement the government's new policy by facilitating the issuance of identification cards to non-ID Palestinians.

There were thousands of Kurds who lived without citizenship despite decades of family presence in the country. Most were descendents of migrants and refugees who left Turkey and Syria during World War I but were denied the right to citizenship in order to preserve the country's fragile sectarian balance. The government issued a naturalization decree in June 1994, but high costs and other obstacles prevented many from acquiring official status. Approximately 75,000 Kurds resided in the country. At year's end an estimated 1,000 to 1,500 Kurds in the country lacked official status or held an "ID under consideration," which states no date and place of birth.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government in periodic, free, and fair elections; however, lack of control over parts of the country, defects in the electoral process, and corruption in public office significantly restricted this right.

#### Elections and Political Participation

The law provides that elections for the parliament must be held every four years and that the parliament elects the president every six years. The president and the parliament nominate the prime minister, who, with the president, chooses the cabinet. According to the unwritten National Pact of 1943, the president must be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of parliament a Shia Muslim.

In 2004, amid evidence of heavy Syrian manipulation and coercion, parliament voted for a constitutional amendment extending the term of President Emile Lahoud to November 2007. Many citizens considered this amendment to violate the constitution. In September 2007 parliament was scheduled to meet to begin the process of choosing President Emile Lahoud's successor; however, because two-thirds of the members were not present, the speaker cancelled the session. In November 2007 President Lahoud stepped down at the end of his term and, as stipulated in the constitution, the powers of the presidency were transferred to the cabinet, led by Prime Minister Fouad Siniora, until the election of a new president. The speaker rescheduled the session 19 times due to internal political deadlock before President Michel Sleiman was elected on May 25.

In August 2007 parliamentary by-elections in Metn and Beirut were held to replace two seats vacated by the assassinations of MPs Pierre Gemayel and Walid Eido. The Lebanese Association for Democratic Elections monitored the elections and reported a few incidents of voter fraud, including instances in which voters used fake identity cards or national identity cards instead of the voter identity cards.

On September 29, parliament approved a new electoral law as part of the Doha agreement. The law established an independent election commission, abolished the voter card, and provided for one-day elections and regulation of campaign finance and media. Out-of-country voting provisions were also approved for the 2013 parliamentary elections.

Political parties could organize, seek votes, and publicize their views without government restriction. The political system is based on confessional lines, and parliamentary seats are allotted on a sectarian basis.

There were four major and numerous smaller political parties. The largest party in the parliamentary majority was the Future Movement, led by Saad Hariri. Its membership was predominantly Sunni, but Hariri's parliamentary bloc included a number of members from other sects. The Progressive Socialist Party, led by Walid Jumblatt, predominantly represented Druze interests and allied itself with the Future Movement. The Free Patriotic Movement, led by Michel Aoun, represented a significant portion of the Christian community. The party's leadership decided to remain outside the cabinet. Two smaller Christian parties were the Lebanese Forces, led by Samir Geagea, and the Phalange party, led by former president Amine Gemayel. The largest party representing the Shia community was Hizballah, a designated terrorist organization, led by Hassan Nasrallah. A smaller Shia party, Amal, was led by Speaker of Parliament Nabih Berri. While a number of smaller parties existed or were in the process of forming, the larger, sectarian-based parties maintained the greatest influence in the country's political system.

There were significant cultural barriers to women's participation in politics. Prior to 2005 no woman held a cabinet position; however, at year's end there was one woman who was selected as a member of the national unity cabinet formed on July 11.

Minorities were able to participate in politics to some extent. Regardless of the number of adherents, every recognized religion was given at least one seat in parliament. There were four parliamentarians representing minorities (one Evangelical, one Syrian Orthodox, and two Alawites.) Additionally, these minority groups held high positions in the Ministry of Foreign Affairs and the LAF. Palestinian refugees, however, had no political rights. An estimated 17 Palestinian factions operated in the country and were generally organized around prominent individuals. Most Palestinians lived in refugee camps controlled by one or more factions. Refugee leaders were not elected, but there were popular committees that met regularly with UNRWA and visitors.

#### Government Corruption and Transparency

The government provides criminal penalties for official corruption, but they were seldom enforced, and government corruption was a serious problem. Public officials were required by law to disclose their financial assets to the Constitutional Council; however, the information was not open to the public. The Court of Accounts, the Central Inspection Department, and the Disciplinary Board were charged with fighting corruption.

There are no laws regarding public access to government documents, and the government did not respond to requests for documents.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, the National Association for the Rights of the Disabled, the ICRC, and AI, generally operated freely without overt government restriction and investigated and published their findings.

Government officials generally were cooperative with NGOs; however, following the 2007 Nahr al-Barid conflict, the government obstructed the visit of several international and domestic NGOs, including HRW, ALEF, the Palestinian Human Rights Organization (PHRO), and the Palestinian Foundation for Human Rights (Shahed), to the refugee camp to monitor the conditions of the return of IDPs. During the year the government continued to deny ALEF the right to enter the camp and allegedly threatened the organization not to push its request any further.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations such as the ICRC. On May 27, the ICRC released its 2007 annual report on Lebanon. In February 2007, the government signed an agreement granting the ICRC access to all detainees in the country and visits began in March 2007.

In conjunction with the UN Development Programme and the UN Office of the High Commissioner for Human Rights, the Human Rights Parliamentary Committee concluded during the year the first phase of its Human Rights National Action Plan by publishing 22 of the planned 24 background papers on various human rights topics. The thrust of the endeavor was the development of a roadmap that guides the ministries to amend the law where necessary and implement measures, such as improving prison conditions, needed to protect and ensure specific human rights.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equality among all citizens; however, in practice, some aspects of the law and traditional beliefs discriminated against women. Although the law reserves a percentage of private sector and government jobs to persons with disabilities, few accommodations were made for them. Discrimination based on race, language, or social status is illegal; however, foreign domestic servants often were mistreated, sometimes suffered physical abuse, had pay withheld or unfairly reduced, or were forced to remain locked within their employer's home for the duration of their contracts.

##### Women

The law prohibits rape and the government effectively enforced it. The minimum prison sentence for a person convicted of rape is five years, or seven years for raping a minor. Spousal rape was not criminalized. According to local NGO KAFA (Enough) Violence and Exploitation, 80 percent of domestic violence victims were exposed to spousal rape. Even though there were no official statistics on the number of abusers that were prosecuted, prosecution was rare according to KAFA.

The law does not specifically prohibit domestic violence, which, including spousal abuse, was a problem; however, there were no authoritative statistics on its extent. Despite a law prohibiting battery with a maximum sentence of three years in prison for those convicted, some religious courts legally may require a battered wife to return to her home in spite of physical abuse. Women were sometimes compelled to remain in abusive marriages because of economic, social, and family pressures.

The government provided legal assistance to domestic violence victims who could not afford it; however, in most cases police ignored complaints submitted by battered or abused women. A local NGO, the Lebanese Council to Resist Violence against Women (LCRVAW), worked actively to reduce violence against women by offering counseling and legal aid and raising awareness about domestic violence. From January to August, the LCRVAW received 51 cases, excluding consultations it received on its hot line. From January to October, KAFA received 133 cases.

Foreign domestic servants, usually women, often were mistreated, abused, and in some cases raped or placed in slavery-like conditions. Asian and African female workers had no practical legal recourse available to them because of their low status and isolation and because labor laws did not protect them. Because of the prevalence of such abuse, the government prohibited foreign women from working if they were from countries that did not have diplomatic representation in the country.

The legal system was discriminatory in its handling of honor crimes. According to the penal code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. For example, while the penal code stipulates that murder is punishable by either a life sentence or the death penalty, if a defendant can prove it was an honor crime, the sentence is commuted to seven years' imprisonment at most. According to a March 7 Agence France Presse article, although honor crimes were not widespread in the country, every year a number of women were killed by male relatives under the pretext of defending family honor. Several honor crimes that resulted in convictions were reported in the media.

Although the law on prostitution requires that brothels be licensed, including regular testing for disease, government policy was not to issue new licenses for brothels in an attempt gradually to eliminate legal prostitution in the country. Therefore, most prostitution was unlicensed and illegal. Some prostitutes were Eastern European and Russian women that entered the country for sexual exploitation. Women working in adult clubs were closely monitored by the SG. Their residency permits did not exceed six months, and they were deported if they were caught overstaying their permits. Most of the women entered the country knowing that they would be working in adult clubs.

The law prohibits sexual harassment; however, it was a widespread problem, and the law was not effectively enforced. Social pressure against women pursuing careers was strong in some parts of society. Men sometimes exercised considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives.

Women suffered discrimination under the law and in practice. Women may own property but often ceded control of it to male relatives for cultural reasons and

because of family pressure. The law provides for equal pay for equal work for men and women, but in the private sector there was some discrimination regarding the provision of benefits.

Many family and personal status laws discriminated against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. Immigration law discriminates against women, who may not confer citizenship on their spouses and children, except for widows, who may confer citizenship on their minor children.

#### Children

There is legislation to make the country compliant with the UN Convention on the Rights of the Child, to which it has acceded. In order to follow up on the country's commitment to children's rights, the government established in 1994 the Higher Council for Childhood (HCC) under the Ministry of Social Affairs. At year's end the HCC was working on a National Children Action Plan in conjunction with the appropriate parliamentary committees.

The government did not register the births of children born in the country to Palestinian refugees or non-ID Palestinian parents, resulting in the denial of citizenship and restricted access to public services, including school and health care. In addition children of Lebanese mothers and Palestinian fathers were not granted citizenship. Palestinian refugee and non-ID children were restricted from attending public secondary schools because they lacked the identity documents required to sit for the intermediate schooling exam. However, according to the Secretary General of the HCC, although Palestinian refugee births were not officially registered, the SG had birth figures adding that some Palestinian refugees did attend public schools.

Other refugees that were in a similar situation to Palestinians included Iraqi, Sudanese, and Somali refugees.

According to an October 15 report by the Integrated Regional Information Networks (IRIN), children born in the country of migrant domestic workers had no official identity. For Sri Lankans, Filipinos, and West Africans, the law allows for a child who is already registered in a Lebanese school to have residency. Many children of domestic workers faced marginalization and racism because of their parents' social status; however, according to the NGO Caritas, marginalization and racism were not perceived to exist in schools. No accurate statistics on the number of children of domestic workers born in the country existed at year's end, although according to a Caritas estimate conducted in September, there were approximately 150 children of domestic workers born in the country.

In some families with limited incomes, boys received more education than girls.

#### Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and it remained a problem.

The country was a destination for eastern European, Russian, and Syrian women who were contracted as dancers in adult clubs and sexually exploited. Most of these women engaged in voluntary illegal prostitution, but some reported facing intimidation or coercion and having their movements restricted, while others were at risk as targets of abuse.

The country also was a destination for women from Africa and Asia, usually contracted as household workers. Some of these workers found themselves in situations of involuntary servitude under conditions such as restrictions on movement, withholding of passports, nonpayment of wages, threats, and physical or sexual assault with little practical legal recourse.

A high percentage of traffickers were employers and employment agencies.

Many women became illegal workers because their employers did not renew their work and residency permits or because they ran away from their employer. These women were subject to detention, rendering them vulnerable to trafficking when abusive sponsors used the women's illegal immigration status to intimidate them and coerce them into labor. Unscrupulous employers sometimes falsely accused the employee of theft to relinquish contractual responsibility for the employee as well as the taxes and a return airline ticket.

Employers often restricted foreign employees' movement and withheld passports.

The penal code stipulates that abduction be punished by hard labor and that abductors who engage in sexual exploitation be sentenced to at least one year in prison. According to the MOJ, there were no prosecutions or convictions during the year. NGOs and foreign embassies reported that many victims of exploitation and abuse preferred quick administrative proceedings, which resulted in monetary settlements and repatriations, instead of often lengthy and difficult legal proceedings. Court cases were often dropped before prosecution was completed. In March/April, SG investigators received training on investigative techniques. A small number of exploited foreign workers won cases against their employers, but nonjudicial action resolved the majority of these cases. As a result workers frequently were repatriated without further judicial action. A few cases were referred to the judiciary for further action, although the government took minimal steps to prosecute traffickers.

The SG, which falls under the MOI, the MOJ, and the Ministry of Labor (MOL), are all responsible for combating trafficking in the country. The MOL regulates local employment agencies that place migrant workers with sponsors. During the year the MOL closed two employment agencies for a specified period and warned a number of others for noncompliance with MOL regulations.

The government did not provide trafficking victims with relief from deportation, with shelter, or with legal, medical, or psychological services; however, the SG worked with Caritas Lebanon to provide some of these functions. The SG allowed Caritas social workers unrestricted access to its retention center for foreign persons where they provided detainees with counseling, assistance, and legal protection. The SG also continued to refer potential victims to Caritas. The SG sometimes granted victims permission to stay up to two months to assist in the investigation of their cases and the prosecution of their abusers. Once victims were identified as such, they were transferred to a safe house and Caritas was allowed to assist them.

The SG allows migrant workers who do not wish to be repatriated to their home country to legally change their sponsor with a "release paper" from the original employer. A court may order an abusive employer to provide such a release paper as part of a decision, or this may be part of a negotiated out-of-court settlement.

Two types of booklets explaining regulations governing migrant workers, including descriptions of their rights and responsibilities, were available upon request, or distributed as needed.

#### Persons with Disabilities

Although prohibited by law, discrimination against persons with disabilities continued. The Civil Service Board, which is in charge of recruiting government employees, continued to refuse applications from persons with disabilities. The law mandates access to buildings by disabled persons; however, the government failed to amend building codes. Approximately 100,000 persons were disabled during the 1975-90 civil war. Families generally cared for their own family members with disabilities. Most efforts to assist persons with disabilities were made by approximately 100 relatively active but poorly funded private organizations.

Many persons with mental disabilities were cared for in private institutions, several of which were subsidized by the government.

The law stipulates that at least 3 percent of all government and private sector positions be filled by persons with disabilities, provided that such persons fulfill the qualifications for the position. However, there was no evidence that the law was enforced in practice.

The Ministry of Social Affairs and the National Council of Disabled are responsible for protecting the rights of persons with disabilities. According to the president of the Arab Organization of Disabled People, little progress has been made since the law was passed, and progress was further hindered by the 18-month political deadlock.

#### National/Racial/Ethnic Minorities

There were reports that Syrian workers, usually employed in manual labor occupations, continued to suffer discrimination following the 2005 withdrawal of Syrian forces. Many Syrian laborers also reportedly left Lebanon out of fear of harassment. No further data was collected on this situation during the year, and the true extent of the problem was unknown.

#### Other Societal Abuses and Discrimination

Discrimination against homosexuals persisted during the year. The law prohibits what is termed unnatural sexual intercourse, which is punishable by up to one year in prison. The law was sometimes applied to homosexuals.

There are no discriminatory laws against persons with HIV/AIDS.

#### Section 6 Worker Rights

##### a. The Right of Association

The law provides that all workers, except government employees, may establish and join unions with government approval, and workers exercised this right in practice. The MOL must approve formation of any union. The MOL controlled all trade union elections, including election dates, procedures, and ratification of results. The law permitted the administrative dissolution of trade unions and forbade them to engage in political activity.

The GLC estimated that there were approximately 900,000 workers in the active labor force. Approximately 5 to 7 percent of workers were members of some 450 to 500 labor unions and associations, half of which were believed to be inactive.

The law provides that unions conduct activities free from interference; however, the MOL at times interfered in union elections and registered unions not considered representative. Unions also have the right to demonstrate; however, advanced notice and approval by the MOI are required.

Most unions belonged to federations.

There were 47 federations that were voting members of the GCL, five of which were considered illegal by the judiciary in 2007. Many others were reportedly unrepresentative and created by political interest groups to offset the votes of the 13 established labor confederations that represent workers. The GCL remained the only organization recognized by the government as an interlocutor that represented workers. However, approximately 13 federations no longer participated in GCL meetings and created the so-called salvation committee of the GCL, but they have not declared an official breakaway.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participated actively in trade unions. Palestinian refugees are legally barred from entering certain unionized professions such as engineering, law, and medicine.

##### b. The Right to Organize and Bargain Collectively

The right of workers to organize and to bargain collectively exists in law and practice, and the government supported this right. Most worker groups engaged in some form of collective bargaining with their employers. No government mechanisms promoted voluntary labor-management negotiations. The law protected workers against antiunion discrimination, although common practice among private employers suggested otherwise.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The law does not specifically prohibit forced or compulsory labor, including by children; however, articles within the law prohibit behavior that constitutes forced or compulsory labor. Nevertheless, children, foreign domestic workers, and other foreign workers sometimes were forced to remain in situations amounting to coerced or bonded labor. Women from Asia, Africa, Eastern Europe, and Russia were trafficked and forced to provide sexual or domestic services.

Recruitment agencies and employers were required to have signed employment contracts with the foreign worker. According to NGOs assisting migrant workers, however, these agreements were often undermined by second contracts signed in the source countries that stipulated lower salaries. Employers and agencies used these changes to pay the migrant a lower salary. Anecdotal evidence suggested that some employers did not pay their workers on a regular basis and some withheld the salary for the duration of the contract, which was usually two years.

Government regulations also prohibited employment agencies from withholding foreign workers' passports for any reason. However, in practice employment agencies and household employers often withheld maids' passports.

##### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace, but the government sometimes did not effectively enforce these laws. According to 2005 UNICEF statistics, 7 percent of children ages five to 14 were involved in child labor. The International Labor Organization estimated there to be 100,000 child workers during the year. Out of these, 25,000 were thought to be in the tobacco industry, and a large percentage worked in informal sectors of the economy, including construction, agriculture, and fisheries. Street children worked selling goods, polishing shoes, and washing car windows. Children also were engaged in various forms of child labor, including commercial sexual exploitation and working under hazardous conditions in several sectors, such as metal works, construction, automobile repair, welding, and seasonal agriculture.

The minimum age for child employment is 14 years. The law prohibits the employment of juveniles, defined as children between 14 and 18 years of age, before they undergo a medical exam to ensure their fitness for the job for which they are hired. The labor code prohibits employment of juveniles under the age of 18 for more than six hours per day and requires one hour of rest if work is more than four hours. Juveniles under the age of 17 are prohibited from working in jobs that jeopardize their health, safety, or morals, as well as working between the hours of 7:00 p.m. and 7:00 a.m. The law also prohibits the employment of juveniles under 16 in industrial jobs or jobs that are physically demanding or harmful to their health.

During the year there were reports of children trafficked within the country for the purpose of commercial sexual exploitation and labor in the metal works, construction, and agriculture sectors. Street children were particularly vulnerable. There were no official statistics on children being used for drug trafficking during the year.

The MOL's enforcement of these requirements slightly improved, as it worked to train its inspectors and recruit new ones. The MOL also worked to amend the

law to include a list of the most hazardous forms of child labor. The Higher Council of Childhood provided education to families and children to help prevent child abuse.

e. Acceptable Conditions of Work

On September 9, the government approved an increase in the legal minimum wage from 300,000 pounds (\$200) to 500,000 pounds (\$330) per month, the first increase since 1996; however, despite the increase, it was difficult to provide a decent standard of living for a worker and family with the minimum wage.

The law prescribes a standard 48-hour workweek with a 24-hour rest period per week. In practice workers in the industrial sector worked an average of 35 hours per week, and workers in other sectors worked an average of 30 hours per week. The law stipulates that 48 hours is the maximum duration of work per week in most corporations except agricultural entities. A 12-hour day is permitted under certain conditions, including a stipulation that the overtime provided is 50 percent higher than the rate of normal hours. The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The MOL was responsible for enforcing these regulations but did so unevenly. Labor organizers reported that workers did not have the right to remove themselves from hazardous conditions without jeopardizing their employment.

Some private sector firms failed to provide employees with family and transport allowances as stipulated under the law and to register them at the National Social Security Fund (NSSF). Employers sometimes registered their employees declaring lower salaries, in order to decrease their contribution to the NSSF and end-of-service pay to the employee himself. Some companies also did not respect occupational health and safety regulations stipulated by the law. Workers are permitted to complain about violations to the GCL, an umbrella organization for trade unions, the MOL and the NSSF. In most cases, however, they preferred to remain silent for fear of arbitrary dismissal.

The law does not protect foreign domestic workers. Foreign domestic workers, mostly of Asian and African origin, were mistreated, abused, raped, or placed in situations of coerced labor or slavery-like conditions. Domestic workers often worked 18 hours per day and in many cases did not receive vacations or holidays. There was no minimum wage for domestic workers. Official contracts stipulate a wage ranging from 150,000 to 450,000 pounds (\$100 to \$300) per month, depending on the nationality of the worker. Victims of trafficking or abusive labor may file civil suits or seek legal action, but most victims, often counseled by their embassies or consulates, settled for an administrative solution, which usually included monetary compensation and repatriation. The government did not release information on legal actions filed, but NGOs indicated that fewer than 10 legal actions were undertaken during the year.

On August 26, HRW reported that 95 domestic workers had committed suicide or fallen from tall buildings since January 2007 in efforts to escape forced confinement, excessive work demands, employer abuse, and financial pressures. The SG, Caritas, and employment agencies responded that HRW published an exaggerated number.

During the year the MOL closed two employment agencies for violations of workers' rights, including physical abuse. Perpetrators of the abuses, however, were not further prosecuted for a number of reasons, including the victims' refusal to press charges or a lack of evidence. An unknown number of other cases of nonpayment of wages were settled through negotiation. According to source country embassies and consulates, many workers did not report violations of their labor contracts until after returning to their home countries.

An employer accused of attempted murder was arrested in Beirut in September 2007 but released after a week. He was arrested again two days later when the district judge issued an arrest warrant. He was released again when the victim withdrew her complaint after the offender paid her 9,756,500 pounds (\$6,500) in compensation for damages. In another case two Nigerian male migrant workers were the victims of fraud. The trafficker who brought them in was arrested in June 2007, and the Nigerian men were given the chance to stay in the country pursuant to an exceptional decision made by the SG. In 2006 a judge awarded an Ethiopian migrant worker financial compensation to be paid by her abusive employer, which marked the first time a domestic worker was awarded compensation for physical abuse. The employer, however, was not criminally prosecuted for physical assault.



# Lebanon

## Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 11, 2008

Lebanon, with a population of approximately 4 million, is a parliamentary republic in which the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shi'a Muslim. Parliament elected President Emile Lahoud, who is the head of state, in 1998 for a six-year term; however, in 2004 the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. President Lahoud stepped down on November 23 at the end of his term, and, as stipulated in the constitution, the powers of the presidency were transferred to the cabinet, led by Prime Minister (PM) Fouad Siniora, until the election of a new president. On September 25, parliament was scheduled to meet and begin the process of choosing a new president; however, the speaker subsequently rescheduled the session eleven times, and parliament was unable to elect a president by year's end. According to international observers, the 2005 legislative elections were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair.

The May 20 to September 2 conflict involving the Lebanese Armed Forces (LAF) and militant Islamic fundamentalist group Fatah al-Islam (FAI) erupted in Nahr al-Barid, a Palestinian refugee camp in the north of the country. The Lebanese Army took control of the camp. The death toll during the conflict was 168 LAF soldiers and an estimated 42 civilians. During the fighting, security forces forced some 30,000 Palestinians living in Nahr al-Barid to leave their homes and detained and reportedly physically abused some Palestinian men who were suspected of collaborating with FAI. Palestinian authorities retained control of the other eleven refugee camps in the country.

Despite the deployment of the LAF and the expansion of the United Nations Interim Forces (UNIFIL) in the south in August 2006, Hizballah retained significant influence over parts of the country. UN Security Council (UNSC) resolutions 1559 and 1701 call upon the government to take effective control of all Lebanese territory and disarm militia groups operating there. Due to several factors, including internal political differences and a lack of capacity in the security forces, the government did not take the necessary steps to disarm extralegal armed groups, including Hizballah.

There were limitations on the right of citizens to peacefully change their government. In a climate of impunity, there were instances of arbitrary or unlawful deprivation of life, torture, and other abuses. Security forces arbitrarily arrested and detained individuals, while poor prison conditions, lengthy pretrial detention and long delays in the court system remained serious problems. The government violated citizens' privacy rights, and there were some restrictions on freedoms of speech and press, including intimidation of journalists. Government corruption and a lack of transparency remained problems. There were limitations on freedom of movement for unregistered refugees, while widespread, systematic discrimination against Palestinian refugees continued. Domestic violence and societal discrimination against women continued. Violence against children and child labor also remained problems.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings during the year.

On June 29, Reuters reported that security forces killed three Palestinian protesters during a demonstration in Al-Baddawi refugee camp. Palestinian protesters were demanding to return to their homes in Nahr al-Barid.

During the year, the UN International Independent Investigation Commission (UNIIC), established under UNSC resolution 1595, continued its investigation into the 2005 assassination of former PM Rafiq Hariri. While preliminary reports pointed to possible linkages to Syrian intelligence services, they did not reach a firm conclusion by year's end.

Militant groups continued efforts to terrorize the public and political figures, including through a series of car bombings during the year. On June 13, a car bomb explosion killed Member of Parliament (MP) Walid Eido and his elder son Khaled, along with nine others. On September 19, a car bomb explosion killed MP Antoine Ghanem and eight others. Both MPs were part of the pro-government "March 14" coalition, and several political allies of the two MPs charged that the Syrian government was responsible for the assassinations, which Syria strongly denied. On December 12, a car bomb killed LAF Chief of Operations Brigadier General Francois el-Hajj along with his bodyguard. El-Hajj was in charge of the Nahr al-Barid operations. Investigations into the three incidents continued at year's end.

On March 12, authorities detained four suspected members of the terrorist group FAI for the February 2006 Ain Alaq twin bus bombings that reportedly killed three and injured more than 20.

On June 22, the news Web site Al-Mustaqbal reported that Judge Sa'id Mirza brought charges against Lebanese citizen Ibrahim Hasan Awadah and Syrian citizens Firas Abd al-Rahman, Mahmoud Abd al-Karim Imran, and Izzat Muhamad Tartusi for the 2005 attempted assassination of the defense minister and incoming deputy prime minister Elias Murr, which injured Murr and killed one person. The suspects allegedly remained outside of the country at year's end.

