SHADOW REPORT:

SUBMISSION TO THE COMMITTEE AGAINST TORTURE IN RELATION TO ITS EXAMINATION OF THE INITIAL REPORT OF LEBANON (MARCH 2016)

C.L.D.H

Centre Libanais des Droits Humains
Lebanese Center for Human Rights
المركز اللبناني لحقوق الإنسان

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Abbreviations

Alef	Alef - Act for human rights
CAT	Committee Against Torture
CCP	Code of Criminal Procedure
CLDH	Lebanese Center for Human Rights
FIDH	Worldwide movement for human rights
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IRCT	International Rehabilitation Council for Torture victims
ISF	Internal Security Forces
LGBTI	Lesbian, Gay, Bisexual, Transgender or Intersex
LIR	Lebanese Initial Report
MDDC	Ministry of Defense Detention Centre
NPM	National Preventive Mechanism
NHRI	National Human Rights Institute
OPCAT	Optional Protocol of the Convention Against Torture
SOLIDA	Support to the Lebanese Detained Arbitrarily
UNHCR	Office of the United Nations High Commissioner for Refugees
WGAD	Working group on arbitrary detention

About the organization

The Lebanese Center for Human Rights (CLDH) is a local non-profit, non-partisan Lebanese human rights organization based in Beirut. CLDH was created in 2006 by the Franco-Lebanese Movement SOLIDA (Support for Lebanese Detained Arbitrarily), which has been active since 1996 in the struggle against arbitrary detention, enforced disappearance and the impunity of those perpetrating gross human rights violations.

CLDH monitors the human rights situation in Lebanon, fights enforced disappearance, impunity, arbitrary detention and racism and rehabilitates the victims of torture. CLDH regularly organizes press conferences, workshops and advocacy meetings on human rights issues in Lebanon and collects, records and documents human rights abuses in reports and press releases. CLDH team on the ground supports initiatives aimed at determining the fate of all missing persons in Lebanon.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in Lebanon in coordination with Lebanese and international organizations, and with the United Nations Working Group on Arbitrary Detention WGAD and the UN Special Rapporteur on Torture.

CLDH opened in 2007 a Rehabilitation Center for the victims of torture in Beirut, Centre Nassim, member of IRCT (International Rehabilitation Council for Torture victims), which provides multi-disciplinary professional support and case management for victims of torture and their families. Since 2012, CLDH established a legal aid program for vulnerable persons. Several lawyers assist vulnerable migrants, refugees, asylum seekers and Lebanese through legal consultations and before courts, institutions and security services. CLDH compiles a daily press review on human rights violations and on-going judiciary cases in Lebanon and updates several human rights blogs.

CLDH is a founding member of the Euro-Mediterranean Federation against Enforced Disappearance (FEMED), a member of the Euro-Mediterranean Network of Human Rights (REMDH), a member of the SOS Torture Network of the World Organization against Torture (OMCT), and of the International Federation of Human Rights Leagues (FIDH).

Preface

Lebanon presented to the Committee Against Torture its initial report in March 2016 with a delay of almost 15 years since the due date for submission was on November 4, 2001. Lebanon explained this fact by "*the extraordinary political, economic, social and security circumstances that Lebanon went through in the past fourteen years (that) did not allow the fulfillment of this commitment within the prescribed time limit*."

However, CLDH has the expertise and sufficient vision to affirm that the delay in the presentation of this report is in fact related to the absence of political will on behalf of the Lebanese authorities to abolish torture and to comply with their international commitments, and even to abide by the domestic applicable law.

CLDH has been documenting torture in Lebanon since 1996 and is the only independent organization establishing regular statistics about the practice of torture in Lebanon. Between 2009 and 2015, all statistics established by CLDH show that 60% of the persons arrested in Lebanon over a year are subjected to torture and serious ill treatments at a certain stage of their detention, more particularly during preliminary investigations and/or during "administrative" detention (for the foreigners).

Lebanon report reminds inter alia the visit of "a delegation from the **Committee against Torture (CAT)** in the period between April 8 and 18, 2013", without mentioning the appalling conclusions of this visit showing that among the 216 detainees interviewed by the delegation, 99 reported being subjected to torture by law enforcement personnel, especially members of the ISF and the Directorate of Military Intelligence.