On July 5, according to the news Web site Elaph, security authorities arrested alleged FAI official Walid al-Bustani for his connections with the assassination of deputy and former industry minister Pierre Gemayal, who was assassinated in November 2006 in the Judaydat al-Matn area near Beirut. Al-Bustani remained detained at year's end.

There were no further developments in the May 2006 killings of Islamic Jihad member Mahmoud Majzoub and his brother or the September 2006 roadside bombs in Rmeileh that injured Internal Security Forces (ISF) Lieutenant Colonel Samir Shehade and killed four of his bodyguards.

During the year there were reports of killings by unknown actors. For example, on June 24, six soldiers in the Spanish contingent of UNIFIL were killed and another three were injured when two IED devices exploded near their vehicle in southern Lebanon. While no organization claimed credit for the attack, it was widely viewed as an effort by actors who oppose UNIFIL and its efforts to prevent attacks against Israel launched from southern Lebanon.

The UN Mine Action Coordination Center in southern Lebanon (UNMACC) estimated that 40 percent of Israeli cluster munitions fired during the July–August 2006 conflict failed to explode,

leaving an estimated 560,000 to 1.1 million unexploded munitions in southern Lebanon. As of December UNMACC stated that 138,750 pieces of munitions and mines had been removed and estimated that 430,000 unexploded munitions remained.

On December 4, UNMACC stated that approximately 15 square miles of land in southern Lebanon remained infested. According to the UNMACC, as of December 4, the munitions have killed 30 people and injured dozens of others since the end of the July–August 2006 conflict.

There were reports of killings of civilians during the year in connection with the conflict in the Nahr al-Barid refugee camp (see Section 1.g.).

#### b. Disappearance

On April 26, security forces found the bodies of two youths affiliated with Progressive Socialist Party leader Walid Jumblatt, a Druze Muslim allied with the government, after they went missing a few days earlier. Security forces arrested five suspects, four Lebanese and one Syrian, and charged them with planning the kidnapping. At year's end the suspects remained in detention.

In July 2006 Hizballah kidnapped two Israeli soldiers on Israeli territory, which prompted Israeli retaliation leading to the July–August 2006 conflict. Hizballah had yet to allow access or communications with the two soldiers at year's end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law does not specifically prohibit torture, and security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), reported that torture was common.

On May 11, HRW and the Lebanese Center for Human Rights (CLDH) called for an investigation into allegations of torture and ill-treatment of nine detainees whose trial before a military court began on April 21. Authorities accused the nine individuals of forming an illegal group; conspiring to commit crimes against the state with the aim of inciting sectarian strife; possession and transfer of weapons and explosive material; and planning to assassinate the leader of Hizballah, Hassan Nasrallah. HRW and CLDH interviewed seven of the nine detainees and monitored their trial on April 21. Four detainees alleged that interrogators tortured them during their detention at the Ministry of Defense in order to force confessions, while other detainees say they were ill-treated and intimidated. According to HRW and CLDH, the remaining five detainees reported that interrogators blindfolded and frequently punched them during questioning. Three of the nine detainees were released on bail. The trial was ongoing at year's end.

On May 13, the Lebanese daily *Al-Diyar* reported that the Information Section of the ISF called Muhammad Abd-al-Amir Salhab in for questioning following the 2005 assassination of former PM Rafiq Hariri. According to *Al-Diyar*, security forces detained Salhab for three days, during which he "was subjected to all types of torture." Salhab was in France seeking political asylum at year's end.

In October 2006 the nongovernmental human rights organization Support of Lebanese in Arbitrary Detention (SOLIDA) issued a report documenting the various types of torture allegedly practiced at the Ministry of Defense between 1992 and 2005. Torture methods included physical abuse, sleep deprivation, and prolonged isolation. On April 26, the army released a statement dismissing news reports that detainees suspected of belonging to armed groups were subjected to torture during interrogation. According to the *Daily Star*, the statement denied that any detainees had undergone "any sort of physical or psychological torment in order to force them to give false testimonies."

However, the government acknowledged that violent abuse of detainees sometimes occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress.

For example, the press reported that on June 20, security forces arrested five dual Australian-Lebanese citizens, Hussein Elomar, Omar al-Hadba, Ibrahim Sabbough, Ahmed Elomar, and Mohammed Bassel, during a raid on al-Hadba's workshop in Tripoli. Security forces arrested al-Hadba on suspicion of supplying weapons to FAI. Security forces reportedly broke Elomar's jaw in detention and forced his nephew, Ahmed Elomar, to stand for long periods of time and beat him severely if he tried to rest. Ahmed's injuries included damage to his knee. Police dropped charges against Ahmed Elomar and Mohammed Bassel. The other individuals remained in custody at year's end.

Abuses also occurred in areas outside the government's control, including in Palestinian refugee camps. During the year there were reports that members of the various Palestinian groups that controlled specific camps detained their rivals during clashes over territorial control of the camps.

#### Prison and Detention Center Conditions

Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats existed. For example, physical and mental stress caused by cramped conditions was especially noteworthy in the Yarze prison in southeast Beirut. The government did not consider prison reform a high priority. The number of inmates was estimated to be 5,870, including pretrial detainees and remand prisoners. The government made a modest effort to rehabilitate some inmates through education and training programs.

While there were no government reports on juveniles held in the same prison facilities as adults during the year, it could not be confirmed that the situation did not occasionally happen due to limited prison facilities. Despite some effort to keep pretrial detainees

separate from convicted prisoners, overcrowding often prevented such separation. Due to the limited space, prisoners convicted of terrorist crimes were placed in the same prison facilities but on a separate floor.

The police institution in charge of border posts and internal security, the Surete Generale (SG), operated a detention facility for detainees pending deportation. According to SG, detention is to be for one to two months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year before being eventually deported.

The government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). On February 20, ICRC and judicial and security authorities signed a protocol enabling ICRC to visit all prisons in the country in accordance with decree 8800.

#### d. Arbitrary Arrest or Detention

Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the government arbitrarily arrested and detained persons.

##### Role of the Police and Security Apparatus

The security forces consist of the LAF under the Ministry of Defense, which may arrest and detain suspects on national security grounds; the ISF under the Ministry of the Interior (MOI), which enforces laws, conducts searches and arrests, and refers cases to the judiciary; the State Security Apparatus, which reports to the prime minister; and the SG under the MOI. Both the State Security Apparatus and the SG collect information on groups deemed a possible threat to state security.

Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, a lack of strong enforcement limited their effectiveness. The government acknowledged the need to reform law enforcement, but the lack of political stability and security hampered these efforts. The ISF maintained a hotline for complaints.

##### Arrest and Detention

Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion. According to ISF statistics, out of the 5,870 persons held in prison, 3,669 had not been convicted of crimes. Also, there were reports that security forces arrested civilians without warrants.

The law provides the right to a lawyer, a medical examination, and referral to a prosecutor within 48 hours of arrest. If a detainee is held more than 48 hours without formal charges, the arrest is considered arbitrary, and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Many provisions of the law were not observed in practice, and security forces continued the practice of arbitrary arrest and detention.

On January 23 and 25, according to security sources, security forces arrested approximately 450 individuals following clashes at the Beirut Arab University and protests by the political opposition. Following investigations, security forces detained more than 15 individuals because they had former arrest warrants. Others were sentenced to between three days and three months imprisonment, and some were fined.

On February 1, authorities released on bail three journalists from New TV after 44 days in prison without a trial date. In December 2006 authorities arrested the journalists following a broadcast of their investigative report depicting the home of Mohammad Siddiq, a witness in the assassination of former PM Rafiq Hariri. At year's end, the journalists had freedom to travel within and outside the country but were expected to appear before investigators when required.

On June 13, HRW reported that the Lebanese army and ISF arbitrarily detained and physically abused some Palestinian men fleeing the fighting in the Nahr al-Barid refugee camp (see Section 1.g.).

At year's end four Lebanese generals, who in 2005 the UNIIIC arrested and declared as suspects in the assassination of former PM Rafiq Hariri, remained in custody. According to an August 28 *Daily Star* report, one of the detainees, General Security Major General Sayyed, reported that State Prosecutor Said Mirza informed UN Chief Investigator Brammertz that "local political considerations" were the cause for their continued detention without charges.

Also in relation to the case, on September 13, Justice Minister Charles Rizk appointed Judge Saqr Saqr as the new investigative magistrate, replacing Magistrate Eid Eid, who was handling the 2005 Hariri assassination. Eid was replaced following a request filed by lawyer Mohammed Mattar, who represented the heirs of four victims in the Hariri assassination, claiming that Eid was going to release the four generals. In November a working group of the UN Commission for Human Rights cited the case as an example of arbitrary detention. There were no new developments in their cases during the year, and the suspects remained imprisoned at year's end.

In February 2006, according to an international human rights organization, authorities arrested and detained more than 400 individuals in the wake of violent protests outside the Danish Embassy in Beirut related to the Danish cartoon controversy. Six days following their arrest, approximately 250 of these individuals were brought before the Military Court in Beirut and were ordered released. The remaining detainees were imprisoned for a time period of two weeks to nine months.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions.

Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention in Syria. According to SOLIDA, the estimated number of remaining Lebanese prisoners in Syria is between 200 and 250. During the year there were no reports of Syrian forces operating in the country carrying out searches, arrests, or detentions of citizens outside any legal framework.

#### e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. With the support of the UNIIIC, however, the judiciary continued judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. The law provides for a

fair public trial; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. Despite intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in 2004, the aftermath of the 2005 assassination of Rafiq Hariri led to gradual progress in eliminating political and security influence over the judiciary.

The judicial system consists of a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of parliament; the civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. There are also tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody. The religious Shari'a courts are often used by both the Shi'a and Sunni religious communities to resolve family legal matters. There are also religious courts in the various Christian sects and Druze communities; these tribunals were also restricted to family legal matters.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security and some high-profile cases. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal may not be appealed. For example, the cabinet referred the assassination cases of MP Walid Eido, MP Antoine Ghanem, and MP Pierre Gemayel to the Judicial Council.

The Ministry of Justice appoints all other judges, taking into account the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 11 Palestinian-controlled refugee camps in the country.

#### Trial Procedures

There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. While defendants do not have the presumption of innocence, they have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed. While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Defendants on trial for security cases, which were heard before the Judicial Council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. Trials for security cases were generally public; however, judges had the discretion to order a closed court session.

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals: the permanent tribunal and the cassation tribunal. The latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally handed over the perpetrator to state authorities for trial.

#### Political Prisoners and Detainees

During the year there were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

While there is an independent judiciary in civil matters, in practice it was seldom used for bringing civil lawsuits for seeking damages for human rights violations committed by the government. During the year there were no examples of a civil court awarding an individual compensation for human rights violations committed against them by the government.



## Lebanon

### Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 6, 2007

Lebanon, with a population of approximately 4 million, is a parliamentary republic in which the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shi'a Muslim. President Emile Lahoud, who is the head of state, was elected in 1998 for a six year term; however, in September 2004 the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. The latest legislative elections took place in four phases between May 29 and June 19, 2005. According to international observers, the elections were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair. The elections resulted in a new majority in the parliament opposed to Syrian interference in the country.

The July-August conflict involving Israel and the terrorist organization Hizballah erupted on July 12, when Hizballah entered Israel from Lebanese territory and kidnapped and killed Israeli soldiers. Israeli military forces responded by entering Lebanese territory. Both Hizballah fighters and Lebanese civilians died during the conflict. The conflict ended with a UN-sponsored cessation of hostilities on August 14.

Despite the cessation in hostilities and the deployment of Lebanon Armed Forces (LAF) and United Nations Interim Forces in Lebanon (UNIFIL) in the south, Hizballah retained significant influence over parts of the country, and Palestinian militias retained control of refugee camps, beyond the reach of state authorities. UN Security Council (UNSC) resolutions 1559, 1614, and 1701 call upon the government to take effective control of all Lebanese territory and disarm militia groups operating in Lebanese territory. Due to several factors, including internal political differences and lack of capacity on the part of its security forces, the government has not taken the necessary steps to disarm extralegal armed groups, including Hizballah.

There were limitations on the right of citizens to peacefully change their government. In a climate of impunity, there were instances of arbitrary or unlawful deprivation of life, torture, and other abuse. Security forces arbitrarily arrested and detained individuals, while poor prison conditions, lengthy pretrial detention and long delays in trials remained serious problems. The government violated citizens' privacy rights in an atmosphere of government corruption and lack of transparency. There were some restrictions on freedoms of speech and press, including intimidation of journalists. There were limitations on freedom of movement for unregistered refugees, while widespread, systematic discrimination against Palestinian refugees continued. Domestic violence and societal discrimination against women continued. Violence against children and child labor were also problems.

During the year before the conflict broke out, the government took significant steps to increase freedom of assembly and association at mass demonstrations and by facilitating the formation of new political associations and parties. The government also took concrete measures to prevent unauthorized eavesdropping on private citizens.

### **RESPECT FOR HUMAN RIGHTS**

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

Excluding the period of conflict between Hizballah and Israel, there were no reports of arbitrary or unlawful deprivation of life by the government or its agents.

On July 12, Hizballah killed three and abducted two Israeli Defense Force (IDF) soldiers during a cross-border attack from southern Lebanon, resulting in a conflict that lasted until August 14. According to the UN, Israel's air and ground operations in Lebanon killed 1,191 persons, and injured 4,409 persons. Hizballah group leaders unofficially indicated that more than 250 of their fighters were killed during the conflict.

During the year the UN International Independent Investigation Commission (UNIIC), established under UNSC resolution 1595, continued its investigation into the February 2005 assassination of former Prime Minister Rafiq Hariri. While preliminary reports over the last year have pointed to possible linkages to Syrian intelligence services, no firm conclusion was reached by year's end.

The following deaths by car bombings were reported during the year: On May 26, Islamic Jihad member Mahmoud Majzoub and his brother were killed in Sidon by a bomb placed in his car. The cabinet condemned the killing asserting that it had "the fingerprints of the Israeli occupation."

On September 5, two roadside bombs exploded in Rmeileh injuring Internal Security Forces (ISF) Lieutenant Colonel Samir Shehade and killing four of his bodyguards. Shehade was deputy head of the information department in the ISF; Shehade handled many sensitive cases including the investigation into the late Prime Minister Hariri's assassination. The explosion came on the eve of the arrival of UN Undersecretary for Legal Affairs Michel to Beirut to discuss the formation of an international tribunal to try suspects in the Hariri assassination. Investigations into the incident continued at year's end.

On November 21, a team of gunmen killed industry minister and prominent anti-Syrian Christian politician Pierre Gemayel while driving his car in a northern suburb of Beirut. Although a group called the "Fighters for the Unity of Al-Sham (Greater Syria) and its Liberty"

claimed responsibility, the identity of the gunmen remained unknown at year's end. The UN approved the expansion of the UNIIIC probe to include Gemayel's murder. Investigations into the incident continued at year's end.

Investigation into 2005 bombings continued, but there were no further developments in the following cases: The June 2005 killings of Samir Kassir, a prominent anti-Syrian journalist, and George Hawi, former head of the Lebanese Communist Party, who were killed in Beirut when bombs placed under their cars exploded; the July 2005 car bomb which blasted the motorcade of Lebanon's defense minister and incoming Deputy Prime Minister, Elias Murr, injuring him and killing one person; the September 2005 explosive planted under the car of proreform journalist May Chidiac which seriously injured her; and the December 2005 car bomb that killed the popular prodemocracy journalist and politician Gibran Tuani, along with a bodyguard and a bystander.

There were no developments in the 2004 car bombing that killed Hizballah member Ghalib Awwali in the southern suburbs of Beirut.

During the year violent cross-border attacks by Hizballah, Palestinian, and other unidentified armed elements against the IDF continued.

Before the July-August conflict, the country's landmine and unexploded ordinance (UXO) problem was estimated by the National Demining Office (NDO) at more than 550,000 landmines and UXO throughout the country. During the portion of the year prior to the conflict there were seven deaths attributable to landmines, and after the conflict an additional 19. Eight of those killed were deminers. After the conflict an additional 800 cluster bomb strike locations had been identified in the south. The United Nations Mine Action Coordination Center in Southern Lebanon estimated in November that 40 percent of Israeli cluster munitions fired during the conflict failed to explode, leaving an estimated 560,000 to 1.1 million unexploded submunitions in southern Lebanon. According to UN figures, between August 14 and December 19, 18 Lebanese civilians were killed and 145 were wounded by unexploded submunitions.

After further investigation, the potential mass grave discovered in December 2005 at the site of a former Syrian Intelligence headquarters in the town of Anjar turned out to be a 600-year-old communalburial site.

#### b. Disappearance

There were no reports of politically motivated disappearances caused by government forces.

On July 12, Hizballah kidnapped two Israeli soldiers on Israeli territory. Hizballah had yet to allow access or communications with the two soldiers at years end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law does not specifically prohibit torture, and security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), reported that torture was a common practice.

The government acknowledged that violent abuse of detainees usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress. For example, on February 5, according to international human rights organizations, authorities arrested 42 Syrian nationals in the wake of violent protests outside the Danish Embassy in Beirut (see section 2.b.) and allegedly beat some of them in an apparent attempt to force confessions about their involvement in the protests. On February 10, a military court in Beirut ordered their release. No investigations into the abuse were carried out by year's end.

In its October 2005 report, the UNIIIC investigation of the assassination of former Prime Minister Rafiq Hariri noted that some unidentified security personnel had abused witnesses in the aftermath of Hariri's assassination.

Abuses also occurred in areas outside the government's control, including in Palestinian refugee camps. During the year, there were reports that members of the various groups that controlled specific camps detained their Palestinian rivals (see section 1.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clashed over territorial control in the various camps, sometimes leading to exchanges of gunfire and the detention of rival members.

#### Prison and Detention Center Conditions

Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats were noted, such as physical and mental stress; the latter were especially noteworthy in Yarze prison, southeast of Beirut. The government did not consider prison reform a high priority. The number of inmates was estimated to be 5,971, including pretrial detainees and remand prisoners. The government made a modest effort to rehabilitate some inmates through education and training programs.

During the year there were no reports of men and women being held together in the same prison facility. While there were no government reports on juveniles being held in the same prison facilities as adults during the year, it could not be confirmed that the situation did not occasionally happen due to limited prison facilities.

Although there was some effort to keep pretrial detainees separate from convicted prisoners, overcrowding often prevented such separation. Unlike in the previous year there were no reports of political detainees or prisoners held in regular prisons. The police institution in charge of border posts and internal security, the Surete Generale (SG), operated a detention facility for detainees pending deportation. Detention was supposed to be for one to two months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and eventually deported.

The government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC). However, due to the July-August conflict, many human rights groups focused their priorities on providing humanitarian assistance rather than monitoring prison conditions.

#### d. Arbitrary Arrest or Detention

Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the government arbitrarily arrested and detained persons.

#### Role of the Police and Security Apparatus

The security forces consist of the LAF under the Ministry of Defense, which may arrest and detain suspects on national security grounds; ISF under the Ministry of the Interior (MOI), which enforces laws, conducts searches and arrests, and refers cases to the judiciary; the State Security Apparatus, which reports to the prime minister; and the SG under the MOI. Both of the latter two collect information on groups deemed a possible threat to state security.

Laws against bribery and extortion by government security officials and agencies also apply to the police force. In practice, however, due to a lack of strong enforcement, their effectiveness was limited. The government acknowledged the need to reform law enforcement, but security issues and lack of political stability hampered these efforts. The ISF maintained a hotline for complaints.

#### Arrest and Detention

Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see section 1.e.). The 2004 report by the Parliamentary Commission for Human Rights estimated that of the over 5,000 persons being held in prison, one third had not been convicted of crime.

The law provides the right to a lawyer, to a medical examination, and referral to a prosecutor within 48 hours of arrest. If a detainee is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. Many provisions of the code were not observed in practice.

While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Security forces continued the practice of arbitrary arrest and detention.

There were no new developments in the 2005 arrest of four security chiefs. In August 2005 authorities arrested four Lebanese security chiefs with the rank of general after the UNIIIC declared them suspects in the assassination of former Prime Minister Rafiq al-Hariri. In April President Lahoud called for their release unless they are formally charged with involvement in the assassination in a timely manner. The suspects remained imprisoned at year's end.

Protesters were also arbitrarily detained and arrested. On February 5 and 6, according to an international human rights organization, authorities arrested and detained more than 400 individuals in the wake of violent protests outside the Danish Embassy in Beirut (see section 2.b.). Six days following their arrest, approximately 250 of these individuals were brought before the Military Court in Beirut and were ordered released. The whereabouts of the remaining detainees was unknown at year's end.

Since the withdrawal of Syrian forces in April 2005, there appeared to be no indication that the government detained, interrogated, or harassed journalists (see section 2.a.).

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions (see section 2.d.).

Unlike in previous years there were no allegations that the government transferred citizens to Syria. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention in Syria. In 2005 a number of human rights organizations estimated that there were between 25 and 250 remaining Lebanese prisoners in Syria. Unlike in the previous year there were no reports of Syrian forces operating in the country carrying out searches, arrests, or detentions of citizens outside any legal framework.

#### e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. With the support of the UNIIIC, however, the judiciary began judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. The law provides for a fair public trial and for an independent judiciary; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. The judiciary still suffered from intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in 2004. Despite this intimidation, the aftermath of the February 2005 assassination of Rafiq al-Hariri led to significant progress in eliminating political and security influence over the judiciary. Unlike in the previous year authorities did not harass critics of the judicial system.

The judicial system consists of a Constitutional Council to determine the constitutionality of newly adopted laws upon the request of 10 members of parliament; the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. There are also tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see section 5). The religious Shari'a courts are often used by both the Shi'a and Sunni religious communities to resolve family legal matters. There are also religious courts in the various Christian sects and Druze communities; these tribunals were also restricted to family legal matters.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. In 2005 the cabinet referred several high-profile cases to this tribunal, including the 2005 assassination of former Prime Minister Rafiq al-Hariri and the 2004 attempt on the life of then telecommunications minister Marwan Hamadeh. Verdicts from this tribunal may not be appealed.

The Ministry of Justice appoints all other judges, taking into account the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 12 Palestinian-controlled refugee camps throughout the country.

#### Trial Procedures

There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed.

Defendants on trial for security cases, which were heard before the Judicial Council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. Trials for security cases were generally public; however, judges had the discretion to order a closed court session.

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals--the permanent tribunal and the cassation tribunal--the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

Unlike in previous years, there were no reports that Hizballah subjected former Southern Lebanese Army soldiers who returned to their villages to harassment.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally used their good offices to hand over the perpetrator to Lebanese authorities for trial.

#### Political Prisoners and Detainees

During the year there were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

While there is an independent judiciary in civil matters, in practice it was seldom used for bringing civil lawsuits for seeking damages for human rights violations committed by the government. During the year there were no examples of a civil court awarding an individual compensation for human rights violations committed against them by the government.



## Lebanon

### Country Reports on Human Rights Practices - [2005](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 8, 2006

Lebanon is a parliamentary republic of 4.5 million citizens in which the president is a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the chamber of deputies a Shi'a Muslim. President Emile Lahoud was elected in 1998 and his term was due to expire in November 2004; however, in September 2004, the Syrian regime pressured parliamentarians to pass a constitutional amendment that extended President Lahoud's term until November 2007. That coerced decision set off a chain of political events that led to massive demonstrations following former prime minister Rafiq al-Hariri's February 14 assassination, the eventual withdrawal of Syrian military forces from the country in April, parliamentary elections in May and June, and in July the first Lebanese government formed without Syrian control in nearly 30 years. The chamber of deputies (Majlis al-Nuwwab) consists of 128 deputies, equally divided between Christian and Muslim representatives. According to international observers, the May-June elections for the chamber of deputies were considered generally free and fair, although most political observers considered the boundaries of the electoral districts to be unfair. The elections resulted in a new, pro-independence majority in the parliament opposed to Syrian interference in the country. That majority used Lebanon's constitutional process to select Fouad Siniora as prime minister in July, reflecting the growing support for Lebanese freedom and democracy.

Despite the end of the Syrian military occupation of Lebanon, some Syrian interference in the country continued. Palestinian and Lebanese militias, particularly the terrorist organization Hizballah, often acted as Syrian proxies and retained significant influence over parts of the country. UN Security Council (UNSC) resolutions 1559 and 1614 require the government to take effective control of all Lebanese territory and disarm militia groups operating in Lebanese territory. The government had begun by the end of the year taking steps to isolate and limit Palestinian arms; however, citing the need for an internal dialogue, the government had not taken steps to disarm extra-legal armed groups or to disarm Hizballah.

There was significant improvement in some areas, but the government's overall human rights record remained problematic. The following human rights problems were reported:

- limitations on the right of citizens to peacefully change their government
- arbitrary or unlawful deprivation of life
- incidents of excessive use of force and torture prior to April
- poor prison conditions
- lengthy pretrial detention and long delays in trials
- lack of judicial independence
- infringement on citizens' privacy rights
- restriction on freedoms of speech, press, and assembly prior to April
- targeting of journalists
- limitations on freedom of movement for unregistered refugees
- government corruption and lack of transparency
- domestic violence and societal discrimination against women
- violence against children
- widespread, systematic discrimination against Palestinians
- child labor

Throughout the year but particularly after April when Syrian military forces departed the country following a 29-year period of control, the country made significant progress with respect to human rights under a democratically elected parliament and a reform-oriented government. With the end of the Syrian occupation, press and media self-censorship decreased considerably, with most political taboos broken by year's end. Government attempts to restrict freedom of assembly during mass demonstrations also dissipated after the first few months of the year.

#### **RESPECT FOR HUMAN RIGHTS**

Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

After the April Syrian withdrawal, there were no reports of arbitrary or unlawful deprivation of life by the government or its agents. However, prior to April, four government intelligence and security officials, working in conjunction with the Syrian government, were reportedly implicated in high-profile arbitrary and unlawful deprivation of life. These four security chiefs were arrested and remained imprisoned at year's end after being declared suspects in the al-Hariri assassination by the UN International Independent Investigation Commission (UNIIC).

On February 14, a massive explosion in central Beirut killed 22 persons: former prime minister Rafiq al-Hariri, members of his security detail, and innocent bystanders. Also as a result of the blast, former minister Bassel Fuleihan suffered severe burns and died on April 18, and another 220 people were injured.

On February 18, at the request of UN Secretary General Kofi Annan, a fact-finding mission headed by Peter Fitzgerald, a deputy commissioner of the Irish police, was sent to the country to gather facts about the assassination. On March 24, Fitzgerald submitted his report recommending a broad follow-up investigation.

On April 7, the Security Council passed resolution 1595 calling for establishment of the UNIIC. German prosecutor Detlev Mehlis assumed his duties as Chief Investigator on June 15, and after four months' work, Judge Mehlis reported on October 19 to the UN secretary general. The report concluded that although more investigative work was needed, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without the knowledge of the Syrian and Lebanese intelligence services.

Based on the initial recommendations of Judge Mehlis, Lebanese judicial authorities issued arrest warrants for four senior generals who had been closely associated with the Syrian occupation of the country. The Lebanese judge in charge of investigating the case formally charged the security figures on four counts: premeditated murder, premeditated attempt of murder, terrorist activities, and possession of weapons and explosives. In October authorities arrested six additional Lebanese suspects. At year's end the UN investigation was continuing under the direction of a new chief investigator, Serge Brammertz, who had previously served as the deputy prosecutor at the International Criminal Court. The UNIIC, under the leadership of Brammertz, was also authorized by the UNSC to provide technical assistance to the Lebanese judiciary in its continuing investigation of other acts of political violence that had been committed in the country since October 2004. The UNSC also requested that the UN consult with the government on the extent of international assistance needed for the eventual trial of the al-Hariri suspects.

The assassination of al-Hariri was followed by a number of terrorist attacks on prodemocracy politicians and journalists, as well as a number of residential and commercial centers. While no arrests were made in these cases, it was widely believed that these attacks were carried out by elements directed by the Syrian regime.

Numerous bomb attacks killed and injured political figures, as well as ordinary citizens, during the year. Investigations continued at year's end, but only in the al-Hariri case had any arrests been made. For example on June 2, Samir Kassir, a prominent anti-Syrian journalist, was killed in Beirut when a bomb placed under his car seat exploded. Kassir was a founding member of the Democratic Left Movement and played an important role in organizing the massive March 14 demonstration in Beirut that called for the withdrawal of Syrian troops from Lebanon, as well as for putting an end to Syrian control of the country's security services.

On June 21, former head of the Lebanese Communist Party George Hawi, was killed by a bomb that destroyed his car in West Beirut.

On July 12, a car bomb blasted the motorcade of Lebanon's defense minister and incoming deputy prime minister, Elias Murr, injuring him and killing one person. On September 16, an explosion in Jeitawi, Beirut killed one person and injured 23 others.

On September 25, an explosive device planted under the car of proreform journalist May Chidiac seriously injured her (see section 2.a.).

On December 12, the popular prodemocracy journalist and politician Gibran Tuani was assassinated, along with a bodyguard and a bystander, in a massive car bomb explosion as he was being driven to work. The outpouring of national grief in this instance led to a series of events that, by year's end, resulted in a political stalemate, with Hizballah and Amal ministers boycotting the Siniora government.

There were no developments in the July 2004 car bombing that killed Hizballah member Ghalib Awwali in the southern suburbs of Beirut.

There were no new developments in the 2003 car bombing that killed Hizballah member Ali Hussein Saleh in Beirut's southern suburbs. Some government officials accused Israel of carrying out the killing.

During the year violent cross-border attacks by Hizballah, Palestinian, and other unidentified armed elements against the Israel Defense Forces (IDF) continued.

With the departure of the Syrian troops in late April, the government began an investigation into the October 2004 assassination attempt against Druze politician Marwan Hamadeh. No arrests had been made by year's end.

The country's landmine and unexploded ordinance (UXO) problem was estimated by the National Demining Office at more than 550 thousand landmines and UXO throughout the country, with as many as 400 thousand of these in the former Israeli-occupied security zone in the south. From the late 1990s to the end of the year, approximately 150 thousand landmines and 80 thousand UXO had been destroyed. One million square meters of land were cleared during the year, much of it returned to productive use. According to the National Demining Office, there have been 2,813 landmine victims in the country since 1990. During the year there were 20 landmine victims, 2 of whom were deminers. Foreign governments continued to support these demining efforts.

On December 3, security forces discovered a mass grave at the site of a former Syrian intelligence headquarters in the town of Anjar. More than 20 bodies were found. In addition to the grave in Anjar, remains of Lebanese soldiers were also discovered in another mass grave in November at al-Yarze, next to the Ministry of Defense.

#### b. Disappearance

There were no reports of politically motivated disappearances.

In January 2004 Hizballah and Israel carried out the first phase of a prisoner exchange involving 21 Lebanese civilian prisoners, the remains of 59 Hizballah fighters, the remains of 3 Israeli soldiers and [released] IDF reservist Elhanan Tannenbaum. A second phase, a promised Hizballah investigation into the fate of Israeli airman Ron Arad and the release of additional Lebanese prisoners by Israel, had not materialized at year's end.

The government had not disclosed the findings of a 2000 report investigating cases of disappearance during the 1975-89 civil war. Beginning in April, hundreds of friends and relatives of disappeared persons participated in a sit-in in front of UN offices in the country, calling on the UN Security Council to establish an international commission of inquiry into the cases of the disappeared. In August the government appointed a security/judicial committee to follow up with Syrian authorities on the cases of those Lebanese believed to have been detained in Syrian jails.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law does not specifically prohibit torture, and security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International and Human Rights Watch, reported that torture was a common practice.

During the period of Syrian control prior to April, former detainees at the Lebanese Ministry of Defense Detention Center and in Syrian jails stated that they were routinely tortured during interrogation. Methods of torture frequently included severe beating, food and sleep deprivation, and hanging by the wrists which were tied behind the back.

In September 2004 Ismail al-Khatib died in custody a week after being arrested as a suspected leader of al-Qa'ida. The government coroner reported al-Khatib, who was 31 years old, died of a massive heart attack, but speculation attributed his death to torture. An independent investigation was undertaken by local human rights organizations, but no findings had been released by year's end.

The government acknowledged that violent abuse of detainees usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite national laws that prevent judges from accepting confessions extracted under duress.

In its October report, the UNHRC investigation of the assassination of former prime minister Rafiq al-Hariri noted that some unidentified security personnel had abused witnesses in the aftermath of al-Hariri's assassination.

Abuses also occurred in areas outside the government's control, including in Palestinian refugee camps. During the year there were reports that members of the various groups that controlled specific camps detained their Palestinian rivals (see section 1.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clashed over territorial control in the various camps, sometimes leading to exchanges of gunfire and the detention of rival members.

#### Prison and Detention Center Conditions

Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were very poor. There were no serious threats to health, but indirect threats were noted, such as physical and mental stress; the latter was especially noteworthy in Yarze prison, southeast of Beirut. The government did not consider prison reform a high priority. The number of inmates was estimated to be five thousand, of whom one third had yet to be tried or convicted. The government made a modest effort to rehabilitate some inmates through education and training programs.

Although there was some effort to keep pretrial detainees separate from convicted prisoners, overcrowding often prevented such separation. The government held security detainees and prisoners in regular prisons. The four senior security officials arrested in the al-Hariri investigation were initially held in substandard conditions in the facilities of the Internal Security Forces, but after complaints were filed by their families and inquiries made by diplomatic missions, these prisoners were transferred to regular facilities.

The police institution in charge of border posts and internal security, the Surete General (SG), operated a detention facility for detainees, mostly Egyptians and Sri Lankans, pending deportation. Their detention was supposed to be for one to two months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and eventually deported.

Unlike in previous years, the government permitted independent monitoring of prison conditions by local and international human rights groups and the International Committee of the Red Cross (ICRC).

#### d. Arbitrary Arrest or Detention

Although the law requires judicial warrants before arrests, except in immediate pursuit situations, the government arbitrarily arrested and detained persons.

#### Role of the Police and Security Apparatus

The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defense, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior (MOI), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the prime minister and the SG under the MOI, both of which collect information on groups deemed a possible threat to state security.

In April Syria formally withdrew its approximately 15 thousand troops from the country. Syrian sympathizers and intelligence agents continued to exercise some influence in the country.

During the uncertain times preceding Syrian withdrawal, and in the months thereafter, the security services demonstrated respect for the rights of antigovernment and proindependence demonstrators in Beirut. These security forces nonetheless committed numerous serious human rights abuses, sometimes acting independently and other times on instruction of senior government officials. Since October 2004, there were 15 politically motivated violent incidents, including assassinations, assassination attempts and fatal bombings (see section 1.a.). These incidents were under investigation, although it was generally believed that either Syria or its allies in the country were responsible.

#### Arrest and Detention

Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). The 2004 report by the Parliamentary Commission for Human Rights estimated that of the approximately five thousand persons being held in prison, one third had not been convicted of crime.

The law provides the right to a lawyer, to a medical examination, and referral to a prosecutor within 48 hours of arrest. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Bail is available in all cases regardless of the charges. Many provisions of the code were not observed in practice.

While there was no state-funded public defender's office, the bar association operated an office for those who could not afford a lawyer, and a lawyer was often provided for indigent defendants.

Security forces continued the practice of arbitrary arrest and detention. On several occasions during the year, security forces detained and arrested citizens on grounds of national security.

There were credible reports that security force personnel detained individuals on the instruction of Syrian intelligence agencies, a situation that was essentially eliminated with the departure of the Syrian forces in April.

Protesters were also arbitrarily detained and arrested (see section 2.b.). Since the withdrawal of Syrian forces there appears to be no indication that the government detained, interrogated, or harassed journalists (see Section 2.a.).

Palestinian refugees were subject to arrest, detention, and harassment by state security forces and rival Palestinian factions. For example Palestinian refugees living in camps were not allowed for most of the year to bring in construction material to repair damaged houses. Security services used this circumstance as leverage to recruit informers and buy their allegiance.

Unlike in previous years, there were no allegations that the government transferred citizens to Syria. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention in Syria. According to credible reports, Syrian forces operating in the country carried out searches, arrests, and detentions of citizens outside any legal framework, until their departure from the country in late April.

#### e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, in practice the judiciary was subject to political pressure, particularly in the appointments of key prosecutors and investigating magistrates. With the support of the UNHCR, however, the judiciary began judicial proceedings against once-powerful security and intelligence chiefs who had cooperated with Syria's occupation. The law provides for a fair public trial and for an independent judiciary; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution. The judiciary still suffers from intimidation generated by a series of unresolved political assassinations committed by unidentified assailants beginning in October 2004. Despite this intimidation, the judiciary took steps toward independence, including the incarceration of previously powerful security and intelligence officers, continuing investigations into other acts of political violence, and close cooperation with the UNHCR.

The judicial system consists of a Constitutional Council to determine the constitutionality of newly adopted laws upon the request of 10 members of parliament; the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; and the Judicial Council, which tries national security cases. Additionally, there are tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see section 5). The religious Shari'a courts are often used by both the Shi'a and Sunni religious communities to determine family legal matters. There are also religious courts in the various Christian sects, Druze, and Jewish communities, but these tribunals are restricted to family legal matters.

The aftermath of the February 14 assassination of Rafiq al-Hariri led to significant progress in eliminating political and security influence over the judiciary. Civil rights groups were encouraged by the September appointment of respected, qualified judges to the Higher Judicial Council, which has primary responsibility for disciplining judges and ensuring judicial independence.

The judicial council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the minister of justice, the cabinet decides whether to try a case before this tribunal. During the year the cabinet referred several high-profile cases to this tribunal, including the assassination of former prime minister Rafiq al-Hariri and the October 2004 attempt on the life of then Telecommunications Minister Marwan Hamadeh. Verdicts from this tribunal may not be appealed.

The Ministry of Justice appoints all other judges based on the sectarian affiliation of the prospective judge. A shortage of qualified judges impeded efforts to adjudicate cases backlogged during the years of internal conflict. Trial delays were aggravated by the government's inability to conduct investigations in areas outside of its control, specifically in the Hizballah-controlled areas in the south and in the 12 Palestinian-controlled refugee camps throughout the country.

#### Trial Procedures

There is no trial by jury; trials were generally public, but judges had the discretion to order a closed court session. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed.

Defendants on trial for security cases, which were heard before the judicial council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. As in civil cases, trials for security cases were generally public; however, judges had the discretion to order a closed court session.

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals--the permanent tribunal and the cassation tribunal--the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

Unlike in previous years, there were no reports that Hizballah subjected former Southern Lebanese Army (SLA) soldiers who returned to their villages to harassment.

In cases stemming from the civil war, the country's courts postponed action for years related to 77 military personnel and civilians who were associated with former Christian militia leader Samir Ja'ja and former Lebanese Armed Forces Commander Michel Aoun. In October the investigative judge dropped all charges against these individuals, including defamation charges against Nadim Lteif and Hikmat Deeb. With legal proceedings against him cancelled, Michel Aoun returned to the country in May after a 15-year exile in Paris. Samir Ja'ja was released from prison in July as part of a parliamentary amnesty bill.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice not under the control of the state. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally used their good offices to hand over the perpetrator to Lebanese authorities for trial.

#### Political Prisoners

There were no reports of political prisoners. However, throughout the year, there were reports of political detainees (see section 1.d.).



## Lebanon

### Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 28, 2005

Lebanon is a parliamentary republic in which the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. In September, in a locally unpopular move, Syria pressured parliamentarians to pass a Constitutional amendment to extend President Lahoud's term for 3 additional years; it will now end on November 24, 2007. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In the 2000 parliamentary elections, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri then was named Prime Minister by President Lahoud. According to international observers, the elections were flawed; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The Constitution provides for an independent judiciary; however, in practice, it was subject to political pressure.

Syrian military and Lebanese and Palestinian militias, particularly Hizballah, retained significant influence over much of the country. Approximately 15,000 Syrian troops were stationed in locations throughout the country, excluding the area bordering on Israel in the south of the country. In September, Syria claimed to have carried-out a redeployment of its troops in the country, withdrawing approximately 3,000; however, the actual number is believed to be less than 1,000. An undetermined number of Syrian military intelligence personnel in the country continued to conduct their activities independently. In 2000, following the Israeli Defense Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former Israeli security zone. However, the Government has not attempted to disarm Hizballah, a terrorist organization operating in the region, nor have the country's armed forces taken sole and effective control over the entire area. Palestinian groups, including armed factions, operated autonomously in refugee camps throughout the country.

The security forces consist of the Lebanese Armed Forces (LAF) under the Ministry of Defense, which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF) under the Ministry of the Interior, which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus, which reports to the Prime Minister and the Surete Generale (SG) under the Ministry of the Interior, both of which collect information on groups deemed a possible threat to state security. These security forces committed numerous, serious human rights abuses, sometimes acting independently, and other times on instruction of senior government officials. Syrian and Palestinian security forces operated independently of Lebanese security forces and also committed numerous, serious human rights abuses. There were credible reports that Lebanese security forces personnel detained individuals on the instruction of Syrian intelligence agencies.

The country maintained a free market economy, with no controls on the movement of capital and foreign exchange. The country's population of approximately 4.4 million, had an estimated active labor force of 1.5 million, the majority of which were employed in the service sector and in a small industrial sector. Real gross domestic product continued to grow at 2 to 2.5 percent annually. While there were no reliable government statistics, most analysts estimated unemployment at 20 to 25 percent.

The Government's overall human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The right of citizens to change their government remained significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, the flawed 2000 elections, and Syrian influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. The Government also arbitrarily arrested and detained persons who were critical of government policies. Lengthy pretrial detention and long delays in trials remained problems. The courts were subject to political pressure, seriously hampering judicial independence. During the year, the Government infringed on citizens' privacy rights and continued surveillance of political activities. The Government limited press and media freedom. The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. Domestic violence against women and children remained problems. There were some restrictions on freedom of religion. The Government imposed some limits on freedom of movement. Discrimination against women in some areas and widespread, systematic discrimination against Palestinians, forced labor, including by children, child labor, and the mistreatment of foreign domestic servants remained problems. Trafficking in persons was a problem.

#### **RESPECT FOR HUMAN RIGHTS**

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

On February 11, Mohammad Shreidi, brother of Abdallah Shreidi, leader of the Asbat al-Nur Sunni Islamic extremist group, was shot and killed by unidentified gunmen near his home in Ayn al-Hilwe. Abdallah Shreidi had been critically injured and died 3 months after militant Islamists and Palestinian gunmen clashed in May 2003. At year's end, there were no arrests in either case.

On July 6, Hussein Jamil Ramadan was found dead in a detention facility run by the SG. The SG claimed that Ramadan committed suicide and, in a communiqué, said that the Prosecutor's office ordered an investigation into the matter. Hussein's family doubted the suicide story and requested a detailed investigation. At year's end, a final report had not been issued.

On July 19, a man identified as Hizballah member Ghalib Awwali was killed by a bomb planted in his car in the Mu'awwad area of the southern suburbs of Beirut. Hizballah Secretary General Hassan Nasrallah accused Israel of masterminding the killing; at year's end, there were no arrests.

On May 27, the General Confederation of Labor called for a general strike to protest high fuel prices. The protest turned violent when protestors in Beirut closed roads with burning tires. LAF troops attempted to open roads; however, protestors pelted them with stones, and LAF troops opened fire on demonstrators killing 5 persons and wounding at least 17 others (see Section 2.b.). Several of the protesters were arrested and sentenced to 30 to 60 days in jail for disturbing the peace and resisting the army; however, no legal action was taken against any of the soldiers.

On August 2, 2003, a man identified as 42-year-old Hizballah member Ali Hussein Saleh was killed in a car bomb explosion in Beirut's southern suburbs. Some government officials and Hizballah accused Israel of carrying out the killing; at year's end, there were no new developments in the case.

No group claimed responsibility for the 2002 killing of American citizen missionary Bonnie Weatherall; however, on September 22, security forces arrested 14 people they claimed were members of the al-Qaeda network, and the Prosecutor General announced that the leader of the group, Ahmad Mikati, played a role in the Weatherall killing.

There were no developments in the 2002 killing of Ramzi Irani, the officer-in-charge of the banned Lebanese Forces.

During the year, violent cross-border incidents since the 2000 IDF withdrawal, involving Hizballah, Palestinian, and other unidentified armed elements, continued.

In January, Hizballah fighters fired on an Israeli military vehicle in South Lebanon after it crossed the international border in the town of Marwaheen in the western sector and killed an Israeli soldier. Israeli warplanes bombed Hizballah bases in Southern Lebanon in retaliation.

On March 22, Hizballah fired rockets and mortars at Israeli army positions in the Sheba' farms and adjacent areas. This attack followed eight incursions into Lebanese airspace by Israeli aircraft.

On March 23, Israeli helicopters targeted guerrillas preparing to fire rockets into Israel near Hula. Two members of the Popular Front for the Liberation of Palestine-General Command (PFPL-GC) were killed and one was wounded.

On May 5, a cycle of armed exchanges across the Blue Line began. Israel carried out more than 20 air sorties over the country. Subsequently, Hizballah fired several anti-aircraft rounds with shrapnel landing inside Israel. On May 7, Hizballah attacked IDF positions in the Sheba' farms with heavy rocket, mortar, and small arms fire. One Israeli soldier was killed and five others were wounded in the attack. Lebanese authorities asserted that the Hizballah firing had been preceded by an Israeli army foot patrol crossing the Blue Line.

On June 7, unidentified armed operatives, presumed to be Palestinians, fired three rockets toward Israel. Two of the rockets landed on Lebanese territory and one fell into the sea. In retaliation, the Israeli air force attacked a Palestinian installation near Naameh, 10 kilometers south of Beirut, which was maintained by the PFLP-GC. No casualties were reported.

On July 20, Hizballah snipers fired on an Israeli outpost near Chetula, killing two Israeli soldiers. The IDF retaliated with tank fire directed at a Hizballah position, killing one operative manning the post. That night, there were multiple Israeli flights over Lebanon, two of which generated powerful sonic booms over Beirut.

In October, unknown persons made an attempt on the life of former Minister and Druze politician Marwan Hamadeh, allied with Druze leader Walid Junblatt in calling for a redirection in Syrian influence in Lebanon. A bomb exploded near his car injuring his driver and killing his bodyguard. Hamadeh escaped with serious injuries. At year's end, a government investigation was underway, but there were no arrests.

The country's landmine and unexploded ordinance (UXO) problem was estimated by the National Demining Office at over 550,000 landmines and UXOs throughout the country, with as many as 400,000 of these in the former Israeli occupied security zone in the south. From the late 1990s to the present, 150,000 landmines and 80,000 UXO's have been destroyed. One million square meters of land were cleared during the year, much of it returned to productive use. According to the National Demining Office, there have been a total of 2,793 landmine victims in the country since 1990. During the year there were nine landmine victims, most of whom were deminers. Foreign governments continued to support these demining efforts.

#### b. Disappearance

There were no reports of politically motivated disappearances.

In January, Hizballah and Israel carried out the first phase of a prisoner exchange. As a result, 21 Lebanese prisoners were returned to the country on January 29, followed by the January 30 repatriation of the remains of 59 Hizballah fighters killed in guerilla operations during the Israeli occupation of South Lebanon. Hizballah for its part returned the remains of three Israeli soldiers and released IDF reservist Elhann Tannenbaum, who was kidnapped in 2000. A second phase, a promised Hizballah investigation into the fate of Israeli airman Ron Arad and the release of additional Lebanese prisoners by Israel, which was the result of secret negotiations, had not materialized at year's end.

At year's end, the Government had not yet disclosed the findings of a 2000 report investigating cases of disappearance during the 1975-89 civil war.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution does not specifically prohibit torture, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups reported that torture was a common practice. The Government acknowledged that violent abuse usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite laws that prevented judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings and suspension by arms tied behind the back. Some former Southern Lebanese Army (SLA) detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In September, Ismail al-Khatib died in custody a week after being arrested as a suspected leader of al-Qaeda in Lebanon. The Government coroner reported al-Khatib, who was 31 years old, died of a massive heart attack, but speculation attributed his death to torture. An independent investigation was undertaken by local human rights organizations; however, at year's end, no findings had been released.

During the year, there were credible reports that army intelligence held detainees blindfolded and handcuffed in the "farouj" position (Arabic for "chicken"). Individuals reportedly were handcuffed with their hands at their ankles in a hunched over position for days at a time while being interrogated.

Abuses also occurred in areas outside the Government's control, including in Palestinian refugee camps. During the year, there were reports that members of the various groups that controlled specific camps detained their Palestinian rivals (see Section 1.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clashed over territorial control in the various camps, sometimes leading to exchanges of gunfire and the detention of rival members.

Prison conditions were poor and did not meet minimum international standards. Prisons were overcrowded, and sanitary conditions in the women's prison, in particular, were poor. There were no serious threats to health, but indirect threats were noted, such as skin conditions and physical and mental stress; the latter was especially noteworthy in Yarze prison. The Government did not allocate funds for prison reform; however, it allocated funds to build a new detention facility in the Biqa' area. The total number of prisoners was estimated at about 5,000, of whom one third have yet to be tried or convicted. The Government made a modest effort to rehabilitate some inmates.

During April, the parliamentary Committee for Human Rights carried out inspection visits to most of the detention facilities with the exception of the facilities run by the Ministry of Defense. The head of the delegation stated that the "central prison of Roumieh faces some problems that could be easily resolved." However, commenting on the women's prisons, he said these prisons do not deserve to be considered as stables for animals, and called for their immediate closure. Describing the prison in Baabda, he said, "there are only 5 cells and 95 inmates and the cells are infested with cockroaches and rodents and prisoners are not even exposed to sun."

In November, the First Lady inaugurated a renovation in Roumieh prison, which was funded by a human rights organization. During June 2003, she awarded certificates to 44 women held in Baabda prison who completed training in hairdressing, cosmetics, and knitting. During May 2003, 40 prisoners were awarded certificates for computer skills they acquired at Roumieh central prison. The ISF donated 20 used computers to provide training for more inmates.

Men, women, and juveniles were held separately in government prisons. Although there was some effort to keep pretrial detainees separate from convicted prisoners, overcrowding often prevented such separation.

The SG, which is in charge of border posts, operated a detention facility for detainees, mostly Egyptians and Sri Lankans, pending deportation. Their detention was supposed to be for 1 to 2 months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and eventually deported.

Former Lebanese Forces leader Samir Ja'Ja, who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, was kept in solitary confinement in a prison in the basement of the Ministry of Defense. Government officials stated that his solitary confinement was necessary for his own protection, but they moved him to a more comfortable ground level cell in September.

During the year, local journalists and human rights organizations were given access to all prisons except the Yarze prison controlled by the Ministry of Defense. During the year, Yarze was visited by members of the Human Rights Committee of the Parliament. Any former SLA soldiers still in prison were treated as normal prisoners. In September 2002, the Cabinet ordered that International Committee of the Red Cross (ICRC) representatives should be allowed to visit all prisons, including the one under the control of the Ministry of Defense. However, by year's end, the Ministry of Defense continued to refuse permission for the ICRC to visit Yarze.

#### d. Arbitrary Arrest or Detention

The law requires the ISF to obtain warrants before making arrests; however, the Government used arbitrary arrest and detention. Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). The 2004 report by the Parliamentary Commission for Human Rights estimated that of the approximately 5,000 persons being held in prison, one third had not been convicted of any crime.

The Code of Criminal Procedure provides legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the code, bail is available in all cases regardless of the charges. Many provisions of the code were not observed in practice.

Defendants have the right to legal counsel, but there was no state-funded public defender's office. The bar association operated an office for those who could not afford a lawyer, and the court panel on many occasions asked the bar association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest and detention. On several occasions during the year, security forces detained and arrested citizens on grounds of national security. Protestors were also arbitrarily detained and arrested (see Section 2.b.). The Government also detained, interrogated, and harassed journalists (see Section 2.a.); however, in contrast to previous years, there were no instances of physical abuse.

In September 2003, the SG detained and questioned Samira Trad, executive manager of Frontiers Center, a private company that conducted studies and advocates for the rights of marginalized people, for her human rights activities. Authorities questioned her concerning slandering the country and operating an illegal association. Subsequently, Trad was released without charges, and has not been further harassed.

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal in 2000; however, lawyers and family members have since been provided access. Most SLA members have served their sentences and have been released; others continued to serve their sentences as regular prisoners.