The Lebanese State initial report is a reference in terms of research about the Lebanese law, Lebanon international commitments in the field of human rights and a compilation of all efforts declared to be implemented towards the abolition of the practice of torture but it does not really bring information on the current practice of torture in Lebanon.

A few parts of the State report however amount to the acknowledgement by the Lebanese State of a situation out of control in the field of torture prevention, notably when the State admits that vulnerable individuals can be "detained in secret" (page 70) or that "the perpetrators have full experience in committing acts of severity that do not result in any apparent physical effects" (page 43).

In reality, 16 years after its ratification by Lebanon, the only provision of the CAT that has been effectively raised in a few cases is the Article 3 of the Convention to prevent deportation of refugees to countries where they are at risk of being tortured. This created an interesting precedent, even if security services very often refuse to abide by the Justice decisions, as described in this report.

The only law that has been voted since the publication of the State report is the one setting up a NHRI (National Human Rights Institute) including the NPM (National Preventive Mechanism) that is already 7 years late (ratification of OPCAT took place in 2008 and the State had one year to set the NPM) and implementation still needs to take place.

All the other efforts mentioned in Lebanon initial report are draft laws, projects, plans and initiatives of the civil society aiming at combating the practice of torture that did not put an end to the systematic practice of torture in Lebanon in any way.

This shadow report includes various sources of information: the statistics established by CLDH on a yearly basis as well as first-hand testimonies and data collected from NGOs and international institutions.

This shadow report follows the format of Lebanon initial report that "consists of an introduction and sixteen chapters, the content of which is similar to the content of the Convention against Torture articles."

Disclaimer: The present report is based on CLDH observations and documentation of the human rights situation in Lebanon. It contains well documented allegations gathered objectively and without any political agenda. It does not engage the responsibility of the CLDH donors. CLDH welcomes answers and comments on allegations and commits to answer to them and make public contradictory debates that may arise from the publication of the present report.

Preamble

The general political and legal framework for the protection of human rights in Lebanon.

First: The political framework of the year:

"Lebanon is (...) a founding and active member of 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 fields and areas without exception».

Lebanon Initial Report - 2016

CLDH would like to add that in spite of the provisions of the Lebanese Constitution, human rights challenges in Lebanon remain a serious concern, and the country's international commitments are still a long way from implementation within its borders.

The Lebanese Constitution protects "equality of rights and duties among all citizens without discrimination"

Lebanon Initial Report - 2016

Social, religious and political cleavages rule the Lebanese society and its institutions.

A- Legislative Power

Lebanon initial report describes the role and responsibilities of the Chamber of Deputies as being the "promulgation of laws, election of the President of the Republic, give confidence to the government and control its work and hold it accountable".

Lebanon Initial Report - 2016

However, CLDH would like to add that the Parliament of Lebanon has last been elected in 2009 and no elections have taken place since then, the Deputies have been renewing their own mandate in contradiction with democratic rules.

B- Executive Power

Lebanon report also describes the role of the executive power "entrusted to the Council of Ministers (Article 65 of the Constitution amended by virtue of the Constitutional Law of 21.09.1990)". It adds that "the Council of Ministers meets periodically at a private headquarter and the President chairs its meetings when he attends. The work of the Council of Ministers is subject to the control of the legislative power".

Lebanon Initial Report - 2016

CLDH would like to point out that the Lebanese Parliament took more than two years to elect a President and that the current government formed in 2014 hasn't been able to meet regularly as requested by the Constitution.

C- Judicial Power

Lebanon initial report stresses that "the judicial power is an independent power and is not governed by any other political power. The judges shall be independent in the exercise of their functions."

Lebanon Initial Report - 2016

In practice, CLDH noticed that several judges are reportedly not taking independent decisions, and can be influenced by grounds other than the law. These facts were notably documented in a report made public in 2010 by the Euro Mediterranean Human Rights Network, entitled "Lebanon, Independence and Impartiality of the Judiciary" [i].

The report continues with a description of the judicial authorities, including "the spiritual courts (that) shall decide upon conflicts arising from the personal status laws of the various Christian communities, while confessional and religious courts shall decide upon conflicts related to various Islamic communities".