The authorities often detained without charge for short periods of time political opponents and opponents of the Syrian Government.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians. For example, Palestinian refugees living in camps were not allowed to bring in construction material to repair damaged houses. Lebanese security services use this circumstance as leverage to recruit informers and buy their allegiance.

Again, during the year, there were no allegations that the Government transferred citizens to Syria, and the nine persons arrested by Syrian Forces during and after the civil war and turned over in 2000 to the Government reportedly were released quietly at the end of the year. Abu Haytham Karara, an official of the Progressive Socialist Party, who was one of the nine, was deported to Egypt. No formal charges were brought against any of the nine. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention. According to a 2002 AI report, Syrian forces operating in the country carried out searches, arrests, and detentions of citizens outside any legal framework. Syrian forces in the country continued to influence citizens through extralegal means, such as questioning and the threat of detention.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it was subject to political pressure. The Constitution provides for a Constitutional Council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution.

In a speech on September 6, President Lahoud criticized political interference in the judiciary and said, "The judiciary ought to be immune from political interference." He pledged to fight political interference during the next 3 years of his extended mandate.

The judicial system consists of the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges based on the religious affiliation of the prospective judge. A shortage of judges impeded efforts to adjudicate cases backlogged during years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control.

Trials were generally public, but judges had the discretion to make a court session secret. There is no trial by jury. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants have the right to confront or question witnesses against them, but they must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed in practice.

Defendants on trial for security cases, which were heard before the Judicial Council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases.

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals--the permanent tribunal and the cassation tribunal--the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

During the year, there were several reports that Hizballah subjected former SLA operatives who returned to their villages to regular harassment including arrest. In July, one parliamentarian publicly criticized Hizballah for detaining Fouad Mazraani on the accusation of cooperating with the Israelis. Although Mazraani was released, the parliamentarian argued that any such action was the responsibility of the Government.

During the year, the Military Court concluded the cases of the remaining SLA militiamen who surrendered to the Government following the IDF withdrawal. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. The standard defense presented by lawyers was that the Government had been unable to defend citizens living under Israeli occupation, and the residents had no choice but to work with the occupiers.

Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks. The Military Court denied every recommendation for the death sentence. Most SLA members have served their sentences and have been released; others continued to serve their sentences as regular prisoners (see Section 1.d.).

In 2002, Mahmoud Salim Mahboubia filed a claim that armed individuals broke into his house and kidnapped his son, Mohammed, a former SLA member who was released from Roumieh prison after serving a 2-year sentence. Subsequently, Mohammed Mahboubia was released, but by year's end, no action had been taken to determine who committed the crime.

In 2001, the bar association lifted the immunity of lawyer Muhammad Mughrabi to permit Mughrabi's prosecution for criticizing the country's judicial system at a press conference. Subsequently, five different penal cases were started against him, but no action was taken on any of them during the year.

There was no action taken in the 77 military and civilian cases of Aoun and Ja'Ja supporters. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts (see Section 1.d.). At year's end, their case remained pending. The court continued to schedule sessions, but it repeatedly postponed action.

In February, in an unprecedented verdict, the penal judge of Beirut dismissed charges against 13 anti-Syrian activists (11 Aounists and 2 Lebanese Forces supporters arrested in August 2001, saying that, "having opposing views does not constitute a violation of the law."



## U.S. DEPARTMENT of STATE

# Lebanon

### Country Reports on Human Rights Practices - [2003](#)

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February 25, 2004

Lebanon is a parliamentary republic in which the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In the 2000 parliamentary elections, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri was named Prime Minister by President Lahoud in October 2000. According to international observers, the elections were flawed; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The Constitution provides for an independent judiciary; however, in practice, it was subject to political pressure.

Non-Lebanese military and paramilitary forces retained significant influence over much of the country. Approximately 15,000 to 17,000 Syrian troops were stationed in locations throughout the country, excluding the south. An undetermined number of Syrian military intelligence personnel in the country continued to conduct their activities independently. In 2000, following the Israeli Defense Forces (IDF) withdrawal from the south, the Government deployed more than 1,000 police and soldiers to the former security zone. The Government did not attempt to disarm Hizballah, a terrorist organization operating in the region. Palestinian groups, including armed factions, operated autonomously in refugee camps throughout the country.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Lebanese security forces committed numerous, serious human rights abuses, sometimes acting independently, and other times on instruction of senior government officials. Syrian and Palestinian security forces operated independently of Lebanese security forces and also committed numerous, serious human rights abuses. There were credible reports that Lebanese security detained individuals on the instruction of Syrian intelligence agencies.

The country maintained a free market economy, with no controls on the movement of capital and foreign exchange. The country's population of approximately 4.4 million had an estimated active labor force of 1.5 million, the majority of which were employed in the service sector and in a small industrial sector. Real gross domestic product (GDP) growth was estimated at approximately 2 to 2.5 percent. While there were no reliable government statistics, most analysts estimated unemployment at 20 to 25 percent.

The Government's overall human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The right of citizens to change their government remained significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, the flawed 2000 elections, and Syrian influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. The Government also arbitrarily arrested and detained persons who were critical of government policies. Lengthy pretrial detention and long delays in trials remained problems. The courts were subject to political pressure, seriously hampering judicial independence. During the year, the Government infringed on citizens' privacy rights and continued surveillance of political activities. The Government limited press and media freedom. The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. There were some restrictions on freedom of religion. The Government imposed some limits on freedom of movement. Violence and discrimination against women, abuse of children, discrimination against Palestinians, forced labor, including by children, child labor, and the mistreatment of foreign domestic servants remained problems. Trafficking in persons was a problem.

### RESPECT FOR HUMAN RIGHTS

#### Section 1 Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, on May 19, militant Islamists killed at least two persons and injured a photographer when they clashed with Palestinian gunmen in the Palestinian refugee camp of Ain al-Hilweh. Abdallah Shreidi, the leader of the Asbat al-Nur Sunni Islamic extremist group was critically injured and died 3 months later.

On August 2, a man identified as 42-year-old Hizballah member Ali Hussein Saleh was killed in a car bomb explosion in Beirut's southern suburbs. Some government officials and Hizballah accused Israel of carrying out the killing; however, at year's end, no one claimed responsibility for the attack.

No group claimed responsibility for the 2002 killing of American citizen missionary Bonnie Weatherall, and the case remained unsolved at year's end (see Section 2.c.).

There were no developments in the 2002 killing of Ramzi Irani, the officer-in-charge of the banned Lebanese Forces.

Unlike in previous years, there were no reported deaths in custody during the year.

During the year, violent cross-border incidents since the 2000 IDF withdrawal, involving Hizballah, Palestinian, and other unidentified armed elements, continued. In January, a cross-border fire exchange critically injured one civilian who later died of his injuries. In August, Hizballah anti-aircraft fire that landed in Israel killed a civilian.

The country's landmine and unexploded ordinance (UXO) problem was estimated at over 400,000 landmines and UXOs throughout the country, with the majority in the former Israeli occupied security zone. During the first half of the year, the Government successfully demined 600,000 square meters of land, allowing it to be returned to productive use. According to the Lebanese Demining Office, there have been a total of 2,784 landmine victims in the country since 1990. During the year there were 42 landmine victims, including 4 fatalities and 38 injured persons.

#### b. Disappearance

There were no reports of politically motivated disappearances.

At year's end, the Government had not yet disclosed the findings of a 2000 committee's report investigating cases of disappearance during the country's civil war.

In October, Hizballah allowed a German mediator to visit IDF reservist Elhann Tannenbaum, kidnapped in 2000. At year's end, Tannenbaum was still presumed to be detained.

On August 25, Israel returned the bodies of two Hizballah fighters who died fighting Israeli forces in the southern part of the country in the 1990s. During the year, Hizballah continued to maintain the position that it would release Israeli soldiers in return for the release of Arab prisoners held by Israel.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution does not specifically prohibit torture, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups reported that torture was a common practice. The Government acknowledged that violent abuse usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite laws that prevented judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings and suspension by arms tied behind the back. Some former Southern Lebanese Army (SLA) detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground. Supporters of exiled General Michel 'Awn, and detained Tawfiq Hindi, political advisor to former Lebanese Forces commander Samir Ja'Ja who were arrested in 2001, claimed that officers had abused them and that they were psychologically tortured when authorities threatened their families (see Section 1.d.).

During the year, there were credible reports that army intelligence held detainees blindfolded and handcuffed in the "farouj" position (Arabic for "chicken" - individuals are handcuffed with their hands at their ankles in a hunched over position) for days at a time while being interrogated.

Abuses occurred in areas outside the Government's control, including in Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals (see Section 1.d.). Rival groups, such as Fatah and Asbat al-Nur, regularly clash over territorial control in the various camps, sometimes leading to exchanges of gunfire and/or detention of rival members.

Prison conditions were poor and did not meet minimum international standards. The Government did not allocate funds for prison reform. The Government has made a modest effort to rehabilitate some inmates. On May 22, 40 prisoners were awarded certificates for computer skills they acquired at Roumieh central prison. The ISF donated 20 used computers to provide training for more inmates. On June 27, the First Lady awarded certificates to 44 women held in Baabda prison who completed training in hairdressing, make-up, and knitting. Men, women, and juveniles were held separately in government prisons.

In 2000, AI issued a report on prison conditions for women that highlighted numerous, serious human rights abuses, including torture, as well as the breach of legal rights of citizens. In response to public concern, the Prosecutor General appointed a senior aide to investigate allegations of torture and mistreatment of women in pre-trial detention. On August 13, in response to an AI report claiming that prisoners are tortured, Prosecutor General Adnan Addoum refuted these allegations, saying that his senior aide carried out an investigation in 2002 and concluded that torture against women does not occur.

The Surete Generale, which is in charge of border posts, operated a detention facility for detainees, mostly Egyptians and Sri Lankans, pending deportation. Their detention was supposed to be for 1 to 2 months, pending the regularization of their status. However, some persons, primarily asylum seekers, were detained for more than a year and eventually deported.

Former Lebanese Forces leader Samir Ja'Ja, who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, was kept in solitary confinement in a prison in the basement of the Ministry of Defense. Government officials stated that his solitary confinement was necessary for his own protection.

During the year, local journalists and human rights organizations were given access to certain prisons except the Yarze prison controlled by the Ministry of Defense. The Government did not grant independent monitors access to former SLA soldiers in custody. In September 2002, the Cabinet ordered that International Committee of the Red Cross (ICRC) representatives should be allowed to visit all prisons, including the one under the control of the Ministry of Defense. However, by year's end, the ICRC had not done so because the Ministry of Defense had not granted permission. Hizballah did not permit visits by human rights monitors to persons in its custody.

#### d. Arbitrary Arrest, Detention, or Exile

The law requires the ISF to obtain warrants before making arrests; however, the Government used arbitrary arrest and detention. Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). The most recent estimates in 2001 by the Parliamentary Commission for Human Rights reported that of the 7,230 persons being held in prison, only 2,500 were convicted.

The Code of Criminal Procedure provides legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the Code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot

pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the Code, bail is available in all cases regardless of the charges. Many provisions of the Code were not observed in practice.

Defendants have the right to legal counsel, but there was no state-funded public defender's office. The bar association operated an office for those who could not afford a lawyer, and the court panel on many occasions asked the bar association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary detention and arrest. On several occasions during the year, security forces detained and arrested hundreds of citizens on grounds of national security. Protestors were also arbitrarily detained and arrested (see Section 2.b.). The Government also detained, interrogated, and beat journalists (see Section 2.a.).

On September 10, the Surete Generale detained and questioned Samira Trad, executive manager of Frontiers Center, a private company that conducted studies and advocates for the rights of marginalized people, for her human rights activities. Authorities questioned her concerning slandering the country and operating an illegal association.

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal in 2000; however, lawyers and family members have since been provided access. The authorities often detained without charge for short periods of time political opponents and opponents of the Syrian Government. Legal action against them remained pending at year's end; however, they were free to travel abroad.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians. For example, Palestinian refugees living in camps are not allowed to bring in construction material to repair damaged houses. Lebanese security services use this as leverage to recruit informers and buy their allegiance. In December, the LAF arrested without charge Khalid Shayeb, Fatah's chief official in the Biq'a at a checkpoint outside of Ain el-Hilweh camp; he was released shortly thereafter.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. By year's end, 9 of 54 persons who were arrested by Syrian Forces during and after the civil war, and turned over in 2000 to the Government, remained in government custody, including Abu Haytham Karara, an official of the Progressive Socialist Party. No formal charges were brought against them. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention. According to AI, Syrian forces operating in the country carried out searches, arrests, and detentions of citizens outside any legal framework.

The law does not provide for forced exile, and it was not practiced regularly.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, it was subject to political pressure. The Constitution provides for a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution.

The judicial system consists of the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges based on the religious affiliation of the prospective judge. A shortage of judges impeded efforts to adjudicate cases backlogged during years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control.

Trials were generally public, but judges had the discretion to make a court session secret. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants have the right to confront or question witnesses against them but must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and the right of appeal. These rights generally were observed in practice.

Defendants on trial for security cases, which were heard before the Judicial Council, have the same procedural rights as other defendants; however, there was no right to appeal in such cases. The testimony of a woman is equal to that of a man (see Section 5).

The Military Court has jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians may be tried for security issues, and military personnel may be tried for civil issues. The Military Court has two tribunals--the permanent tribunal and the cassation tribunal--the latter hears appeals from the former. A civilian judge chairs the higher court. Defendants on trial under the military tribunal have the same procedural rights as defendants in ordinary courts.

During the year, the Military Court continued trying the cases of the approximately 3,000 SLA militiamen who surrendered to the Government following the IDF withdrawal. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. AI reported that such summary trials neither allowed the innocent to be acquitted nor ensured the discovery of those who may be guilty of war crimes. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks. Two persons implicated in torture of prisoners at al-Khiam prison were sentenced to life in prison. The military prosecutor recommended the death sentence for 37 (21 tried while in government custody; 16 tried in absentia) former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). The Military Court denied every recommendation for the death sentence. Unlike in previous years, there were no reports that the Government or Hizballah subjected former SLA members who returned to their villages to regular harassment.

In 2002, Mahmoud Salim Mahbouba filed a claim that armed individuals broke into his house and kidnapped his son, Mohammed, a former SLA member who was released from Roumieh prison after serving a 2-year sentence. By year's end, no action had been taken on Mahbouba's claim.

On August 8, a prominent human rights lawyer critical of the judiciary, Muhammad Mughrabi, was arrested and charged with impersonating a lawyer. The arrest followed a January action by the Beirut Bar Association disbaring Mughrabi. He was released after 3 weeks in detention, and charges were dropped in September due to lack of evidence.

In 2001, the bar association lifted the immunity of lawyer Muhammad Mughrabi to permit Mughrabi's prosecution for criticizing the country's judicial system at a press conference. Consequently, five different penal cases were started against him, but due to appeals filed by Mughrabi against the bar association, all remained pending in court at year's end. In one case, the prosecution moved against Mughrabi without seeking the Bar Association's permission. Mughrabi appealed the prosecutor's decision to the Court of Cassation, which ruled in his favor (see Section 2.a.).

There was no action taken in the 77 military and civilian cases of 'Awn and Ja'Ja supporters. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts (see Section 1.d.). In December, a trial session in the case of 13 of the 'Awnist supporters was held, and the court announced that it would render a verdict in February 2004.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice. For example, local popular committees in the camps attempted to solve disputes using tribal methods of reconciliation. If the case involved a killing, the committees occasionally used their good offices to hand over the perpetrator to Lebanese authorities for trial.



# Lebanon

## Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 31, 2003

Lebanon is a parliamentary republic, with a constitution dating from 1926, in which, based on the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in 2000, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri was named Prime Minister by President Lahoud in October 2000. According to international observers, the elections were flawed; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. Although the judiciary was independent in principle, in practice, it was subject to political pressure.

Non-Lebanese military and paramilitary forces retained significant influence over much of the country. According to the 1989 Taif Accord, a peace settlement to end the civil war, the Syrian and Lebanese Governments were to determine the redeployment of Syrian troops to specified areas of the Biqa' Valley, with full withdrawal contingent upon subsequent agreement by both governments. The Syrian Government did not carry out this partial redeployment and has prevented implementation of other political reforms stipulated by the Taif Accord. Strong Syrian influence over local politics and decision makers made officials unwilling to press for further progress on fulfilling Taif agreements, including Syrian withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria did not reflect the will of most of the country's citizens.

In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. Approximately 22,000 Syrian troops were stationed in locations throughout the country, excluding the south. An undetermined number of Syrian military intelligence personnel in the country continued to conduct their activities independently.

Until May 2000, Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). In 2000, after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and the SLA disbanded. Following the withdrawal, the Government deployed more than 1,000 police and soldiers to the former security zone. The Government did not attempt to disarm Hizballah, a terrorist organization operating in the region.

Palestinian groups operated autonomously in refugee camps throughout the country. Several armed Palestinian factions were located in the refugee camps, although their freedom of movement was restricted significantly. The Government did not attempt to assert state control over the Palestinian camps; however, during the year it successfully took into custody fugitives who had sought refuge in the camps.

During the year, Hizballah, the influence of the Syrian Government, and Palestinian groups all undermined the authority of the Government and interfered with the application of law in those areas not completely under the Government's control.

The security forces consisted of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforced laws, conducted searches and arrests, and referred cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collected information on groups deemed a possible threat to state security. The Surete Generale was responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that addressed national security issues and "morals." The security forces committed numerous, serious human rights abuses, sometimes acting independently, and other times on instruction of senior government officials.

The country of approximately 4 million had a market-based economy, in which the majority of the private sector was employed in the service sector and in a small industrial sector. During the year, there was slow implementation of economic reforms, unfavorable domestic political developments, and continuing regional instability that led to nearly stagnant economic activity. Unemployment was estimated to be approximately 25 percent.

The Government's overall human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The right of citizens to change their government remained significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, the flawed 2000 elections, and Syrian influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who were critical of government policies. Despite a new Code of Criminal Procedure, enacted in 2001, lengthy pretrial detention and long delays in trials remained problems. The courts were subject to political pressure. During the year, the Government infringed on citizens' privacy rights and continued surveillance of political activities. The Government limited press and media freedom.

The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. There were some restrictions on freedom of religion. The Government imposed some limits on freedom of movement. Violence and discrimination against women, abuse of children, discrimination against Palestinians, forced labor, including by children, child labor, and the mistreatment of foreign domestic servants remained problems.

Palestinian groups in refugee camps maintained a separate, often arbitrary, system of justice for Palestinians living in the camps. Palestinians sometimes appealed to the country's authorities for legal recourse, often through both their Lebanese and Palestinian agents in the camps. Lebanon was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. On November 21, American citizen missionary Bonnie Witherall was killed at the Sidon health clinic where she worked. It is believed that Sunni extremists, possibly operating from the Ain Al-Hilwah Palestinian refugee camp, were responsible. However, no group has claimed responsibility for the killing and the case remained unsolved at year's end (see Section 2.c.).

On January 24, former Lebanese Forces Commander and former cabinet member Elie Hobeiqa and three of his bodyguards were killed when a car bomb exploded near Hobeiqa's residence. Five men were detained by the authorities for questioning but were later released. On May 21, Jihad Jibril, the son of the Secretary General of the Popular Front for the Liberation of Palestine-General Command, was killed when an explosive detonated inside his car. Two persons were in government custody in connection with the killings at year's end. Unknown groups claimed responsibility for the above killings. Also on May 21, the body of Ramzi Irani, the officer-in-charge of the banned Lebanese Forces at the Lebanese University was found 14 days after he was discovered missing. No one has claimed responsibility for his death.

In March State Prosecutor General Adnan Addoum acknowledged that four persons had died in custody during 2000; a Sudanese asylum seeker and three SLA detainees died of natural causes. There were no reported deaths in custody during the year.

The judicial system continued to suffer from a backlog of hearings into cases of deaths in custody, some as old as 6 years. Such cases sometimes involved individuals connected to political groups or accused of criminal activity.

Following IDF withdrawal in 2000, violence in and around the former Israeli controlled security zone decreased significantly. However, there were a number of violent cross-border incidents since the withdrawal, involving Hizballah, Palestinian, and other unidentified armed elements. No incidents resulted in civilian deaths during the year.

According to the LAF National Demining Office, there were approximately 400,000 landmines in the former security zone that had been occupied by Israel. The United Nations Interim Forces in Lebanon (UNIFIL) statistics on recorded landmines in the former security zone indicated that 50,644 antipersonnel mines were located in 108 minefields along the Lebanon-Israel border. Since the Israeli withdrawal, there have been 35 deaths and 192 injuries due to landmine accidents.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Since 1999 the Government has worked to investigate cases of disappearance during the civil war, concluding in September 2000 that all persons who disappeared at least 4 years before the end of the civil war were dead. However, in December 2000, following the release by the Syrian authorities of an estimated 149 Lebanese detainees from Syrian jails, including some who had been declared dead, the Government formed a new committee to reexamine the cases and received about 800 applications from family members.

In 2001 the Israeli Government announced that the Israeli soldiers kidnaped by Hizballah in 2000 were believed to be dead. During the year, Hizballah continued to maintain the position that it would release Israeli soldiers in return for the release of Arab prisoners held by Israel.

In October 2000, Hizballah kidnaped IDF reservist Elhann Tannenbaum. At year's end, he was still presumed to be detained.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups reported that torture was a common practice. Violent abuse usually occurred during preliminary investigations conducted at police stations or military installations, in which suspects were interrogated without an attorney. Such abuse occurred despite laws that prevented judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings and suspension by arms tied behind the back. Unlike in the past, there were no reported applications of electric shocks to the genitals.

In 2001, the Justice Minister publicly stated that "torture in Lebanese prisons is real, and mainly occurs during preliminary investigations." The Minister also added that the Government would adopt measures to eliminate the use of torture. By year's end, no measures had been taken.

The Government initially held incommunicado most of the 3,000 SLA personnel who surrendered to authorities following the IDF's May 2000 withdrawal; however, it subsequently allowed lawyers and family members to have access (see Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 2001 security forces arrested hundreds of supporters of exiled General Michel 'Awn, and detained Tawfiq Hindi, political advisor to former Lebanese Forces commander Samir Ja'ja. (see Section 1.d.). Some of those arrested claimed that officers had abused them. They also alleged that they were psychologically tortured when authorities threatened their families.

Abuses occurred in areas outside of the State's authority, including in Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals (see Section 1.d.).

Prison conditions were poor and did not meet minimum international standards. The Government did not allocate funds for prison reform.

In 2001 members of the Parliamentary Commission for Human Rights visited all prisons in the country except those controlled by the Ministry of Defense. The Interior Ministry denied the press permission to accompany the delegation. The Chairman of the Commission subsequently stated that "the health conditions of the prisoners are deplorable and require continuous care. We hope the women's prisons will be emptied and the prisoners transferred." He also indicated that of the 7,230 persons being held in prison, only 2,500 were convicted.

In 2000 AI issued a report on prison conditions for women which highlighted numerous, serious human rights abuses, including torture, as well as the breach of legal rights of citizens. In response to public concern, the Prosecutor General appointed one of his senior aides to investigate allegations of torture and mistreatment of women in pretrial detention. In May, the Prosecutor's office issued a communique denying all allegations of torture against women. The Government has made a modest effort to rehabilitate some inmates.

The Surete Generale, which is in charge of border posts, operated a detention facility. All detainees, mostly Egyptians and Sri Lankans, were detained there pending deportation. In 2001, the Surete Generale opened a new detention facility, which reportedly provided somewhat better conditions than the old facility. Their detention was supposed to be 1 to 2 months, pending the regularization of their status. However, some, mainly asylum seekers, were detained for more than a year.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, was kept in solitary confinement in a prison in the basement of the Ministry of Defense. Government officials stated that his solitary confinement was necessary for his own protection.

During the year, local journalists and human rights organizations were given access to certain prisons except those controlled by the Ministry of Defense. Following the Israeli withdrawal, the Government did not grant independent monitors access to former SLA soldiers in custody. In September the Cabinet ordered that International Committee of the Red Cross (ICRC) representatives should be allowed to visit all prisons, including the one under the control of the Ministry of Defense. However, by year's end ICRC had not done so because the Ministry of Defense had not granted permission.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, and there were frequent allegations of torture and mistreatment of detainees (see Section 1.d.).

Hizballah did not permit visits by human rights monitors to those persons in its custody. Men, women, and juveniles were held separately in government prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The law requires security forces to obtain warrants before making arrests; however, the Government used arbitrary arrest and detention. Military intelligence personnel made arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). In 2001 the Parliamentary Commission for Human Rights stated that of the 7,230 persons being held in prison, only 2,500 were convicted.

In 2001 the Parliament enacted and put into effect a new Code of Criminal Procedure. The new law provides greater legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the Code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest, unless there were witnesses to the crime, in which case the suspect may not be held in custody more than 24 hours. The period may be extended to 48 hours with the agreement of the public prosecutor's office. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the Code, bail is available in all cases regardless of the charges. Many provisions of the new Code were not observed in practice. Some police and members of the judiciary have claimed that they were not properly informed of the new provisions.

Defendants had the right to legal counsel, but there was no state-funded public defender's office. The Bar Association operated an office for those who could not afford a lawyer, and the court panel on many occasions asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary detention and arrest. On several occasions during the year, security forces detained and arrested hundreds of citizens on grounds of national security. Protestors were also arbitrarily detained and arrested (see Section 2.b.). The Government also detained, interrogated, and beat journalists (see Section 2.a.).

In 2001, security forces arrested, interrogated, and searched the homes of more than 100 citizens, predominately Christian supporters of exiled General Michel 'Awn, and jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. Most of the arrests and searches took place without warrants, and those arrested claimed that they were not given access to lawyers. The authorities allegedly forced most of them to sign affidavits stating that they would abstain from politics and released them within 2 weeks after their arrests. Some were blindfolded and forced to sign the affidavits without reading them; some of those who refused were beaten until they signed. Retired General Nadim Lteif, Coordinator of the Awnist movement, and Tawfiq Hindi, former political advisor of Samir Ja'Ja', were among those arrested. At least 77 of those detained were referred to both military and civilian courts (see Section 1.e.). All but five of those arrested were released within weeks. Two persons were held until November 2001, when they were released on bail. In March the court dropped all charges against them.