Lebanon Initial Report - 2016

CLDH notes that religious courts create discrimination between people who do not enjoy the same rights depending on their confession while the confessional system does not respect the freedom of belief of the people, especially the right to be an atheist.

Lebanese initial report also states that "the Lebanese law established some extraordinary courts in order to address some of the problems characterized by their extraordinary nature due to the security and political circumstances or the dangerous nature of the crime

committed, including the Military Court and the Judicial Council".

Lebanon Initial Report - 2016

In this regard, CLDH notes that the Military Court has jurisdiction over civilians every time a military is involved in a case. For example, if a civilian causes a car accident with a military vehicle, the civilian will be presented to the military court. The military court decisions are most of the time based on decisions of the Army, not on the Law.

Worth mentioning is the fact that the Judicial Council is not independent and political by nature. Cases are transferred to the Judicial Council on the basis of a decree of the Council of Ministers. Its decisions cannot be appealed with a higher jurisdiction but only reviewed at the same level.

Second: General legal framework for the protection of human rights in Lebanon

Lebanon initial report mentions all the international human rights commitments ratified by Lebanon that include:

1. International Covenant on Civil and Political Rights (Decree No. 3855 dated 01/09/1972).

2. International Covenant on Economic, Social and Cultural Rights (Decree No. 3855 dated 01/09/1972).

3. The Arab Charter on Human Rights (Law No. 1 dated 05/09/2008).

4. Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Organized Crime (Law 682 dated 24/08/2005).

5. Convention on the Elimination of All Forms of Discrimination Against Women (Law No. 572 dated 07/24/1996).

6. United Nations Convention on the Rights of the Child (Law No. 20, dated 30.10.1990).

7. Additional Protocols to the Geneva Conventions for the Protection of War Victims (Law No. 613 dated 28/02/1972).

8. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Law No. 12 dated 05/09/2008).

Lebanon Initial Report - 2016

CLDH regrets that each and every international commitment of the country

is seriously flouted by widespread gross human rights violations happening in Lebanon such as arbitrary detention, torture, enforced disappearances, racial and social discrimination, or violations of women and children's rights, among others.

Lebanon initial report then lists the Lebanese legislations establishing basic human rights:
- **The Code of Criminal Procedure, the Penal Code**, which provides for the principle of protecting the individual liberty and preventing any kind of arbitrary detention and basic rights of individuals deprived of their freedom and basic guarantees for a fair trial.
- **Civil Procedure Act**, which provides for the basic guarantees of a fair trial and the right to resort to the courts in order to establish rights.
- **Labor Law** which provides for main workers' rights.
- **Law for punishment of Trafficking in Persons**, especially Women and their Children.
- **Law for Protection of juvenile offenders or at-risk** aiming at the protection and rehabilitation of children.
- **Law for the protection of women and other family members from Domestic Violence** in order to preserve women's rights and enhance the policy of eliminating all forms of discrimination against them.
- **Law for the Rights of Persons with Disabilities.**

Lebanon Initial Report - 2016

The present shadow report mainly focuses on the non-implementation by the Lebanese State of the **Code of Criminal Procedure and the Penal Code**, since such instruments are the main safeguards against the practice of torture.

The State report then describes democratic mechanisms regulating interaction between the executive, legislative and judicial powers that are supposed to deal with human rights issues in Lebanon.

Lebanon Initial Report - 2016

CLDH notes that in practice, coordination between institutions is so weak and conditioned by so many conflicts of interests that prevention of torture in Lebanon is not effective.

Chapter 1

The general legal framework in Lebanon that prohibits torture and other cruel, inhuman or degrading treatment or punishment.

The Lebanese Army, the Directorate General of Internal Security Forces and the General Directorate of General Security consider that the cases of torture or mistreatment, which happened or may happen, are individual cases and conflict with their commitment to the implementation of the Convention against Torture, as they seriously seek to reduce this phenomenon and any other violent practices and punish the offenders.