In February, six men were arrested and accused of spying for Israel on Hizballah, as well as on Lebanese and Syrian military positions and Lebanese political figures and financial institutions. In September, military tribunals sentenced the men to terms ranging from 1 year in prison to death. Hassan Hashem, a former official of the country's Shi'a Amal militia, was sentenced to 3 years of hard labor. One defendant tried in absentia received a death sentence.

On July 11, the military court of appeals sentenced Lebanese Forces political advisor Tawfiq Hindi and journalist Habib Younis to 15 months imprisonment for having established contacts with Israeli forces. The tribunal also convicted journalist Antoine Bassil for providing assistance to Israeli forces and sentenced him to 30 months. On November 9 and 16, respectively, Hindi and Younis were released.

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal in 2000 (see Section 1.c.); however, lawyers and family members have since been provided access. The authorities often detained without charges for short periods of time political opponents and opponents of the Syrian Government. Legal action against them remained pending; however, they were free to travel abroad.

Palestinian refugees were subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians.

Unlike in 2000, there were no allegations during the year of the transfer of citizens by government authorities to Syria. By year's end, 9 of 54 persons turned over in 2000 to Syria remained in Syrian custody, including Abu Haytham Karara, an official of the Progressive Socialist Party. No formal charges were brought against them. Human rights activists believed that there were numerous Lebanese, Palestinians, and Jordanians in prolonged and often secret detention. According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework. The Government formed a committee in 2000 to investigate cases of those who disappeared during the civil strife (see Section 1.b.). Although it was due to report on its findings by July, the committee had not done so by year's end.

Abuses occurred in areas outside of the State's authority, including the Palestinian refugee camps. During the year, there were reports that members of the various groups who controlled the camps detained their Palestinian rivals.

During the year, there were no reports that Hizballah conducted arbitrary arrests in areas outside central government control.

Israel continued to hold 20 Lebanese citizens, including Sheikh Abed al-Karim Obaid and Mustafa Dirani, who had been held without charge since 1989 and 1994, respectively.

The law does not provide for forced exile, and it was not practiced regularly.

#### e. Denial of Fair Public Trial

The judiciary was independent in principle; however, it was subject to political pressure. The Constitution provides for a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament, and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervened and protected their supporters from prosecution.

The judicial system consisted of the regular civilian courts; the Military Court, which tries cases involving military personnel and civilians in security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appointed all other judges based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflict. Trial delays were aggravated by the Government's inability to conduct investigations in areas outside of its control.

In general trials were public, but judges had the discretion to make a court session secret. Defendants had the right to be present at trial and the right of timely consultation with an attorney. Defendants had the right to confront or question witnesses against them but must do so through the court panel, which decided whether or not to permit the defendant's question. Defendants and their attorneys had access to government-held evidence relevant to their cases and had the right of appeal. These rights generally were observed in practice.

Defendants on trial for security cases, which were heard before the Judicial Council, had the same procedural rights as other defendants; however, there was no right to appeal in such cases. The testimony of a woman was equal to that of a man (see Section 5).

The Military Court had jurisdiction over cases involving the military as well as those involving civilians in espionage, treason, weapons possession, and draft evasion cases. Civilians could be tried for security issues, and military personnel could be tried for civil issues. The military court had two tribunals—the permanent tribunal and the cassation tribunal—the latter of which heard appeals from the former. A civilian judge chaired the higher court. Defendants on trial under the military tribunal had the same procedural rights as defendants in ordinary courts.

In 2000, the Military Court began trying the cases of the approximately 3,000 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGOs) reported that the trials were open to journalists and members of the public but were not fair. AI reported that such summary trials neither allowed the innocent to be acquitted nor ensured the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the files shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, more than 2,919 former SLA members had been tried and convicted. Approximately one-third of the former SLA members received 1-year prison sentences and approximately one-third received sentences of 3 to 4 weeks under Article 273. Two persons who were implicated in the abuse and torture of prisoners at al-Khiam prison were sentenced to life in prison. The military prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). 21 of these militiamen were tried while in government custody; 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. During the year, following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. During the year, no similar sentences were issued. There were no new reports that the Government or Hizballah subjected former SLA members who returned to their villages to regular harassment. On July 19, Mahmoud Salim Mahboubia filed a

claim that armed individuals broke into his house and kidnaped his son, Mohammed, a former SLA member who was released from Roumeih prison after serving a 2-year sentence. By year's end, the Government had released all of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine.

In 2001 the State Prosecutor's Office requested that the Bar Association lift the immunity of lawyer Muhammad Mugarby to permit Mugarby's prosecution for criticizing the country's judicial system at a press conference. The Bar Association complied with the request; at year's end, Mugarby's challenge of the decision remained pending (see Section 2.a.).

In August 2001, the Government arrested without warrant Antoine Bassil, a correspondent for a Saudi Arabian television station, for his alleged association with Israeli officials. In July Bassil was sentenced to 30 months in prison by a military tribunal(see Section 2.a.).

In 2001, the Government arrested without warrant Habib Younis, the managing editor in al-Hayat's Beirut office, for his alleged association with Israel. Authorities referred his case to a military court, which indicted him for conspiring with Israel. Younis was sentenced to 15 months of imprisonment and was released on November 16 (see Section 1.d.).

In 2001 authorities referred at least 77 'Awn and Ja'Ja supporters to both military and civilian courts. Charges brought by the Military Prosecutor's Office included opposing the policy of the Government; disseminating the principles of an unauthorized political party; jeopardizing the country's relations with a friendly state; using oral and written statements not authorized by the Government; defaming the Syrian army's reputation; organizing meetings and activities of an unauthorized political party; and transmitting false and exaggerated information. Tawfiq Hindi, Ja'Ja's former political advisor was charged with collaborating with the Israeli enemy, forming an association to harm the State's authority, and damaging the country's relation with a sisterly nation(see Section 1.d.). In 2001 the Court of Cassation ruled that the military court did not have jurisdiction in 63 of the cases, which were transferred to a criminal court. At year's end, these cases were still pending in court. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts (see Section 1.d.). At year's end, both cases remained pending.

Palestinian groups in refugee camps operated an autonomous and arbitrary system of justice.



## U.S. DEPARTMENT of STATE

# Lebanon

### Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

Lebanon is a parliamentary republic in which, based on the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election by Parliament that was heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in 2000, incumbent Prime Minister Salim al-Hoss lost his seat in a contested election, and former Prime Minister Rafiq Hariri was named Prime Minister by President Lahoud in October 2000. According to international observers, the elections were flawed and the outcome was heavily influenced by the Syrian Government; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The judiciary is independent in principle; however, in practice it is subject to political pressure.

Non-Lebanese military and paramilitary forces retain significant influence over much of the country. In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the country's civil war. According to the Taif Accord, the Syrian and Lebanese Governments were to determine the redeployment of Syrian troops to specified areas of the Biqa' Valley, with full withdrawal contingent upon subsequent agreement by both governments. The Syrian Government has not carried out this partial redeployment and has prevented implementation of other political reforms stipulated by the Taif Accord. Strong Syrian influence over Lebanese politics and decision makers makes officials unwilling to press for further progress on fulfilling Taif agreements, including Syrian withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria does not reflect the will of most of the country's citizens.

In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. Approximately 22,000 Syrian troops are stationed in locations throughout the country, excluding the south; during the year, some Syrian troops redeployed from positions in Beirut and Mount Lebanon to Syria and to more eastern positions in Lebanon. An undetermined number of Syrian military intelligence personnel in the country continue to conduct their activities independently of a 1991 security cooperation agreement between the governments of Syria and Lebanon.

Until May 2000, Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). Prior to the Israeli withdrawal, with the tacit support of the Government, the Iranian-backed Shi'a Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shi'a group Amal and some Palestinian guerrillas were locked in a cycle of attack and counterattack with Israeli and SLA troops. In May 2000, after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and West Biqa', and the SLA disbanded. Following the withdrawal, the Government deployed more than 1,000 police and soldiers to the former security zone, and Hizballah guerrillas maintained observation posts and conducted patrols along the border with Israel. The United Nations Interim Forces in Lebanon (UNIFIL), which was established in 1978, also increased its area of operations following the Israeli withdrawal. The Government has not attempted to disarm Hizballah.

Palestinian groups operate autonomously in refugee camps throughout the country. Several armed Palestinian factions are located in the refugee camps, although their freedom of movement is restricted significantly. The Government has not attempted to assert state control over the Palestinian camps.

Hizballah, Palestinian groups, and the influence of the Syrian Government all undermined the authority of the central Government during the year and interfered with the application of law in those areas not completely under the Government's control.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Surete Generale is responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that address national security issues and "morals." The security forces committed serious human rights abuses.

The country of approximately 3-3.5 million has a market-based economy, in which the majority of the private sector work force is employed in the service sector such as banking and commerce. There is a small industrial sector, based largely on clothing manufacturing and food processing. Following 2 years of recession, the economy is showing faint signs of recovery. Growth was estimated at between 0.5 and 1.5 percent during the year--compared to flat growth in 2000. The central bank maintained currency stability by intervening on the foreign exchange market to meet a strong dollar demand, thus placing a drain on its reserves. Inflation remained low, and was estimated at 1 percent. Per capita gross domestic product (GDP) was an estimated at \$5000 in 2000, and the unemployment rate was estimated at about 15 to 20. Approximately 30 percent of those unemployed are under age 26. Lebanon suffers from a crippling debt burden, which reached about \$28 billion by the end of the year, reaching approximately 172 percent of the GDP. The budget deficit reached 45.6 percent of expenditures, compared to 51 percent in 2000. Government deficit as a percentage of GDP is estimated to be about 24.8 percent.

The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their government remains significantly restricted by the lack of complete government control over parts of the country, shortcomings in the electoral system, and Syrian influence. The 2000 parliamentary elections were flawed and suffered from Syrian government influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who were critical of government policies. During August army intelligence officers arrested more than 100 supporters of exiled General Michel 'Awn and the banned Lebanese Forces militia group. Lengthy pretrial detention and long delays in trials are problems, although a new Code of Criminal Procedure was enacted during the year in an attempt to address such issues. The courts are subject to political pressure. International observers have reported that the trials of former SLA personnel, which began in 2000 and continued during the year, were not free and fair. The Government infringed on citizens' privacy rights and continued surveillance of political activities during the year. The Government limited press freedom by continuing to harass, abuse, and detain journalists throughout the year, forcing other journalists to practice self-censorship. The Government continued to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly and imposed some limits on freedom of association. There are some restrictions on freedom of religion. The Government imposes some limits on freedom of movement. Violence and discrimination against women; abuse of children; discrimination against Palestinians; forced labor, including by children; child labor; and the mistreatment of foreign domestic servants are problems.

After the IDF withdrawal in May 2000 and the subsequent collapse of the SLA, the cycle of violence in and around the former Israeli security zone decreased significantly. However, there continued to be a number of cross-border attacks by Hizballah and counter-attacks by Israeli forces. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for Palestinians living in the camps. Palestinians sometimes may appeal to Lebanese authorities for legal recourse, often through their agents in the camps.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

Four persons died in custody during 2000. In January 2000, a Sudanese asylum seeker, Abdallah Juma' Jarkum, died of malaria in Zahle prison. Prison officials reportedly did not offer him medical treatment before his death. An elderly SLA member died in custody in June 2000, allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. In November 2000, one SLA detainee, Redwan Shakib Ibrahim, died of cancer and another SLA detainee, Barakat al'Amil, died of complications resulting from high blood pressure. The Military Court initiated an investigation into the deaths of two SLA detainees to determine whether or not they received proper medical treatment; however, its investigations were ongoing at year's end. Subsequent to the deaths of the SLA detainees, the Government announced that it would review the medical records of all SLA detainees to ensure that they receive proper treatment (see Section 1.c.). In a March statement, state prosecutor Adnan Addoum announced that Jarkum and Qarut died in prison of heart attacks, Qarut died in prison of a heart attack, Ibrahim died of an embolism after undergoing two surgical operations in an attempt to save his life, and al-'Amil died of severe bleeding in the brain.

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniye after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni insurgents in the north. Five civilians, 7 LAF soldiers, and 15 insurgents were killed in the operation (see Section 1.c., 1.d., and 5).

The judicial system continued to suffer from a backlog of hearings into cases of deaths in custody, some as old as 6 years. Such cases sometimes involve individuals connected to political groups or accused of criminal activity.

There were no new developments in the case of the June 1999 killings of four judicial officials at a courthouse in Sidon. The perpetrators reportedly are members of the outlawed Palestinian group

"Asbat al-Ansar;" however, government authorities did not arrest any of the suspected gunmen, who are believed to be hiding in the Palestinian refugee camp of Ain-Al Hilwah.

A military tribunal in 1999 sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. In January the military tribunal, on appeal, reduced the sentence for Captain Camille Yared to 7 years in prison and affirmed the sentences of the four Lebanese Forces militiamen.

On January 26, 2000, the Court of Cassation (Supreme Court) reaffirmed the 1998 verdict in the case of the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi. The Court upheld defendant Tawfiq Mohammad Farroukh's acquittal on the charge of murder and conviction for the lesser crime of kidnaping. The Court ruled that the verdict made Farroukh eligible for amnesty under the 1991 Amnesty Law.

The cycle of violence in and around the former Israeli controlled security zone decreased significantly following the IDF withdrawal in May 2000. However, there have been a number of violent cross-border incidents since the withdrawal.

On January 26, two members of the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) were killed and a third wounded by Israeli forces near Bastara Farm in Lebanon, which borders Sheb'a Farms (part of the Israeli-occupied Golan Heights, which Lebanon claims as its territory). The Israeli army claimed that the victims were attempting to launch cross-border attacks.

In April Hizballah launched a guided missile attack on Sheb'a Farms, killing one Israeli soldier. For the first time in more than 10 years, Israel responded against a Syrian target in Lebanon, bombing a Syrian radar station in Mudayrej and killing three Syrian soldiers.

On June 29, Hizballah attacked Sheb'a Farms with mortar and rockets, wounding one Israeli soldier. On July 1, Israeli warplanes destroyed a Syrian army radar base in the Biqa' Valley, wounding three Syrian and one Lebanese soldier. Hizballah responded to the air raid by firing mortars against Israeli outposts in Sheb'a Farms and destroying an Israeli radar post in Jabal al-Shaykh. The Israeli Defense Forces responded with artillery shelling.

In October 1999, one person was killed when a bomb exploded in a Maronite church in Beirut (see Section 5).

There are approximately 380,000 landmines in the former security zone that had been occupied by Israel. UNIFIL statistics on recorded landmines in the former security zone indicate that 50,644 antipersonnel mines are located in 108 minefields along the Lebanon-Israel border. Since the Israeli withdrawal in May 2000, there have been 26 deaths and 167 injuries as a result of landmine accidents. Agence France-Press reports that 13 Lebanese civilians were killed and more than 70 were injured as a result of landmines and other explosive devices since May 2000.

#### b. Disappearance

There were no reports of politically motivated disappearances.

In 1999 the Government established a military commission to investigate the fate of those who disappeared during the civil war. In September 2000, the commission concluded that all persons who disappeared at least 4 years before the end of the civil war were dead. The Government endorsed the commission report and then Prime Minister Salim al-Hoss called on all families to "accept reality despite its bitterness."

However, in December 2000, following the release by the Syrian authorities of an estimated 149 Lebanese detainees from Syrian jails, including some who had been declared dead by the commission, the Government formed a new committee to reexamine the cases of those who had disappeared during the civil strife. The committee had received about 800 applications from family members by year's end. The committee was scheduled to issue a report to the Government on its findings; however, the Government granted it a 6-month extension to complete the report.

In October 2000, Hizballah guerillas kidnaped 3 Israeli soldiers on patrol in the Sheb'a Farms area of the Golan Heights, and demanded that the Israeli Government release Lebanese political detainees held in Israeli prisons in return for the soldiers' release. In October the Israeli Government announced that it believed the soldiers were dead. Hizballah made various demands for the release of other Arab prisoners, especially Palestinians, during the year.

Hizballah kidnaped IDF reservist Elhann Tannenbaum in Lebanon in October 2000. He was presumed to still be detained at year's end.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, in which suspects are interrogated in the absence of an attorney. Such abuse occurs despite laws that prevent judges from accepting any confession extracted under duress.

Methods of torture reportedly included beatings, applying electric shocks to the genitals, and suspension by arms tied behind the back.

On July 18, the Justice Minister publicly stated that "torture in Lebanese prisons is real, and mainly occurs during preliminary investigations." The Minister also added that the Government would adopt measures to eliminate the use of torture. No measures had been taken by year's end.

The Government initially held incommunicado most of the 3,000 SLA personnel who surrendered to authorities following the IDF's withdrawal from the south in May 2000; however, it subsequently allowed lawyers and family members to have access (see Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International -and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 1999 police officials allegedly tortured in detention a number of Sunni youths who were suspected of involvement in a series of church bombings (see Sections 1.a., 1.d. and 5).

On April 21, a supporter of Samir Ja'Ja' was injured badly during a raid by security forces on a sit-in that he and other Ja'Ja' supporters were holding (see Section 1.e.).

In August security forces arrested hundreds of supporters of exiled General Michel 'Awn, and detained the former political advisor of the disbanded Lebanese Forces, Samir Ja'ja (see Section 1.d.). Some of those arrested claimed that officers had mistreated them physically. They also alleged that they were psychologically tortured when authorities threatened their families.

Abuses occurred in areas outside of the State's authority, including in Palestinian refugee camps. There were reports during the year that members of the various groups who control the camps detained their Palestinian rivals (see Section 1.d.).

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 3,840 inmates. However, prisons are overcrowded, with a total population of approximately 7,230. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not allocated funds for the reform of the prisons. In September the Beirut Bar Association organized a conference composed of local and international participants to underscore the need for local penal reform. The head of the Association described the country's prison facilities as "unfit for animals."

In May members of the Parliamentary Commission for Human Rights visited all prisons in the country with the exception of those controlled by the Ministry of Defense. The Interior Ministry denied the press permission to accompany the delegation. The Chairman of the Commission subsequently stated that "the health conditions of the prisoners are deplorable and require continuous care. We hope the women's prisons will be emptied and the prisoners transferred." He also indicated that of the 7,230 persons being held in prison, only 2,500 have been convicted.

Amnesty International issued a report in August on prison conditions for women. The report stated that women in pre-trial detention are routinely denied the protection of the law and held for long periods incommunicado. Many have been coerced to confess guilt or to testify against themselves. Amnesty International also reported that conditions in the four women's prisons "have serious shortcomings, including overcrowding, lack of hygiene and inadequate medical attention." Individual accounts contained in the report described physical and psychological torture by prison officials, including severe beating, threats, and the use of sexually abusive language. Amnesty International claimed that the safeguards contained in the Constitution and the laws against incommunicado detention, torture, and ill-treatment are insufficient and frequently are breached in practice. Amnesty International went on to report that when police, prosecutors, or judges are notified of violations, they fail to take sufficient actions against those responsible.

The Government made an effort to carry out rehabilitation for some inmates. Inmates at Roumieh prison participated in vocational activities, such as computer training courses, to provide them with skills upon release. In September 2000, 36 inmates in Roumieh prison received certificates of accomplishment following completion of a computer training program.

In May the Government concluded its investigation into the deaths in custody of three SLA detainees in 2000 (see Section 1.a.).

The Surete Generale, which is in charge of border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. The Surete Generale opened a new detention facility during the year, which reportedly provides somewhat better conditions than the old facility.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, is kept in solitary confinement in a prison in the basement of the Ministry of Defense. He is permitted minimal exercise and allowed only periodic visits from his family and lawyers. He is not allowed to read newspapers or listen to the radio. Government officials stated that his solitary confinement is necessary for his own protection. During the year, the Prosecutor General granted Ja'Ja' permission to receive *The Economist*, provided that all political content is removed.

Local journalists and human rights organizations were given access to certain prisons during the year. Access to prisons that are controlled by the Ministry of Defense was not permitted. Following the Israeli withdrawal from the south in 2000, the Government did not grant independent monitors access to former SLA soldiers in custody. In December 2000, government officials stated that International Committee of the Red Cross (ICRC) representatives would be allowed to visit all SLA detainees; however, this had not occurred by year's end.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, al-Khiam prison, and there were frequent allegations of torture and mistreatment of detainees (see Section 1.d.).

Hizballah did not permit visits by human rights monitors to those persons in its custody. Before its May 2000 dissolution, the SLA allowed representatives of the ICRC and family members of inmates to visit detainees at al-Khiam prison.

#### d. Arbitrary Arrest, Detention, or Exile

The law requires security forces to obtain warrants before making arrests; however, the Government uses arbitrary arrest and detention. Military intelligence personnel make arrests without warrants in cases involving military personnel and those involving espionage, treason, weapons possession, and draft evasion (see Section 1.e.). The Parliamentary Commission for Human Rights stated in May that of the 7,230 persons being held in prison, only 2,500 have been convicted.

Under the former Code of Criminal Procedures, which was replaced by a new code in November, authorities could detain suspects for an unlimited period before referring them to an examining judge. Although the former Code permitted interrogation only by an examining judge, the police and prosecutor regularly interrogated suspects. Bail was not available in criminal cases. A new Code of Criminal Procedures was enacted by the Parliament in August, and entered into force in November. The new law provides greater legal protection to suspects, including the right to a lawyer, to a medical examination, and to inform next of kin. Under the Code, arresting officers are required to refer a subject to a prosecutor within 48 hours of arrest, unless there were witnesses to the crime, in which case the suspect may not be held in custody more than 24 hours. The period may be extended to 48 hours with the concurrence of the public prosecutor's office. If a suspect is held more than 48 hours without formal charges, the arrest is considered arbitrary and the detainee must be released. In such cases, officials responsible for the prolonged arrest may be prosecuted on charges of depriving personal freedom. A suspect caught in hot pursuit must be referred to an examining judge, who decides whether to issue an indictment or order the release of the suspect. Under the Code, bail is available in all cases regardless of the charges. Many provisions of the new Code are not being observed in practice. Some police and members of the judiciary have claimed that they were not properly informed of the new provisions.

Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel on many occasions has asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary detention and arrest. On several occasions during the year, security forces detained and arrested protestors (see Section 2.b.). The Government also detained, interrogated, and beat journalists (see Section 2.a.).

In August security forces arrested, interrogated, and searched the homes of more than 100 citizens, predominately Christian supporters of exiled General Michel 'Awn, and jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. Most of the arrests and searches took place without warrants, and those arrested claimed that they were not given access to lawyers. The authorities allegedly forced most of them to sign affidavits stating that they would abstain from politics and released them within 2 weeks after their arrests. Some were blindfolded and forced to sign the affidavits without reading them; some of those who refused were beaten until they submitted to signing. Retired General Nadim Lteif, Coordinator of the Awnist movement, and Tawfiq Hindi, former political advisor of Samir Ja'Ja', were among those arrested. At least 77 of those detained were referred to both military and civilian courts (see Section 1.e.). All but five of those arrested were released within weeks. Two persons were held until November 30, when they were released on bail; they face indictment for allegedly concealing information regarding collaboration with Israel. Three of those arrested remained in custody at year's end.

In 1999 police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in church bombings; however, the youths later were released due to a lack of evidence (see Sections 1.a., 1.c., and 5).

The Government initially held incommunicado most of the 3,000 SLA members who surrendered to the authorities following the IDF's withdrawal from the south in May 2000 (see Section 1.c.); however, lawyers and family members have since been provided access. The authorities often detain without charges for short periods of time political opponents of the Syrian and Lebanese Governments. All of the former government officials who were detained in 1999 on charges of embezzlement or misuse of power have been acquitted or released on bail. The former officials were detained without charge for prolonged periods of time in Roumieh prison, in violation of the law. Legal action against them remains pending; however, they are free to travel abroad.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, and rival Palestinians.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. In December 2000, the Syrian Government transferred 46 Lebanese citizens, 7 Palestinian residents of Lebanon, and 1 Egyptian citizen from Syrian prisons to Lebanese custody. The Government announced that it would review each case; those who had completed their sentences would be released, others would complete their sentences in government custody. Nine of those turned over remained in custody at year's end, including Abu Haytham Karara, an official of the Progressive Socialist Party. No formal charges were brought against them. Human rights activists

believe that there are still Lebanese detainees in Syrian prisons; however, the exact number is unknown. Amnesty International reported in 1999 that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over two decades ago, and remain in prolonged and often secret detention in Syria." According to Amnesty International, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework. The Government formed a committee in December 2000 to investigate cases of those who disappeared during the civil strife (See Section 1.b.). The committee solicited applications from concerned families. Although it was due to issue a report on its findings by year's end, the Government granted the committee an additional 6 months to complete its report.

In August 2000, Syria released Shaykh Heshem Mingara, a radical Sunni member of the Islamic Unification Movement ("Tawheed"), who was arrested by Syrian forces in 1985 and transferred to Syria.

Abuses occurred in areas outside of the State's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups who control the camps detained their Palestinian rivals.

There were credible reports that Hizballah detained numerous former SLA militiamen in 2000 before handing them over to government authorities for trial. There were no reports that Hizballah conducted arbitrary arrests in areas outside central government control during the year.

Prior to the Israeli withdrawal, the SLA operated its own detention facility, al-Khiam prison. There were frequent reports of torture and mistreatment of detainees. Following the disbandment of the SLA in May, all of the prison's 140 inmates were released. A number of former inmates publicly recounted incidents of abuse by prison officials (see Section 1.c.).

In April 2000, the Israeli Government released 13 Lebanese detainees who were held without charge in Israel for as long as 14 years; the former detainees returned to Lebanon under the auspices of the ICRC. Israel continues to hold 21 Lebanese citizens, including Sheikh Abed al-Karim Obaid and Mustafa Dirani.

Forced exile is not practiced regularly; however, in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart the country and remain in exile for 5 years. 'Awn was accused of usurping power. He remained in France at year's end. Former President Amine Gemayel, who lived in France in exile for the past 12 years, returned to the country in July 2000 and again became active in political life.

#### e. Denial of Fair Public Trial

The judiciary is independent in principle; however, it is subject to political pressure. The Constitution provides for a constitutional council to determine the constitutionality of newly adopted laws upon the request of 10 members of Parliament, and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers at times intervene to protect their supporters from prosecution.

The judicial system consists of the regular civilian courts; the Military Court, which tries cases involving military personnel and security-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody (see Section 5).

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. Upon the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflicts. Trial delays are aggravated by the Government's inability to conduct investigations in areas outside of its control.

In general, trials are public, but judges have the discretion to make a court session secret. Defendants have the right to be present at trial and the right of timely consultation with an attorney. Defendants may confront or question witnesses against them but must do so through the court panel, which decides whether or not to permit the defendant's question. Defendants and their attorneys have access to government-held evidence relevant to their cases and have the right of appeal. These rights generally are observed in practice.

Defendants on trial for security cases, which are heard before the Judicial Council, have the same procedural rights as other defendants; however, there is no right to appeal in such cases. The testimony of a woman is equal to that of a man (see Section 5).

Persons arrested by military intelligence are referred to the Military Court. The Military Court has jurisdiction over cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion. In June 2000, the Military Court began trying the cases of the approximately 3,000 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a

minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGO's) reported that the trials were open to journalists and members of the public but were not fair. Amnesty International reported that such summary trials, with barely 7 minutes spent on each individual, neither allowed the innocent to be acquitted nor ensured the discovery of those who may be guilty of war crimes. According to Amnesty International, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the file shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, more than 2,700 former SLA members had been tried and convicted since Israel's withdrawal from south Lebanon in May 2000; none of the 665 tried during the year were acquitted. In total, former SLA members received sentences ranging from 1 week to life imprisonment. Approximately one-third of the former SLA members received 1-year prison sentences and about one-third received sentences of 3 to 4 weeks under Article 273. Two persons who were implicated in the abuse and torture of prisoners at al-Khiam prison were sentenced to life in prison. The military prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). Twenty-one of these militiamen were tried while in government custody; 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. Following attacks by angry crowds on two former SLA members in their villages, in 2000 the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. No similar sentences were issued during the year. There were no new reports during the year that former SLA members who returned to their villages were subjected to regular harassment by the Government or Hizballah. By the year's end, the Government had released all but 1 of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine.

In March the Government indicted in absentia Raghda Dergham, a correspondent for al-Hayat newspaper, on charges of "fraternizing with the enemy" for her public appearance in the United States with an Israeli official. In November a military court acquitted her of the charge in absentia (see Section 2.a.).

On April 21, members of the security forces raided a sit-in being held by supporters of Samir Ja'Ja' on the occasion of the seventh anniversary of Ja'Ja's detention. The security forces arrested four of the demonstrators. One of the supporters was badly injured during the raid and was transported to a hospital for treatment. Two of those arrested were referred to the military court and found guilty of insulting the President of the Republic and the president of a neighboring and friendly state. They were sentenced to 10 days in prison. The others were released and no charges were brought against them.

On April 30, the Military Court of Cassation nullified a verdict issued by the Permanent Military Tribunal, which had sentenced the owner of an Internet service provider (ISP) and a human rights activist to 1 month in prison. The Court of Cassation instead fined them each \$200 (300,000 Lebanese pounds) (see Section 2.a.).

In May the State Prosecutor's Office requested that the Bar Association lift the immunity of lawyer Muhammad Mugarby to permit Mugarby's prosecution for criticizing the country's judicial system at a press conference. The Bar Association complied with the request; Mugarby's challenge of the decision remained pending at year's end (see Section 2.a.).

On August 16, the Government arrested without warrant Antoine Bassil, a correspondent for a Saudi Arabian television station, for his alleged association with Israeli officials. Bassil could face the death penalty if found guilty. The trial had not begun by year's end (see Section 2.a.).

On August 19, the Government arrested without warrant Habib Younis, the managing editor in al-Hayat's Beirut office, for his alleged association with Israel. Authorities referred his case to a military court, which indicted him for conspiring with Israel. The charge carries a maximum sentence of death. He remained in custody at year's end.

Authorities referred at least 77 of those supporters of General Michel 'Awn and Samir Ja'Ja who were arrested by security forces in August to both military and civilian courts. Charges brought by the Military Prosecutor's Office included opposing the policy of the Government, disseminating the principles of an unauthorized political party, jeopardizing the country's relations with a friendly state, using oral and written statements not authorized by the Government, defaming the Syrian army's reputation, organizing meetings and activities of a unauthorized political party, and transmitting false and exaggerated information. Tawfiq Hindi, Ja'Ja's former political advisor, who authorities arrested in August, was charged with collaborating with the Israeli enemy, forming an association to harm the State's authority, and damaging the country's relation with a sisterly nation. He faces a maximum sentence of death if convicted. The Court of Cassation ruled in September that the military court did not have jurisdiction in 63 of the cases, which were transferred to a criminal court. The cases of Nadim Lteif and Hikmat Deeb, who were charged with defaming the Lebanese and Syrian armies, were referred to both military and civilian courts. Court sessions have been scheduled for February 2002 (see Section 1.d.).

On August 8, nine supporters of General Michel 'Awn were convicted by the Permanent Military Tribunal for distributing illegal flyers and defamation against the Head of State. Sentences varied from between 5 to 45 days.

In April 2000, the military court sentenced eight students to between 10 days and 6 weeks in prison following their participation in demonstrations against the presence of Syrian troops in the country. All of the students had been released by the end of 2000.

Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice.



## Lebanon

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 23, 2001

Lebanon is a parliamentary republic in which, based on the unwritten "National Pact of 1943" the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. President Emile Lahoud took office in 1998 after an election heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in August and September, former Prime Minister Rafiq Hariri defeated incumbent Salim Al-Hoss. President Lahoud named Hariri Prime Minister in October. According to international observers, the elections were flawed and the outcome was heavily influenced by the Syrian Government; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The judiciary is independent in principle; however, it is subject to political pressure.

Non-Lebanese military and paramilitary forces control much of the country. Approximately 25,000 Syrian troops are stationed in locations throughout the country, excluding the south. In addition, several armed Palestinian factions are located in refugee camps, although their freedom of movement is restricted significantly. The contingent of approximately 2,000 Israeli army regulars and 1,500 Israeli-supported militiamen that had controlled parts of the south withdrew from the region completely by May. All undermined the authority of the central Government and interfered with the application of law in the patchwork of areas not under the Government's control. In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. However, an undetermined number of Syrian military intelligence personnel in the country continue to conduct their activities independently of the agreement.

In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the country's civil war. According to the Taif Accord, the Syrian and Lebanese Governments were to determine the redeployment of Syrian troops from their position in Lebanon's coastal population areas to specified areas of the Biqa' Valley, with full withdrawal contingent upon subsequent agreement by both Governments. The Syrian Government has not carried out this partial redeployment, and strong Syrian influence over Lebanese politics and decisionmakers makes officials unwilling to press for a complete withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria does not reflect the will of most of the country's citizens.

Until May Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). With the tacit support of the Government, the Iranian-backed Shi'a Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shi'a group Amal and some Palestinian guerrillas were locked in a cycle of attack and counterattack with Israeli and SLA troops. In May after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and West Biqa', and the SLA disbanded. Following the withdrawal, the Government deployed over 1,000 police and soldiers to the former security zone. After the withdrawal, Hizballah guerrillas maintained observation posts and conducted patrols along the border with Israel. The United Nations Interim Forces in Lebanon (UNIFIL) also increased its area of operations following the Israeli withdrawal. Palestinian groups operate autonomously in refugee camps throughout the country. The Government did not attempt to reassert state control over the Palestinian camps or to disarm Hizballah.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforces laws, conducts searches and arrests, and refers cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Surete Generale is responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that address national security issues and "morale." The security forces committed serious human rights abuses.

Before the 1975-90 hostilities, the country was an important regional financial and commercial center. There is a market-based economy in which the majority of the private sector work force is employed in the services sector, such as banking and commerce. There is a small industrial sector, based largely on clothing manufacture and food processing. The annual gross national product is estimated to be approximately \$5,000 per capita. A reconstruction effort begun in 1992 is moving forward. Substantial remittances from abroad offset the trade deficit and resulted in a balance of payment surplus. The economy has been in recession since 1998. Almost all economic indicators pointed to decline. The budget deficit stood at 46 percent of expenditure, compared with 37 percent for the corresponding period in 1999, and foreign investments dropped by 13 percent. The per capita gross domestic product (GDP) is estimated at \$4,700 and unemployment is estimated to be as high as 20 percent. The country has a substantial public debt of \$22 billion (140 percent of the GDP).

The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their government remains significantly restricted by the lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. The August and September parliamentary elections were flawed and suffered from Syrian government influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who opposed government policies. Lengthy pretrial detention and long delays in trials are problems, and the courts are subject to political pressure. International observers reported that trials of former SLA personnel were not free and fair. The Government infringed on citizens' privacy rights, and continued surveillance of political activities during the year. The Government partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly, and imposes some limits on freedom of

association. There are some restrictions on freedom of religion. The Government imposes some limits on freedom of movement. Violence and discrimination against women; abuse of children; discrimination against Palestinians; forced labor, including by children; child labor; and the mistreatment of foreign servants are problems.

Until the IDF withdrawal and the collapse of the SLA, artillery and aerial attacks by the various contending forces in southern Lebanon threatened life and property. These forces committed abuses, including killings, bombings, and abductions. The SLA maintained a separate and arbitrary system of justice in the zone formerly controlled by Israeli forces, which was independent of Lebanese central authority. Prior to the SLA collapse, its officials arbitrarily arrested, mistreated, and detained persons, and sometimes expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal for legal recourse to Lebanese authorities, often through their agents in the camps. In the past, there were reports that members of the various groups that control the camps detained their Palestinian rivals and, in some instances, killed them; however, there were no reports that this occurred during the year.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings by government authorities during the year.

Four persons died in custody during the year. In January a Sudanese asylum seeker died of malaria in Zahle prison. Prison officials reportedly did not offer him medical treatment before his death. An elderly SLA member died in custody in June allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. In November one SLA detainee died of cancer and another SLA detainee died from high blood pressure. The Military Court initiated an investigation into the two deaths to determine whether or not the detainees received proper medical treatment; however, it had not reached conclusions by year's end. The Government subsequently announced that it would review the medical records of all former SLA detainees (see Section 1.c.).

In October 1999, one person was killed when a bomb exploded in a Maronite church in Beirut (see Section 5).

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniyeh after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni insurgents in the north. Five civilians, 7 LAF soldiers, and 15 insurgents were killed in the operation (see Section 5).

The judicial system continues to suffer from a backlog of hearings into cases of death in custody, some as old as 6 years. Such cases sometimes involve individuals connected to political groups or accused of criminal activity.

There were no new developments in the case of the June 1999 killings of four judicial officials at a courthouse in Sidon. The perpetrators reportedly are members of the outlawed Palestinian group "Asbat al-Ansar"; however, government authorities did not arrest any of the suspected gunmen, who are believed to be hiding in the Palestinian refugee camp of Ain-Al Hilwah.

A military tribunal in 1999 sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. An appeal in the case was scheduled to be held in January 2001.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case is still pending.

A court hearing in the 1998 appeal made by the prosecutor's office regarding the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi, has not been scheduled following a court verdict declaring the suspect, Tawfiq Mohammad Farroukh, not guilty of murder for his role in the killings.

The cycle of violence in and around the former Israeli controlled security zone decreased significantly following the IDF withdrawal in May. However, prior to the withdrawal, an estimated 20 Islamic resistance guerrillas, 8 Israeli soldiers, and 25 Lebanese civilians were killed in the south as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. For example, in May Hizballah attacks in the north of Israel killed 1 person and injured 12. In retaliation for these attacks, Israel shelled military and civilian targets in the south, killing two persons. Israeli forces conducted air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. For example, on February 8, in response to Hizballah attacks Israel conducted air strikes on electrical power transformer stations and other targets, injuring over one dozen civilians.

There were over 110 civilian injuries prior to the May Israeli withdrawal, with most of the injuries involving minor wounds from shrapnel and broken glass. Civilians accounted for over 70 percent of the injured.

During the May IDF withdrawal from the south and the concurrent collapse of the SLA, Israeli forces killed at least four Lebanese civilians.

On October 7, IDF personnel killed 2 persons and injured 25 along the Israeli-Lebanese border during demonstrations against Israeli government actions in Israel, the West Bank, and Gaza (see Section 2.b.). On October 7, Hizballah launched shells on IDF positions in the She'ba farms area in the Golan Heights; no injuries reportedly resulted from the shelling.

On November 25, Hizballah guerrillas bombed an Israeli patrol station in the She'ba farms area, killing 1 IDF soldier. In response, Israel launched airstrikes on Hizballah positions in the south, injuring one person.

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Government did not take any judicial action against groups known to be responsible for the kidnappings of thousands of persons during the 1975-1990 civil war.

In 1999 the Government established a military commission to investigate the fate of all those who disappeared during the civil war. In September the commission concluded that all persons who disappeared at least 4 years before the end of the civil war were dead. The Government endorsed the commission report and then-Prime Minister Salim al-Hoss called on all families to "accept reality despite its bitterness;" however, many of the family members of persons who disappeared rejected the commission's findings and called for the creation of a new commission.

In October during violent clashes in Israel, the West Bank, and Gaza, Hizballah guerillas kidnaped 3 Israeli soldiers on patrol in the north of Israel, demanding that the Israeli Government release all remaining Lebanese detainees in Israeli prisons. At year's end, Hizballah continued to hold captive the soldiers.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, where suspects are interrogated in the absence of an attorney. Such abuse occurs despite laws that prevent judges from accepting any confession extracted under duress.

The Government held incommunicado most of the 2,400 SLA personnel who surrendered to authorities following the IDF's withdrawal from the south in May (see Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 1999 police officials allegedly tortured in detention a number of Sunni youths who were suspected in involvement in a series of church bombings (see Sections 1.d. and 5).

In March ISF personnel used excessive force to disperse a demonstration in front of the Prime Minister's residence protesting the Government's expulsion of four Japanese Red Army members to Jordan. The officers injured at least one demonstrator and a journalist (see Sections 2.a. and 2.b.). The Government took no action against the officers. Ten demonstrators were arrested but were released shortly afterwards.

On April 17, in Beirut security forces used excessive force to break up a demonstration calling for the withdrawal of Syrian forces from the country; 13 persons were injured, and 8 persons were arrested and subsequently tried and sentenced by a military court (see Sections 1.d. and 1.e.).

On numerous occasions following the May IDF withdrawal from the south, civilians threw rocks, hot oil, and Molotov cocktails at IDF soldiers across the border, which resulted in some injuries. Hizballah reportedly supported these cross-border attacks, and the Government did little to halt them. On several occasions IDF troops returned fire and sometimes injured civilians.

Abuses occurred in areas outside the State's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals (see Section 1.d.).

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 3,840 inmates. However, prisons are overcrowded, with a total population of about 8,375. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not budgeted funds to overhaul the prison system. In September the Beirut Bar Association organized a conference composed of local and international participants to underscore the need for local penal reform. The head of the Association described the country's prison facilities as "unfit for animals." The Government made an effort to carry out rehabilitation for some inmates. Inmates at Roumieh prison participated in vocational activities such as computer training courses in order to provide them with skills upon release. In September 36 inmates in Roumieh prison received certificates of accomplishment following completion of a computer training program.

Three SLA detainees died of natural causes in custody during the year; however, one detainee died allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. One Sudanese detainee died of malaria during the year after prison officials reportedly refused to offer him medical assistance (see Section 1.a.). The Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, is kept in solitary confinement in a prison in the basement of the Ministry of Defense. He is permitted minimal exercise and allowed only periodic visits from his family and lawyers. He is not allowed to read newspapers or listen to the radio. Government officials stated that his solitary confinement is necessary for his own protection.

Local journalists and human rights organizations had access to certain prisons during the year. Access to prisons controlled by the Ministry of Defense was not permitted. Following the Israeli withdrawal from the south, the Government did not grant independent monitors access to former SLA soldiers in custody. In December government officials stated that International Committee of the Red Cross (ICRC) representatives would be allowed to visit all SLA detainees; however, the Government did not sign a memorandum of understanding by year's end.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, Al-Khiam prison, and there were frequent allegations of torture and mistreatment of detainees (see Section 1.d.). Hizballah and the SLA occasionally released and exchanged prisoners.

Hizballah did not permit prison visits by human rights monitors. Before its May dissolution, the SLA allowed representatives of the ICRC and family members of inmates to visit detainees at Al-Khiam prison.

#### d. Arbitrary Arrest, Detention, or Exile

The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants before making arrests; however, military prosecutors, who are responsible for cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a subject to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is available only to those accused of petty crimes, not to those accused of felonies. Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel on many occasions has asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest. Security forces detained and interrogated scores of citizens, predominately Christian supporters of exiled General Michel 'Awn, and of the jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating that they would abstain from politics.

In 1999 police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in church bombings; however, the youths later were released due to a lack of evidence (see Sections 1.a. and 5).

On April 13, authorities detained students from the National Free Current, a pro-'Awnist group, for distributing antigovernment and anti-Syria leaflets (see Section 2.a.). In April ISF personnel arrested and subsequently released a number of demonstrators (see Sections 1.c. and 2.b.). In September authorities detained nine Lebanese Forces activists in connection with a rally protesting the Syrian presence in Lebanon (see Section 2.b.); authorities released these detainees after they paid a monetary fine.

The Government held incommunicado most of the 2,400 SLA members who surrendered to the authorities following the IDF's withdrawal from the south in May (see Section 1.c.).

The authorities often detain without charges for short periods of time political opponents of the Syrian and Lebanese Governments. Most of the former senior government officials who were detained in 1999 on charges of embezzlement or misuse of power were released on bail, including former Minister of Petroleum Shahe Baroumian. The former officials were detained without charge for prolonged periods of time in Roumieh prison, in violation of due process. Legal actions still are pending against them; however, they are free to travel abroad.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, various militias, and rival Palestinians.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. In December the Syrian Government transferred 46 Lebanese citizens, 7 Palestinian residents of Lebanon, and 1 Egyptian citizen from Syrian prisons to Lebanese custody. The Government announced that it will review each case; persons who have completed their sentences will be released, and persons with outstanding prison time will continue to serve out their sentences. Human rights activists believe that there are remaining Lebanese detainees in Syrian prisons; however, the exact number is unknown. Amnesty International reported in 1999 that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework.

In August Syria released Shaykh Hashem Minqara, a radical Sunni member of the Islamic Unification Movement ("Tawheed"), who was arrested by Syrian forces in 1985 and transferred to Syria.

Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

Local militias, including Hizballah, continued to conduct arbitrary arrests in areas outside central government control. There were credible reports that Hizballah detained scores of former SLA militiamen before handing them over to government authorities for trial.

Prior to the Israeli withdrawal, the SLA operated its own detention facility, Al-Khiam prison. There were frequent reports of torture and mistreatment of detainees. Following the disbandment of the SLA in May, all of the prison's 140 inmates were released. A number of former inmates publicly recounted incidents of abuse by prison officials (see Section 1.c.).

In April the Israeli Government released 13 Lebanese detainees who were held without charge in Israel for as long as 14 years; the former detainees returned to Lebanon under the auspices of the ICRC. Israel continues to hold 21 Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani.

Exile as a form of punishment is not practiced regularly; however, in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart the country and remain in exile for 5 years; 'Awn remained in France at year's end. 'Awn was accused of usurping power. Former President Amine Gemayel, who lived in France in exile for the past 12 years, returned to the country in July.

#### e. Denial of Fair Public Trial

The judiciary is independent in principle; however, it is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflicts. Trial delays are aggravated by the Government's inability to conduct investigations in areas outside of its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

In April the military court sentenced eight students to between 10 days and 6 weeks in prison following their participation in demonstrations against the presence of Syrian troops in the country (see Sections 1.c., 1.d., and 2.b.). All of the students had been released by year's end.

In June the Military Court began trying the cases of the 3,033 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGO's) reported that the trials were open to journalists and members of the public, but were not fair. Amnesty International reported that "such summary trials," with barely 7 minutes spent on each individual neither allow the innocent to be acquitted nor ensure the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the file shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, 2,035 former SLA members received sentences ranging from 1 week to life imprisonment. About one-third of the former SLA members received 1-year prison sentences and about one-third received sentences of 3 to 4 weeks under Article 273 of the Penal Code, which criminalizes taking up arms against the State. Two persons who were implicated in the abuse and torture of prisoners at Al-Khiam prison were sentenced to life in prison. The Military Prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). Twenty-one of these militiamen were tried while in government custody; however, 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. Following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. There were no additional reports that former SLA members who returned to their villages were subjected to harassment. The Government released most of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine in the south; however, 9 remained in prison at year's end.

Hizballah applies Islamic laws in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA also maintained a separate and arbitrary system of justice before its May disbandment.

There were no reports of political prisoners.



## Lebanon

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The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their government remains significantly restricted by the lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. The August and September parliamentary elections were flawed and suffered from Syrian government influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who opposed government policies. Lengthy pretrial detention and long delays in trials are problems, and the courts are subject to political pressure. International observers reported that trials of former SLA personnel were not free and fair. The Government infringed on citizens' privacy rights, and continued surveillance of political activities during the year. The Government partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly, and imposes some limits on freedom of

association. There are some restrictions on freedom of religion. The Government imposes some limits on freedom of movement. Violence and discrimination against women; abuse of children; discrimination against Palestinians; forced labor, including by children; child labor; and the mistreatment of foreign servants are problems.

Until the IDF withdrawal and the collapse of the SLA, artillery and aerial attacks by the various contending forces in southern Lebanon threatened life and property. These forces committed abuses, including killings, bombings, and abductions. The SLA maintained a separate and arbitrary system of justice in the zone formerly controlled by Israeli forces, which was independent of Lebanese central authority. Prior to the SLA collapse, its officials arbitrarily arrested, mistreated, and detained persons, and sometimes expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal for legal recourse to Lebanese authorities, often through their agents in the camps. In the past, there were reports that members of the various groups that control the camps detained their Palestinian rivals and, in some instances, killed them; however, there were no reports that this occurred during the year.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings by government authorities during the year.

Four persons died in custody during the year. In January a Sudanese asylum seeker died of malaria in Zahle prison. Prison officials reportedly did not offer him medical treatment before his death. An elderly SLA member died in custody in June allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. In November one SLA detainee died of cancer and another SLA detainee died from high blood pressure. The Military Court initiated an investigation into the two deaths to determine whether or not the detainees received proper medical treatment; however, it had not reached conclusions by year's end. The Government subsequently announced that it would review the medical records of all former SLA detainees (see Section 1.c.).

In October 1999, one person was killed when a bomb exploded in a Maronite church in Beirut (see Section 5).

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniyeh after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni insurgents in the north. Five civilians, 7 LAF soldiers, and 15 insurgents were killed in the operation (see Section 5).

The judicial system continues to suffer from a backlog of hearings into cases of death in custody, some as old as 6 years. Such cases sometimes involve individuals connected to political groups or accused of criminal activity.

There were no new developments in the case of the June 1999 killings of four judicial officials at a courthouse in Sidon. The perpetrators reportedly are members of the outlawed Palestinian group "Asbat al-Ansar"; however, government authorities did not arrest any of the suspected gunmen, who are believed to be hiding in the Palestinian refugee camp of Ain-Al Hilwah.

A military tribunal in 1999 sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. An appeal in the case was scheduled to be held in January 2001.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case is still pending.

A court hearing in the 1998 appeal made by the prosecutor's office regarding the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi, has not been scheduled following a court verdict declaring the suspect, Tawfiq Mohammad Farroukh, not guilty of murder for his role in the killings.

The cycle of violence in and around the former Israeli controlled security zone decreased significantly following the IDF withdrawal in May. However, prior to the withdrawal, an estimated 20 Islamic resistance guerrillas, 8 Israeli soldiers, and 25 Lebanese civilians were killed in the south as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. For example, in May Hizballah attacks in the north of Israel killed 1 person and injured 12. In retaliation for these attacks, Israel shelled military and civilian targets in the south, killing two persons. Israeli forces conducted air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. For example, on February 8, in response to Hizballah attacks Israel conducted air strikes on electrical power transformer stations and other targets, injuring over one dozen civilians.

There were over 110 civilian injuries prior to the May Israeli withdrawal, with most of the injuries involving minor wounds from shrapnel and broken glass. Civilians accounted for over 70 percent of the injured.

During the May IDF withdrawal from the south and the concurrent collapse of the SLA, Israeli forces killed at least four Lebanese civilians.

On October 7, IDF personnel killed 2 persons and injured 25 along the Israeli-Lebanese border during demonstrations against Israeli government actions in Israel, the West Bank, and Gaza (see Section 2.b.). On October 7, Hizballah launched shells on IDF positions in the She'ba farms area in the Golan Heights; no injuries reportedly resulted from the shelling.

On November 25, Hizballah guerrillas bombed an Israeli patrol station in the She'ba farms area, killing 1 IDF soldier. In response, Israel launched airstrikes on Hizballah positions in the south, injuring one person.

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Government did not take any judicial action against groups known to be responsible for the kidnappings of thousands of persons during the 1975-1990 civil war.

In 1999 the Government established a military commission to investigate the fate of all those who disappeared during the civil war. In September the commission concluded that all persons who disappeared at least 4 years before the end of the civil war were dead. The Government endorsed the commission report and then-Prime Minister Salim al-Hoss called on all families to "accept reality despite its bitterness;" however, many of the family members of persons who disappeared rejected the commission's findings and called for the creation of a new commission.

In October during violent clashes in Israel, the West Bank, and Gaza, Hizballah guerillas kidnaped 3 Israeli soldiers on patrol in the north of Israel, demanding that the Israeli Government release all remaining Lebanese detainees in Israeli prisons. At year's end, Hizballah continued to hold captive the soldiers.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, where suspects are interrogated in the absence of an attorney. Such abuse occurs despite laws that prevent judges from accepting any confession extracted under duress.

The Government held incommunicado most of the 2,400 SLA personnel who surrendered to authorities following the IDF's withdrawal from the south in May (see Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 1999 police officials allegedly tortured in detention a number of Sunni youths who were suspected in involvement in a series of church bombings (see Sections 1.d. and 5).

In March ISF personnel used excessive force to disperse a demonstration in front of the Prime Minister's residence protesting the Government's expulsion of four Japanese Red Army members to Jordan. The officers injured at least one demonstrator and a journalist (see Sections 2.a. and 2.b.). The Government took no action against the officers. Ten demonstrators were arrested but were released shortly afterwards.

On April 17, in Beirut security forces used excessive force to break up a demonstration calling for the withdrawal of Syrian forces from the country; 13 persons were injured, and 8 persons were arrested and subsequently tried and sentenced by a military court (see Sections 1.d. and 1.e.).

On numerous occasions following the May IDF withdrawal from the south, civilians threw rocks, hot oil, and Molotov cocktails at IDF soldiers across the border, which resulted in some injuries. Hizballah reportedly supported these cross-border attacks, and the Government did little to halt them. On several occasions IDF troops returned fire and sometimes injured civilians.

Abuses occurred in areas outside the State's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals (see Section 1.d.).

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 3,840 inmates. However, prisons are overcrowded, with a total population of about 8,375. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not budgeted funds to overhaul the prison system. In September the Beirut Bar Association organized a conference composed of local and international participants to underscore the need for local penal reform. The head of the Association described the country's prison facilities as "unfit for animals." The Government made an effort to carry out rehabilitation for some inmates. Inmates at Roumieh prison participated in vocational activities such as computer training courses in order to provide them with skills upon release. In September 36 inmates in Roumieh prison received certificates of accomplishment following completion of a computer training program.

Three SLA detainees died of natural causes in custody during the year; however, one detainee died allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. One Sudanese detainee died of malaria during the year after prison officials reportedly refused to offer him medical assistance (see Section 1.a.). The Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, is kept in solitary confinement in a prison in the basement of the Ministry of Defense. He is permitted minimal exercise and allowed only periodic visits from his family and lawyers. He is not allowed to read newspapers or listen to the radio. Government officials stated that his solitary confinement is necessary for his own protection.

Local journalists and human rights organizations had access to certain prisons during the year. Access to prisons controlled by the Ministry of Defense was not permitted. Following the Israeli withdrawal from the south, the Government did not grant independent monitors access to former SLA soldiers in custody. In December government officials stated that International Committee of the Red Cross (ICRC) representatives would be allowed to visit all SLA detainees; however, the Government did not sign a memorandum of understanding by year's end.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, Al-Khiam prison, and there were frequent allegations of torture and mistreatment of detainees (see Section 1.d.). Hizballah and the SLA occasionally released and exchanged prisoners.

Hizballah did not permit prison visits by human rights monitors. Before its May dissolution, the SLA allowed representatives of the ICRC and family members of inmates to visit detainees at Al-Khiam prison.

#### d. Arbitrary Arrest, Detention, or Exile

The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants before making arrests; however, military prosecutors, who are responsible for cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a subject to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is available only to those accused of petty crimes, not to those accused of felonies. Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel on many occasions has asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest. Security forces detained and interrogated scores of citizens, predominately Christian supporters of exiled General Michel 'Awn, and of the jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating that they would abstain from politics.

In 1999 police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in church bombings; however, the youths later were released due to a lack of evidence (see Sections 1.a. and 5).

On April 13, authorities detained students from the National Free Current, a pro-'Awnist group, for distributing antigovernment and anti-Syria leaflets (see Section 2.a.). In April ISF personnel arrested and subsequently released a number of demonstrators (see Sections 1.c. and 2.b.). In September authorities detained nine Lebanese Forces activists in connection with a rally protesting the Syrian presence in Lebanon (see Section 2.b.); authorities released these detainees after they paid a monetary fine.

The Government held incommunicado most of the 2,400 SLA members who surrendered to the authorities following the IDF's withdrawal from the south in May (see Section 1.c.).

The authorities often detain without charges for short periods of time political opponents of the Syrian and Lebanese Governments. Most of the former senior government officials who were detained in 1999 on charges of embezzlement or misuse of power were released on bail, including former Minister of Petroleum Shahe Baroumian. The former officials were detained without charge for prolonged periods of time in Roumieh prison, in violation of due process. Legal actions still are pending against them; however, they are free to travel abroad.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, various militias, and rival Palestinians.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. In December the Syrian Government transferred 46 Lebanese citizens, 7 Palestinian residents of Lebanon, and 1 Egyptian citizen from Syrian prisons to Lebanese custody. The Government announced that it will review each case; persons who have completed their sentences will be released, and persons with outstanding prison time will continue to serve out their sentences. Human rights activists believe that there are remaining Lebanese detainees in Syrian prisons; however, the exact number is unknown. Amnesty International reported in 1999 that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework.

In August Syria released Shaykh Hashem Minqara, a radical Sunni member of the Islamic Unification Movement ("Tawheed"), who was arrested by Syrian forces in 1985 and transferred to Syria.

Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

Local militias, including Hizballah, continued to conduct arbitrary arrests in areas outside central government control. There were credible reports that Hizballah detained scores of former SLA militiamen before handing them over to government authorities for trial.

Prior to the Israeli withdrawal, the SLA operated its own detention facility, Al-Khiam prison. There were frequent reports of torture and mistreatment of detainees. Following the disbandment of the SLA in May, all of the prison's 140 inmates were released. A number of former inmates publicly recounted incidents of abuse by prison officials (see Section 1.c.).

In April the Israeli Government released 13 Lebanese detainees who were held without charge in Israel for as long as 14 years; the former detainees returned to Lebanon under the auspices of the ICRC. Israel continues to hold 21 Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani.

Exile as a form of punishment is not practiced regularly; however, in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart the country and remain in exile for 5 years; 'Awn remained in France at year's end. 'Awn was accused of usurping power. Former President Amine Gemayel, who lived in France in exile for the past 12 years, returned to the country in July.

#### e. Denial of Fair Public Trial

The judiciary is independent in principle; however, it is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflicts. Trial delays are aggravated by the Government's inability to conduct investigations in areas outside of its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

In April the military court sentenced eight students to between 10 days and 6 weeks in prison following their participation in demonstrations against the presence of Syrian troops in the country (see Sections 1.c., 1.d., and 2.b.). All of the students had been released by year's end.

In June the Military Court began trying the cases of the 3,033 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGO's) reported that the trials were open to journalists and members of the public, but were not fair. Amnesty International reported that "such summary trials," with barely 7 minutes spent on each individual neither allow the innocent to be acquitted nor ensure the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the file shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, 2,035 former SLA members received sentences ranging from 1 week to life imprisonment. About one-third of the former SLA members received 1-year prison sentences and about one-third received sentences of 3 to 4 weeks under Article 273 of the Penal Code, which criminalizes taking up arms against the State. Two persons who were implicated in the abuse and torture of prisoners at Al-Khiam prison were sentenced to life in prison. The Military Prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). Twenty-one of these militiamen were tried while in government custody; however, 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. Following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. There were no additional reports that former SLA members who returned to their villages were subjected to harassment. The Government released most of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine in the south; however, 9 remained in prison at year's end.

Hizballah applies Islamic laws in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA also maintained a separate and arbitrary system of justice before its May disbandment.

There were no reports of political prisoners.



## Lebanon

### Country Reports on Human Rights Practices - [1999](#)

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Lebanon is a parliamentary republic in which, based on the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi'a Muslim. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. President Emile Lahoud took office in November 1998 after an election heavily influenced by Syria. The judiciary is independent in principle but is subject to political pressure.

Non-Lebanese military forces control much of the country. These include about 25,000 Syrian troops, a contingent of approximately 2,000 Israeli Army regulars and 1,500 Israeli-supported militiamen in the south, and several armed Palestinian factions located in camps and subject to restrictions on their movements. All undermine the authority of the central Government and prevent the application of law in the patchwork of areas not under the Government's control. In 1991 the governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. However, an undetermined number of Syrian military intelligence personnel in Lebanon continue to conduct their activities independently of the agreement.

In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the civil war in Lebanon. According to the Taif Accord, Syrian troops were to be redeployed from their positions in Lebanon's coastal population areas to the Biqa' Valley, with full withdrawal contingent upon the fulfillment of other aspects of the Taif Accord and subsequent agreement by both the Lebanese and Syrian governments. Although the Syrian Government has refused to carry out this partial redeployment, strong Syrian influence over Lebanese politics and decisionmakers makes officials unwilling to press for a complete withdrawal, and no Lebanese government since the Taif Accord has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria does not reflect the will of most Lebanese citizens.

Israel exerts control in and near its self-proclaimed "security zone" in south Lebanon through direct military action and support for its surrogate, the South Lebanon Army (SLA). With the tacit support of the Government, the Iranian-backed Shi'a Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shi'a group Amal and some Palestinian guerrillas continue to be locked in a cycle of attack and counterattack with Israeli and SLA troops. Palestinian groups operate autonomously in refugee camps throughout the country. During the year, the Government continued to consolidate its authority in those parts of the country under its control and continued to take tentative steps to exert its authority in the Biqa' Valley and Beirut's southern suburbs. However, it did not attempt to reassert state control over the Palestinian camps or to disarm Hizballah and the SLA.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforce laws, conduct searches and arrests, and refer cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Surete Generale is responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that address national security issues and "morale." The security forces committed serious human rights abuses.

Before the 1975-90 hostilities, Lebanon was an important regional financial and commercial center. There is a market-based economy in which the majority of the private-sector work force is employed in the services sector, such as banking and commerce. There is a small industrial sector, based largely on clothing manufacture and food processing. The annual gross national product is estimated to be approximately \$5,000 per capita. A reconstruction effort, begun in 1992, is moving forward. Substantial remittances from abroad offset the trade deficit and resulted in a balance of payment surplus.

The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their Government remains restricted by the lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. Although the 1996 parliamentary elections represented a step forward, the electoral process was flawed, as the elections were not prepared or carried out impartially. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who opposed government policies. Lengthy pretrial detention and long delays in trials are problems, and the courts are subject to political pressure. The Government infringed on citizens' privacy rights, and continued surveillance of political activities during the year. The Government partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly, and imposes some limits on freedom of association. The Government imposes limits on freedom of movement. Violence and discrimination against women; abuse of children; discrimination against Palestinians; forced labor, including by children; child labor; and the mistreatment of foreign servants are problems.

Artillery and aerial attacks by the various contending forces in parts of south Lebanon threaten life and property. These forces continue to commit abuses, including killings, bombings, and abductions. The SLA maintains a separate and arbitrary system of justice in the Israeli-controlled zone, which is independent of Lebanese central authority. During the year, SLA officials arbitrarily arrested, mistreated, and detained persons, and regularly expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal for legal recourse to Lebanese authorities, often through their agents in the camps. There were reports that members of the various groups that control the camps detained their Palestinian rivals and, in some instances, killed them.

## RESPECT FOR HUMAN RIGHTS

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political or extrajudicial killings by government authorities during the year.

The judicial system continues to suffer from a backlog of hearings into cases of death in custody, some as old as 5 years. These cases involve some individuals connected to political groups and some accused of criminal activity. There were no developments in the 1994 death of Tareq Hassaniyeh, who allegedly was beaten to death by authorities in the Bayt Al-Din prison, nor in the 1994 death of Fawzi Al-Racy, who died while in the custody of the Ministry of Defense. The Government no longer is pursuing the cases.

On June 8, unidentified gunmen shot and killed four judges at the Justice Palace in Sidon. The Government did not apprehend the perpetrators but believes that they belong to the outlawed Palestinian radical Islamic group "Esbat Al-Ansar," which is led by fugitive Ahmad Abed Al-Karim Al-Sa'di (also known as Abu Mahjin). The gunmen were believed to be hiding in the Palestinian refugee camp of Ein Al-Hilweh at year's end.

In May an official of the Fatah faction of the Palestinian Liberation Organization (PLO), Amin Kayed, and his wife were killed in a drive-by shooting near Ein Al-Hilweh.

In August the coordinator of the Islamic Militia Operation in south Lebanon, Ali Deeb, was killed in Sidon, in a roadside bomb explosion.

A military tribunal sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons, as well as other bombings. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. A court hearing in the appeal made by the accused is scheduled for February 20, 2000. In June a court sentenced former Lebanese Forces leader Samir Ja'Ja' to life in prison, and three Lebanese Forces militiamen to death in absentia, for killing former Prime Minister Rashid Karami in 1987 (see Section 1.e.).

A court hearing in the appeal made by the prosecutor's office regarding the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi has not been scheduled following a court verdict declaring the suspect, Tawfiq Mohammad Farroukh, not guilty of murder for his role in the killings.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case still is pending.

An estimated 50 Islamic resistance guerrillas, 13 Israeli soldiers, 27 Lebanese civilians, and 2 Israeli civilians were killed in south Lebanon during the year, as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. For example, on June 22, Hizballah launched rocket attacks against northern Israel, which killed two Israeli civilians, in retaliation for Israeli Defense Forces (IDF) shelling of a Lebanese village. Israeli forces conducted repeated air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. For example, on June 24, 9 Lebanese were killed and 50 to 80 wounded in Israeli air raids, which also targeted civilian infrastructure, including electric power transformer stations and power lines in the Beirut area, Baalbek, and Bint Jubayl, and bridges along the main coastal highway at Damour, Sidon, and Tyre.

There were over 200 civilian injuries during the year, with most of the injuries involving minor wounds from shrapnel and broken glass. Citizens accounted for over 90 percent of the injured and Lebanese armed groups were responsible for some 23 percent of all injured civilians.

In south Lebanon, there is an average of two or three attacks daily against IDF and SLA military positions with a similar number of IDF and SLA counterattacks.

The Israel-Lebanon Monitoring Group continued to deal with alleged violations of the 1996 understanding between Israel and Hizballah not to target civilians or to launch attacks from civilian-populated areas.

On October 3, one person was killed when a bomb exploded in a Maronite church in an eastern Beirut suburb. There were no arrests made in connection with the case by year's end.

#### b. Disappearance

There were no reports of politically motivated disappearances. The Government has taken no judicial action against groups known to be responsible for the kidnappings of thousands of persons during the war between 1975 and 1990. In August Prime Minister Hoss established a military commission to investigate the fate of all those who disappeared during the war.

The whereabouts of Boutros Khawand, who allegedly was abducted by Syrian forces in 1992, remain unknown; he is presumed to be held in Syria (see Section 1.d.).

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice. There also were credible reports that military intelligence officials used harsh interrogation procedures, including torture, on former members of the Lebanese Forces. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, where suspects are interrogated in the absence of an attorney.

In early October at a Greenpeace demonstration in the town of Selaata, LAF soldiers fired shots over the heads of protesters and beat them with their rifle butts. President Lahoud criticized the soldiers' behavior and called for an investigation. The soldiers were reprimanded officially (see Sections 2.a. and 2.b.).

In June violent clashes broke out between the ISF and angry residents of Jnah (in the southern Beirut suburbs) after officials from the Ministry of Displaced Affairs attempted to enter the area to measure houses and buildings prior to their demolition. Twenty-four persons, including 4 ISF personnel, reportedly were injured.

Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

In May Fatah official Jamal Dayekh lost both his legs in a booby-trapped car explosion in Sidon.

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 2,000 inmates. However, prisons are overcrowded, with a total population of nearly 5,000. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not budgeted funds to overhaul the prison system. However, some efforts were made by other groups to improve conditions in Roumieh prison. For example, the Bar Association financed the renovation of two prison meeting rooms to allow lawyers to meet their clients in decent conditions and without having to obtain prior authorization. Inmates at Roumieh prison participated in vocational activities such as English-language courses and embroidery courses in order to provide them with skills upon release.

The Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells.

Former Lebanese forces leader Samir Ja'Ja', who is serving four life sentences for the murders of various political figures during and after the civil war, is kept in solitary confinement in a basement prison. He is permitted to exercise and receive occasional visits from his family and his lawyers. Government officials stated that his solitary confinement is necessary for his own protection.

Local journalists and human rights organizations had access to certain prisons during the year. Access to those prisons controlled by the Ministry of Defense was not given.

Hizballah detains and reportedly mistreats SLA members and suspected agents at unknown locations. The SLA operates its own detention facility, Al-Khiam prison, and there are frequent allegations of torture and mistreatment of detainees. Hizballah and the SLA occasionally release and exchange prisoners.

Hizballah does not permit prison visits by human rights monitors. The SLA continued to allow representatives of the International Committee of the Red Cross (ICRC) and family members of inmates to visit detainees at Al-Khiam prison.

#### d. Arbitrary Arrest, Detention, or Exile

The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants before making arrests; however, military prosecutors, who are responsible for cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a subject to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is available only to those accused of petty crimes, not to those accused of felonies. Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel has on many occasions asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest. Security forces detained and interrogated scores of citizens, predominately Christian supporters of ousted General Michel 'Awn, and of the jailed commander of the Lebanese Forces, Samir Ja'Ja'. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating they would abstain from politics.

During the year, the Government launched an anticorruption drive. Several former senior government officials were arrested on charges of embezzlement, misuse of power, and bribery. They all were detained for prolonged periods of time, in violation of the law. Most of those arrested were released on bail or the charges were dropped. However, the Minister of Petroleum, who was arrested in March on charges of embezzlement, remains in detention and has yet to be indicted.

On March 14, authorities detained students from the "National Free Current," a group that supports 'Awn, for distributing antigovernment and anti-Syria leaflets (see Section 2.b.).

There were no allegations during the year of the transfer of Lebanese citizens by Lebanese authorities to Syria. The number of Lebanese detainees remaining in Syria is uncertain; however, former President Elias Hrawi estimated that some 210 persons were in Syrian custody in 1996. Some 90 prisoners reportedly are still in Syrian jails. In 1997 Syria transferred 121 prisoners, most of whom had been held in Syrian jails since the outbreak of the Lebanese civil war in 1975, to the Lebanese authorities. Amnesty International (AI) reported that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside of any legal framework.

The authorities often detain without charge for short periods of time political opponents of the Syrian and Lebanese governments. Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

Local militias and non-Lebanese forces continued to conduct arbitrary arrests in areas outside central government control. The SLA detains an estimated 140 citizens and an undetermined number of Palestinians at Al-Khiam prison in the south, although the number changes daily as persons are detained and others are released. Sheikh Abbas Mohsen, who was abducted from his home in Kafr Kila in November 1998, remains in detention in Al-Khiam prison.

During the year, 95 prisoners were released from Al-Khiam prison. The remains of 16 prisoners also were released.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, various militias, and rival Palestinians.

Israel holds 41 Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani, figures associated with Hizballah.

Exile as a form of punishment is not practiced regularly, although in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart country and remain in exile for 5 years. 'Awn was accused of usurping power. He remains in France.

Former President Amine Gemayel, who has lived in France for the past 10 years, has not been able to return to Lebanon and still resides in Paris. Gemayel planned to return to the country but was warned by the Government through unofficial channels not to return.

#### e. Denial of Fair Public Trial

The judiciary is independent in principle, but is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians and Syrian intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security offenses, and the tribunals of the various religious affiliations, which adjudicate family disputes, including marriage, inheritance, and personal status.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during the years of internal conflicts. Trial delays also are caused by the Government's inability to conduct investigations in areas outside its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

The trial of former Lebanese Forces leader Samir Ja'Ja' was considered by the media and human rights groups to be fair. The Judicial Council sentenced Ja'Ja' to life in prison and three Lebanese Forces militiamen to death in absentia for assassinating former Prime Minister Rashid Karami in 1987. The court also sentenced LAF Brigadier General Khalil Matar to 10 years in prison for his involvement in the assassination. The trial was public and the defense had access to all files and documents. However, following the trial, the military prosecutor asked the Bar Association to lift the immunity of defense lawyer Karim Pakradouni. The Government accused Pakradouni of having contacts with Israel during the civil war. The Association refused the request, which it considered to be intimidation of Pakradouni because of his role as defense counsel in the trial.

On June 8, unidentified gunmen shot and killed four judges at the Justice Palace in Sidon (see Section 1.a.).

In July the Government began trying some 220 SLA militiamen from the town of Jezzine who turned themselves over to the Government following the June SLA withdrawal from Jezzine. The militiamen have been tried on less serious charges than "collaboration with the enemy," which carries the death penalty. The average sentence passed down by the military tribunal was 1 year. Human rights groups and international nongovernmental organizations (NGO's) believe that the trials have been fair, procedurally correct, and open.

Hizballah applies Islamic law in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA maintains a separate and arbitrary system of justice.

There were no reports of political prisoners.

## Lebanon: Torture and trial of civilians by military courts

04 September 2007



On the 3 September 2007, Alkarama for Human Rights sent details of ten cases of severe torture and inhuman and degrading treatment that occurred in Lebanon in the months of March and April 2007 to the Special Rapporteur on torture.

The ten people whose names are listed below are currently being prosecuted before the military court in Beirut despite the fact that they are all civilians. It would also appear that they are being charged by the military courts for offences that are not of a military nature.

They are:

1 - Hussam Issam Dallal, born 8 August 1986 in Al Jadida (Nabatieh), student at the University of Beirut, residing with his family, in Al Qubba Mantegat, Tripoli, in northern Lebanon. He was arrested on the 1 April 2007 at his home by military intelligence officers.

2 - Naif Salem AL Baqqar, born on the 6 October 1983, at Al Qubba (Tripoli), student at the University of Sidon (Tripoli). He was asked by military intelligence to appear before the military services on 23 March 2007, and was arrested on arrival.

3 - Mahmoud Ahmed Abdelkader, born on 1 February 1978 in Mehal, car mechanic. He was arrested on 31 March 2007 near his home in Al Qubba (Tripoli).

4-Faisal Ahmed Arradj, born on the 1 January 1983 in Al Haddadain, Tripoli, civil servant. He was arrested on 31 March 2007 at 12 noon at the place of his work in Akkar (Tripoli).

5-Ahmed Al Billal Badwi Assayed, born 18 November 1976, accountant. He was arrested at his home on 4 March 2007.

6 - Mohamed Al Assad Nadjari of Palestinian nationality, born in Lebanon on 1 January 1975, construction worker. He was arrested at his home after work on 2 April 2007.

7 - Omar Al Ali Azzedine, born on 11 November 1972, taxi driver. He was arrested at his home on 23 March 2007.

8 - Mohamed Omar Ghenoum, born 15 January 1979, accountant. He was arrested on 31 March 2007 at the place of his work.

9 - Ahmed Mohamed Ghazi Al Ratl, born 11 March 1973 in Tripoli. He was arrested at his home on 31 March 2007.

10 - Tarek Mamdouh Al Haj Amin, born 29 October 1982 in Tripoli, carpenter. He was arrested at his home on 31 March 2007

These individuals were arrested by military intelligence officers who failed to show a judicial warrant, and who did not tell them why they were being arrested.

After being held for a few days in the regional headquarters of the army intelligence services in Tripoli, they were transferred to the Ministry of Defense in Beirut where their incommunicado detention continued, in some cases for a fortnight.

During this incommunicado detention, they were all tortured and subjected to serious abuse by military intelligence officers.

They all reported having been beaten all over their body, either with sticks or with a rubber hose, right from the moment of their arrest.

Some, like Mahmoud Ahmed Abdelkader, also report having been subjected to the "fallaqa", a form of torture where the victim is beaten on the soles of their feet until they bleed.

All were also forced to stand against a wall for long periods or sit for several days on a stool. Naif Al Salem Baqqar was forced to sit on a stool for 6 consecutive days without interruption. He was placed under constant supervision and severely beaten by his torturers whenever he showed a sign of weakness or fatigue.

He was then hung from the ceiling by the wrists for several hours and the military threatened to

kidnap his wife and rape her.

Azzedine Omar Al Ali was forced to stand for 48 hours, then to sit on a stool for three consecutive days, in spite of his poor health. He was then hung by his wrists until he passed out. He was also threatened with rape, and that his torturers would rape his wife.

All of them were deprived of sleep for several days, as the torturers took turns at night to prevent them from falling asleep. They were also prevented from using the toilet.

After this period of torture at the Ministry of Defence, they were presented before a military judge who charged them with an attempt to form an armed group, and also with undermining the security of the state.

They were then transferred to a special division of the Roumieh prison, where they now languish. They have not been given any care despite the injuries they suffered as a result of weeks of torture, which left them in a very bad physical and psychological state.

Several of the victims asked the military judge to appoint a medical expert to determine that they had been tortured, evidence of which is still visible. The judge has thus far refused their request on the grounds that "he is not empowered to grant such a request" and that "it is the responsibility of the claimant to provide evidence of torture."

This response from the judicial authorities demonstrates the extent of the military court's bad faith and lack of objectivity, and foreshadows the outcome of these ongoing trials.

Alkarama for Human Rights is particularly concerned that the statements based on confessions extracted under torture are not taken into account by the military court, since they could be used to condemn them to long prison sentences.

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## Lebanon: Further torture and trial of civilians by military courts

13 September 2007



Alkarama for Human Rights submitted the cases of 9 people arrested, tortured and held incommunicado by the intelligence services at the Ministry of Defense in Beirut to the Special Rapporteur on torture.

They are:

1 - Ghassan Sulayman Al Sulaiby, born 29 March 1961 in Baabda (La Montagne), accountant, residing in Baabda, Sibani Al Ouarouar. He was arrested at his home by military intelligence on the 31 March 2006 at 9 pm.

2 - His son, Mohammed Ghassan Al Sulaiby, born 23 March 1986 in Baabda (La Montagne), student, residing in Baabda, Sibani Al Ouarouar. He was arrested at his home by military intelligence on the 31 March 2006 at 9 pm.

3 - His brother, Ibrahim Sulayman Al Sulaiby, born on 3 April 1970 in Baabda (La Montagne), residing in Baabda, Sibani Al Ouarouar. He was arrested by military intelligence at his brother's house where he was visiting his family on the 31 March 2006 at 9 pm.

4 - His nephew, Siradj Eddine Munir Suleiman Al Sulaiby, born in 1982 in Beirut, baker, residing in Baabda, Sibani Al Ouarouar. He was arrested by military intelligence on the 2 April 2006, when he went to his uncle's home, who had been arrested previously.

5 - Ziyad Tarek Yamout, born on 3 September 1980 in Beirut, accountant, residing in Corniche Al Mazraa,. He was arrested by military intelligence on the 2 April 2006 at the home of Mr. Ghassan Sulayman Al Sulaiby. He was visiting Mr Al Sulaiby for work reasons.

6 - Youcef Mounir Koubrously, born in 1974, residing in Main Avenue, Sabra refugee camp. He was arrested by military intelligence on 31 March 2006.

7 - Safi Ibrahim Al Arab, born 11 February 1971 in Beirut, truck driver, residing in Corniche Al Mazraa. He was arrested by the Military Intelligence on the 3 April 2006 at his home.

8 - Issam Ahmed Rachid, born in 1984 in Beirut, Palestinian, living in Sabra refugee camp. He was arrested by military intelligence 3 April 2006 at his home.

9 - Ali Amini Khaled, born 14 November 1975 in Beirut, teacher, residing in Ard Jelloul, Shatila camp. He was asked to go to the Ministry of Defense on the 1<sup>st</sup> of April, which he did, and was immediately arrested.

These individuals were arrested by military intelligence officers without a judicial warrant, and without being given a reason for their arrest. The arrests were carried out by members of military intelligence, most of whom were in civilian clothes.

The suspects were all taken to the Ministry of Defense headquarters in Beirut where they were held incommunicado for a period of fifteen days. They were then transferred to the Roumieh civilian prison.

During their secret detention at the Ministry of Defense, they were all tortured and subjected to serious abuse. They all report having been insulted, threatened and beaten all over their bodies with sticks, fists and kicks from the time of their arrest.

All testified that they were forced to stand against a wall for long periods or sit for days on a small stool, having been deprived of sleep and the use of a toilet.

Ghassan Sulayman Al Sulaiby was tortured with electricity; the electrodes were connected to his genitals. This particularly inhuman and degrading treatment continued during the fifteen days of incommunicado detention.

Moreover, these torture sessions took place in the presence of his son, who was arrested at the same time. He was also forced to witness his son being tortured.

The main aim of this psychological and physical torture was to make him confess and sign the statements dictated by his torturers.

Mohamed Ghassan Al Sulaiby confirms that he was tortured in front of his father to force him to testify against his father in court.

He was released in the month of August but remains psychologically traumatised as a result of the inhuman treatment he endured.

Siradj Eddine Munir Suleiman Al Sulaiby also claims he was tortured to make him testify against his uncle. When he refused, he was forced to sign a dozen blank sheets.

After 15 days of torture and incommunicado detention at the Ministry of Defense, the accused were transferred to the prison of Roumieh. However, they were not presented before a military judge until 15 December 2006. They were charged with "attempting to form an armed group", "conspiring to commit terrorist acts" and "seeking to undermine the security of the state".

They have not been given any medical care at the prison in Roumieh despite the injuries they suffered as a result of two weeks of torture, which left them in a very bad physical and psychological state.

The judge has thus far refused to have them examined by a doctor to establish that they were tortured (evidence of which is visible on their bodies) on the grounds that "it is the responsibility of the claimant to provide evidence of torture!"

Alkarama for Human Rights is particularly concerned that any statements established on the basis of confessions extracted under torture should not be taken into account by the military court. These confessions would only serve to condemn them to long prison sentences.

It should be noted that since the latest events in Nahr Al Bared camp, hundreds of people have been arrested. They are held incommunicado at the Ministry of Defense in Beirut and tortured. They are systematically prosecuted by military courts. By routinely using these practices, Lebanon is violating the International Covenant on Civil and Political Rights and the Convention against Torture, ratified respectively 12 September 1989 and 11 October 1989.

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## Lebanon: Torture, ill-treatment and prosecution of civilians before military courts

17 October 2008



Alkarama submitted 13 cases of people being tortured in Lebanon to the Special Rapporteur on Torture, on 15 October 2008, . All were arrested as part of the tragic events of Nahr El Bared which took place from May to September 2007, and which opposed the regular Lebanese armed forces to an armed group entrenched in the Nahr El Bared refugee camp, located in the northern suburbs of Tripoli.

These people were all arrested by military intelligence services and are subject to criminal prosecution before the military court in Beirut, when they do not qualify as military personnel. In addition, the facts with which they seem to be charged do not constitute offences of a military character.

Alkarama is particularly concerned about the situation of 9 people still detained and about to be tried by a military court, even though they are civilians.

It is significant to note that all those arrested in the context of, or in connection with the events of Nahr El Bared have been subjected to torture and/or ill-treatment, including those who were detained for brief periods.

Most arrests took place without a judicial warrant and without being given the grounds for the arrest. They were carried out in most cases by members of the military intelligence services in civilian clothes.

All the persons listed below have been detained incommunicado for varying periods of time ranging from a few days to several months and particularly in the premises of the Ministry of Defence, and were tortured according to a identifiable and characteristic modus operandi: all relate having been insulted, humiliated, threatened and beaten from the first moments following their arrest, either with electric cables, hoses, or sticks, or punched and kicked on all parts of their bodies.

Most victims testify to being forced to remain standing for long periods, being deprived of sleep as well as toilets for their natural needs. Many report having suffered the torment of the Balanco suspension, some have suffered the agony of falaqa (blows to the soles of the feet) as well as being exposed naked, and being forced to sit on a bottle. One of the victims reported having been tortured with electric shocks.

These particularly difficult physical and psychological methods of torture had the essential aim of extracting confessions and to make the victims sign statements dictated or written by the torturers, which they were not able to read.

At the end of their period of incommunicado detention, all persons were transferred to Roumieh prison after being indicted by a military magistrate of "attempted constitution of an armed group", or an "attempt to commit terrorist acts" or attempt "to undermine state security".

### The following persons are still being held:

**1. Ali Mohammed Ibrahim**, Danish of Lebanese origin, born 08/07/1968, arrested in Tripoli on 24/05/2007 and held incommunicado at the Department of Defence during 33 days where he was tortured. After his transfer to Roumieh prison, he was kept in solitary confinement for 5 months before being transferred on 27/10/2008 to Building B of the same prison.

**2. Shadi Majdi Al-Mawlawi**, Lebanese, born 29/01/1987, arrested on 14/08/2007 by agents of the military intelligence services in Tripoli. He was then taken to the Ministry of Defence where he was severely tortured. He was imprisoned in Roumieh prison on 22/08/2007.

**3. Rabee Bahjat Shaalan**, Lebanese, born in 1977, arrested on 26/06/2007 in his shop by agents of the Lebanese Army intelligence and taken to Qoubbah district in northern Lebanon where he remained for two days and then to Ministry of Defence (4 days) where he was tortured, then the military court (5 days) before being imprisoned in Roumieh prison on 04/07/2007.

**4. Medhat Al-Mahmoud Andouri**, Lebanese, born 01/01/1985, arrested on 25/05/2007 at his home in Tripoli by a military intelligence unit. He was led to the Municipal Stadium of Bahsas in north Lebanon, then to Haykaliyé Al-Al-Kourah prison, still in north Lebanon and then to the Qoubbah military intelligence prison, and then finally to the Department of Defence's prison where he suffered severe torture during a month and a half. He was transferred to Roumieh prison on 07/07/2007.

**5. Abbes Sebtaoui Omar**, an Algerian national, born 21/12/1972 in Algiers, arrested at the border in North Lebanon before the beginning of events, around 15 March 2007, by the intelligence services. He was first detained for a week by the Halba section, then taken to the intelligence services' centre in Qoubbah where he was held for 15 days before being transferred to a place in the same area but which he could not identify and where he remained detained incommunicado for 3 months before being sent to the "information section" where he remained for 8 days, then to Zgharta prison before being imprisoned in Roumieh on 26/07/2007.

**6. Bilal Ahmed Saleh**, Palestinian refugee born in 1968 in Nahr El Bared, arrested on 02/06/2007 at the Tallat Al-Sitt roadblock when exiting the camp, by agents of military intelligence. Held incommunicado for 61 days at the Department of Defence where he was severely tortured, he was then transferred to the premises of military police and then to Roumieh prison on 05/08/2007.

**7. Mounir Ahmed Mohammed**, Palestinian refugee born in 1980 in Nahr El Bared, arrested on 06/09/2007 at the entrance to the camp by agents of military intelligence, and taken to the Qoubbah centre of the military intelligence services, then to the Department of Defence, where he was held incommunicado for a month and a half, and tortured, before being transferred to Roumieh prison on 26/10/2007.

**8. Ziad Jamil Badra**, Palestinian refugee born in 1984 in Nahr El Bared, arrested by agents of military intelligence on 11/07/2007 at his exit from the camp during the evacuation of civilians. Led to the Department of Defence's prison where he was detained for 6 days, then to military court where he stayed for 3 days before being transferred to Roumieh prison on 20/07/2007.

**9. Firas Mohammed Awadh**, Palestinian refugee born in 1984 in Nahr El Bared, arrested on 11/07/2007 at his exit from the camp at a Lebanese army roadblock, during the evacuation of civilians. He was moved to Qoubbah where he remained for two days, and then to the Ministry of Defence in the Yarzéh sector of Mount Lebanon, for his alleged membership in Fatah Al Islam, while he claims to be a known activist of the organisation, the Democratic Front for the Liberation of Palestine (DFLP). He relates, among other tortures, of having suffered the agony of suspension and having been tortured with electricity at the Ministry of Defence, adding that he was transferred to hospital because of the serious deterioration of his general state. He was imprisoned in the Roumieh prison on 27/07/2007 and his condition currently requires serious and urgent medical care.

#### **The following people were recently released:**

**10. Hassan Ali Ismael**, Palestinian refugee, physically disabled, born in 1969 in Nahr El Bared. Arrested on 24/06/2007 at his exit from the camp at a Lebanese army roadblock during the evacuation of civilians, he was brought to the Qoubbah information services centre where he stayed one day, then taken to the Armani military barracks in northern Lebanon, where he was accused of belonging to Fatah Al Islam, and then successively transferred to the Department of Defence, the military court, then to the information services section before being imprisoned on 13 / 07/2007 in Roumieh prison.

**11. Bassam Mohammed Faisal Beitieh**, Lebanese, born in 1984, Arrested on 04/06/2007 at his workplace by agents of military intelligence, then held successively in the "Mourabitoun" section in North Lebanon, at the intelligence services centre of Qoubbah, then to the Ministry of Defence prison before being imprisoned in Roumieh prison on 12/06/2007.

**12-Khaled Ahmed Steitieh**, Lebanese, born 05/01/1974 in Tripoli, arrested at his home on 30/05/2007 by the military intelligence services of Qoubbah. At the time of his arrest he was severely beaten, tied up and hooded before his children before being taken to the Qoubbah intelligence services section where he was detained for 2 days before being transferred to the Ministry of Defence where he was also held incommunicado for 4 days. He was subsequently taken to the Military Court's prison where he is remained another week. He was imprisoned in Roumieh prison on 12/06/2007.

**13-Hussein Mohammed Shaaban**, Lebanon, born in 1971 in Tripoli, arrested on 24/05/2007 by agents of military intelligence in northern Lebanon and then taken to the Ministry of Defence where he stayed 8 days and was tortured. He was taken to the military tribunal on 02/06/2007 where he spent 3 days, before his transfer to Roumieh prison on 05/06/2007.

All told the judge, at their first appearance, of having been subjected to torture and ill-treatment during their incommunicado detention but the judge never took their statements into account nor a fortiori ordered an investigation in regard to their allegations.

Their statements were credible because they bore visible traces of torture on certain parts of their

body, and some, on their faces. Trial or investigative judges can not, therefore, in any case, ignore this practice which seems to be accepted by the judicial apparatus as a whole.

Despite their statements at the time of their presentation before a magistrate or during their appearance before the court, defendants are often convicted solely on the basis of reports based on confessions extracted under torture and no investigation is ordered even though, often, the names of the torturers are cited.

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## Lebanon: Convictions as a result of "confessions" extracted under torture

21 October 2008



Alkarama has received additional information about nine people about whom it had addressed, in September 2007, a communication to the Special Rapporteur on torture. Alkarama thus informed the Special Rapporteur on 16 October 2008 that these persons were tried by a military court on the basis of confessions obtained under torture.

The people listed below were arrested in March-April 2006 and were victims of torture and inhuman and degrading treatment. They have been prosecuted before the military court in Beirut despite the fact that they do not qualify as military and the offences for which they were charged do not constitute a military offense. The following verdict was delivered on September 04, 2008:

- 1-Ghassan Sulayman al SULAIBY five years hard labor
- 2-Mohamed Ghassan AL SULAIBY, sentence covered by the period of detention
- 3-Ibrahim Sulayman al SULAIBY three years hard labor
- 4-Eddine Siradj Mounir three years hard labor
- 5-AL SULAIBY Sulayman, 10 days' imprisonment.
- 6-Youcef Mounir KOUBROUSLY three years hard labor
- 7-Safy Ibrahim AL ARAB, sentence covered by the period of detention
- 8-Issam Ahmed Rachid, three years of hard labor
- 9-Ali Amini KHALED three years hard labor

All these men were arrested without judicial warrant and without being notified of the offence for which they were sued. Members of the Military Intelligence, most of them wearing civilian clothes, took them to the headquarters of the Ministry of Defense in Beirut where they were held incommunicado and tortured for a period of fifteen days before being transferred to the Rumieh civil prison.

They have not been presented before a military magistrate until 15 December 2006 where they were charged with attempting "to constitute an armed group to commit terrorist acts" and "to undermine the security of state".

They were deprived of medical care in the Rumieh prison despite the injuries and the torture they had suffered and their state of physical and moral decay after weeks of abuse.

The judge who heard the defendants and who personally noticed sequelae of the torture they suffered refused however to take any measure or to investigate into the torture and ill-treatment the detainees were subjected to. The judge refused to provide any protection to them in prison, and, worse, torture remained a common practice against them.

The judge had also refused to comply with the request to appoint a medical expert to examine the detainees and see the torture to which they had suffered on the ground "that it was the prisoner's duty to bring the evidence of torture they claim to have suffered."

During the trial, lawyers have raised, in vain, the incompetence of the military court to hear the case by demonstrating the apparent contradictions between surveys conducted by the Ministry of Defense and the magistrate.

In its ruling, the Permanent Military Tribunal in Beirut does not take into account the initial charges which were the very basis of bringing the case before the military justice.

According to lawyers, the convictions were based solely on confessions in the trial records established during the preliminary investigation. The court refused to hear witnesses.

The military court had indeed categorically refused to consider allegations of torture of defendants or their lawyers who have not failed in their pleadings to formally raise the invalidity of the preliminary investigation because of the use of abusive coercion. Their plea was however ignored by the military court.

The condemnation of these people is a flagrant violation of article 15 of the Convention against Torture ratified by Lebanon. This section provides that any statement which is established to have been obtained by torture can not be invoked as evidence in any proceedings.

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## Lebanon: 12 people victim of incommunicado detention and torture

19 January 2009



Alkarama has made a submission to the Special Rapporteur on Torture asking him to intervene in the case of 12 people arrested between the 30 December 2005 and 16 January 2006, then detained incommunicado and tortured. They have been waiting to be judged since then.

These people were all arrested by elements from the Directorate General of Internal Security Forces and are being subjected to legal proceedings before the Beirut Military Tribunal, even though they are not part of the military. Additionally, the facts with which they appear to be charged do not constitute military infractions.

All these arrests took place without a judicial mandate and without a reason being given. They were all carried out by members of Internal Security Forces in civilian clothing.

All the persons mentioned above were detained incommunicado and in isolation for 5 months in the quarters of the internal security services which operate under the authority of the Ministry of the Interior.

They report having suffered torture, insults and ill-treatment. Certain of them suffer from the consequences of these acts of torture. They were only able to have contact with their families or a lawyer after two months from their arrest.

The detainees all report having been forced to sign declarations under torture which are intended to be used as incriminating evidence during their trial. If these 'confessions' are taken into account by the military tribunal, they will be used to sentence the victims to long prison sentences.

Alkarama has obtained information that the trials are to take place in early 2009, but no date has officially been decided for the final hearing.

List of concerned individuals:

**1. Amer Abdullah Hallak**, 25 years old, Palestinian national from Lebanon, mechanical engineer, arrested on 30 December 2005 in Sidon, then detained at the Al Bastah police station before being transferred to the quarters of the intelligence services in Beirut for a period of 5 months. Following a hunger strike, he was transferred on 31 May 2006 to Roumieh prison

**2. Bora Mohammed Fouad**, 32 years old, Syrian, entrepreneur, living in Syria and Lebanon. He was arrested on 13 January 2006 in a public place in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.

**3. Faissal Asaad Hashim Akbar**, 29 years old, Saudi student, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.

**4. Fuad Ahmed Al Masir**, 37 years old, Libyan salesperson, arrested on 30 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He was released on 4 September 2008.

**5. Hani Hashim Al-Shanti**, 26 years old, Lebanese of Jordanian origin, arrested on 1 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.

**6. Hassan Mohammed Nabah**, 32 years old, Lebanese, graduate, arrested on 3 January 2006 and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.

**7. Moaz Abdelghani Shousha**, 26 years old, Syrian living in Syria, clothes salesman, arrested on 4 January 2006 in Tripoli. He was detained at the Al Bastah police station before being transferred to the quarters of the intelligence services in Beirut where he was kept in isolation in the basement for a period of five months. He was then transferred to Roumieh prison. He fears being extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda (see 12th case).

**8. Mohammed Abderrazzak Al-Wafael**, 23 years old, Syrian student residing in Syria, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He fears being

extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda (see 12th case).

**9. Mohammed Ahmed Qoja**, 22 years old, Syrian student living in Syria, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He fears being extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda (see 12th case).

**10. Malik Mohammed Nabah**, 25 years old, Lebanese, salesperson, arrested on 3 January 2006 opposite to his home in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison.

**11. Tareq Rajaa Nasser**, 30 years old, Syrian national living in Syria, arrested on 3 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He fears being extradited to Syria and disappearing as did Mr Hammad Turkey Al Rda (see 12th case).

**12. Hamad Turkey Al-Rda**, 33 years old, Syrian national living in Beirut, arrested on 16 January 2006 in Beirut and detained incommunicado in the quarters of the intelligence services for 5 months in isolation in the basement before being transferred to Roumieh prison. He was extradited to Syria and has since disappeared.

#### **Alkarama has contacted the Special Rapporteur on Torture to request him to:**

Intervene with the Lebanese government to remind it of its obligations with regards the Convention Against Torture which it ratified on 11 October 1989, and to ensure that all declarations made under torture cannot be invoked as proof in a legal procedure.

remind the government that it cannot extradite persons to countries where they are exposed to a risk of torture. He should also request an inquiry into the disappearance of Mr Al-Rda after his removal to Syria.

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## Lebanon : Incommunicado and torture during 35 days for Mr Fadi Sabunah

26 January 2009



Alkarama submitted a communication on 26 January 2009 to the Special Rapporteur on Torture asking him to intervene in the case of Mr Fadi Sabunah. Arrested on 5 October 2008, he was detained incommunicado for 35 days during which time he was tortured in order to extract a 'confession' from him.

Mr Fadi Anwar SABUNAH, 23 years old, lives in Tripoli. He was arrested without a judicial warrant on 5 October 2008 by the Palestinian Joint Security Committee in Beddawi, in North Lebanon before being transferred to the Lebanese Army Intelligence. He was detained incommunicado and tortured for 35 days in the aim, ultimately achieved, of making him sign a false confession.

He is currently subject to criminal charges before the Military Tribunal in Beirut despite the fact that he is not part of the military, and the proof that will be used against him is essentially based on the declarations made under torture.

Arrested by the Palestinian Joint Security Committee in the Beddawi Refugee Camp near Tripoli, he was transferred to the Lebanese Military Intelligence services, accused of having links to a cell responsible for attacks targeting the army in Abdeh in May 2008, and in Tripoli in August and September of that same year.

After being held for a day at the military station in Quba in Tripoli, he was then transferred to the Ministry of Defense in Al-Yarze, Beirut, where he was detained incommunicado and tortured from 7 October to 11 November 2008.

He was then again transferred to the Military Police station in Al-Rihania where he remained 15 days before being taken once more to the Ministry of Defense on 26 November for more interrogations.

Mr Fadi Sabunah was gravely tortured at the Ministry of Defense during the period covering 7 October to 11 November 2008 and again from 26 to 29 November, often for several hours at a time, some days for up to 8 consecutive hours.

He was in particular subjected to the "Ballanco" (hanging by the wrists which are tied behind the back), violently beaten, forced to remain standing for two days, and he was also forced to stay awake for 5 days. His torturers also threatened to rape his wife in front of him.

It is in these conditions that Mr Fadi Sabunah, being mentally and physically exhausted, was constrained to sign declarations to end his suffering.

During his incommunicado detention at the Ministry of Defense in November, he was interrogated by the investigating military judge in charge of the present procedure against him.

Since 29 November 2008, he is being detained at Roumie prison.

Despite requests, he has not had a medical examination to this day, more than two months after the torture took place.

No investigation has been ordered following the allegations of torture.

It must therefore be feared that the declarations signed following torture may be used in the current legal proceedings and may be used as basis for handing down a heavy sentence.

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## Lebanon: Secret detention and torture for Hashash brothers

27 April 2009



Amer Hashash and his brother Mosbah Hashash were arrested on 16 November 2007 by agents of the intelligence services of the Directorate General of Internal Security Forces and were held incommunicado for 3 months during which they were victims of torture. Having since been transferred to the Roumieh prison, they are currently in detention awaiting trial before a court military.

On 24 April 2009 Alkarama sent a communication to the Special Rapporteur on Torture to intervene with the Lebanese authorities and remind them that confessions racked by torture cannot be used in the proceedings against them.

Amer Hashash, born in 1976, lives in Beirut and is cashier at the Arabic University. His brother Mr. Mosbah Hashash, born in 1971, lives in Shoueyfat and is a vendor. Both were arrested by officers from the Directorate General of Internal Security Forces dressed in civilian clothes. At the time, they were not shown an arrest warrant nor were they notified of the reasons for the arrest. Amer was arrested as he left his home to go to the mosque and Mosbah at his mother's home, where he was visiting.

Both were held incommunicado in the detention center of the Directorate General of Internal Security Forces under particularly difficult conditions. This center is located in Ashrafieh in Beirut and is under the control of the Minister of Interior.

During their detention, the two brothers were kept awake naked and left starving for three days. They were beaten, insulted and immersed in cold water. They were forbidden to go to the toilet, shave or wash and they were kept blindfolded for long periods. The torturers of Mosbah threatened to attack to his wife and three daughters if he refused to cooperate. These torture methods were aimed at forcing the two brothers to sign "confessions" that they were not allowed to read.

In February 2008, the two brothers were transferred by the intelligence services to Roumieh prison where they were detained for a month. They were then imprisoned in the building "B", where they are unto this day.

After an initial visit, the family no longer has visiting rights. The judge ignored the allegations of torture and has yet to order a medical examination. The indictment was delivered on 23 February 2008.

These practices are not isolated in Lebanon. Alkarama has sought the intervention of the Special Rapporteur on Torture, particularly in the case of a group of 12 people who have all been detained incommunicado by the intelligence service for 5 months ([see communiqué](#) from 19 January 2009).

Alkarama recalls the obligation of Lebanon under the Convention Against Torture, ratified on 11 October 1989, to ensure that any statement made under torture cannot be invoked as evidence in any proceedings.

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## Emirates: arbitrary arrest and detention of Naji Hamdan in the Emirates

28 January 2009



Alkarama sent a communication to the Special Reporter for the promotion and protection of human rights and fundamental freedoms in the fight against terrorism, the Rapporteur on torture and the Working Group on Arbitrary Detention arbitrary about Naji Hamdan, a U.S. citizen of Lebanese origin held in Abu Dhabi (UAE), allegedly at the behest of U.S. authorities.

Mr. Naji Hamdan, aged 43, emigrated from Lebanon to the United States in the 80's, where he obtained American citizenship. He has his own business, and decided to settle in the United Arab Emirates to pursue commercial interests in 2006, establishing his family in Lebanon.

In 2007, while traveling in the United States for professional reasons, he was placed under close surveillance by the FBI. He was repeatedly summoned by the federal agency and interrogated about his work and his travels to the Lebanon and the United Arab Emirates.

In January 2008, while travelling from Dubai to Lebanon, he was arrested at Beirut airport and held for 4 days by Lebanese intelligence services. He was submitted to torture and ill-treatment and was interrogated about his travel and work.

His eldest son Khaled, 16, was also arrested and questioned for several hours about his father. He was shown his father at his place of detention, where he could see the traces of ill-treatment suffered by his father. This particularly shocked Mr. Naji Hamdan. The latter was released after 4 days and later it turned out that the arrest had followed a "foreign request". Mr. Hamdan returned to the United Arab Emirates.

At the beginning of August 2008, FBI agents contacted him by telephone and asked him to come to the Embassy of the United States in Abu Dhabi. He was again questioned at length by two U.S. officials.

Three weeks later, on 29 August 2008, Mr. Hamdan was arrested at his home by UAE intelligence services; he was held incommunicado for three months without the possibility of contact with the outside world, with the exception of a telephone call to his wife, and a visit on 19 October 2008 by the U.S. consul.

On 18 November, a complaint was filed against the U.S. government by the family of the victim, arguing he was arrested and secretly held by UAE authorities on the orders of the U.S. government.

On 26 November 2008, Mr. Hamdan was transferred to Al Wathba prison in Abu Dhabi where he is awaiting trial by the Supreme Court responsible for cases of terrorism. The decisions of this court are not subject to appeal and he risks life imprisonment.

On 2 December 2008, he was able to talk on the phone to his brother, who lives in the United States, for the first time. He spoke of being subjected to severe torture by members of the UAE intelligence services.

Specifically, he was held in a cold underground room and regularly beaten, including on the soles of the feet (fallaqa). He was completely deprived of sleep for long periods and threatened with reprisals against members of his family if he did not confirm the charges against him.

During his detention, he was interrogated by an officer, whose face he could not see, who spoke accentless English and repeated the questions previously asked by FBI agents. After 89 days of this inhuman treatment, Mr. Hamdan, in a disastrous physical and psychological state, was forced to sign documents prepared in advance containing false statements.

On 3 December 2008, the U.S. consul visited him a second time in the Al Wathba prison. Mr. Hamdan reported in detail the treatment and torture he suffered.

And on 19 December 2008, Mr. Hamdan informed his family that he had received a visit from a lawyer who was able to consult his file but was not allowed to photocopy anything or take notes. He confirmed that Mr Hamdan had been tortured.

ALKARAMA, which submitted Mr. Hamdan's case to several UN special procedures, wishes to draw the attention of expert mandate-holders to the issue of the outsourcing of torture and serious violations of human rights under the pretext of the fight against terrorism.

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