Lebanon Initial Report - 2016

This statement is in total contradiction with CLDH and the UNCAT findings regarding the practice of torture in Lebanon. In reality, torture is institutionalized, widespread and systematic in Lebanon on behalf of all the services conducting arrests. The practice is not at all an exception and benefits of the cover of the highest-ranking officials and to some extent of the Judiciary, as explained in the following parts of this report.

Administrative decisions taken by the Directorate General of Internal Security Forces: (kindly refer to Chapter 16, clause "B")

Boards in Arabic, French and English languages are placed in detention centers displaying the detainees' rights under Article 47 of the Code of Criminal Procedure, which shows the seriousness to continue addressing the issues related to human rights and torture fighting. Moreover, the Internal Security Forces sections read the content of this article to all detainees.

Lebanon Initial Report - 2016

In spite of the declared efforts of the ISF Directorate to put an end to torture, the practice hasn't stopped.

Many victims reported to CLDH having been tortured or seriously ill treated in police stations in front of the billboard stating their rights prescribed by article 47 of the Code of Criminal Procedure.

Administrative decisions taken by the General Directorate of General Security: (kindly refer to Chapter 16, clause "B")

The instructions and directives of the Director General of General Security given to General Security officers and members emphasize on the good treatment of detainees and behave towards them with respect and decency. (...)
The Directorate General of General Security is working as well to ensure the basic rights of detainees in accordance with basic international standards, particularly in terms of the right to open-air, natural light, in addition to the possibility of walking and exercising. The Directorate is cooperating with the international governmental and non-governmental organizations to provide appropriate services for detainees and to respect their rights.

Lebanon Initial Report - 2016

CLDH has always received very serious allegations of torture, ill-treatments and other human rights violations perpetrated by the General Security (GSO).. Psychological torture of detained refugees to oblige them to sign a statement confirming their "voluntary repatriation" to their country of origin (clear violation of non-refoulement principle provided by article 3 of the CAT), mistreatment of migrant domestic workers in front of many witnesses (physical and verbal abuse), mistreatment and persecution of human rights defenders are common practices of the GSO.

Further to these violations, the General Security detention place was located between 2000 and 2016 in an underground parking lot where people were kept in deplorable conditions with no access to open-air, natural light, and no yard for walking and exercising. People were kept there for unlimited period of time in miserable conditions amounting to torture.

A former detainee at General Security detention center remembers the day of his release "I fell down on my knees, covering my eyes from the bright sunlight that I didn't see for 12 months, 12 months! Can you imagine!? And the fresh air" - he takes a deep breath and continues "my lungs were hurting; the air was too clean." He smiles but his tears begin flowing. "The happiness in my heart is gone" he blinks, "They took it".

Administrative decisions taken by the Ministry of National Defense (kindly refer to Chapter 16, clause "B")

The suspects shall be detained by decision of the military prosecutor for 48 hours that can be extended for a similar period for one time only with the consent of the public prosecution. Then, detainees shall be transferred to the competent court and afterwards to one of the approved prisons. For those who have not been referred to the competent court, they shall be released by virtue of a proof or residence after referring the competent court.

Lebanon Initial Report - 2016

In practice, detention at the hands of the army often takes place without any judicial supervision. The suspects can be detained up to several months in custody before being presented to a judge. As long as they are not presented to a judge, detainees are denied all their basic rights such as receiving visits or contacting a lawyer. Torture is extremely serious and systematic. Members of the army intelligence reportedly often attend the first session with the military investigative judge in order to prevent the detainee from complaining of torture. Later on, meetings of the detainee with his lawyer and family are monitored by the army personnel. Judges sometimes threaten the detainees to return to the torture place in case they don't repeat the confessions that they were obliged to make under torture. Detainees are sometimes not transferred to civil prisons after the first hearing to prevent them to complain to anyone.

"*When I was arrested in May 2010 by the Lebanese army intelligence services, they wanted me to confess to being a spy for Mossad. They tied me up on a table. They started hitting my feet. I started feeling very strange, getting pins and needles in my hands and feet, and I felt I was about to pass out. I was screeming, I was crying. They kept repeating : "you're a spy, confess!". At the end, I signed all papers. Then I spent 5 days blindfolded and handcuffed in a corridor of the Ministry of Defense. I felt very bad. I could hear the screams of people being tortured, the sound of electric shocks, I even heard dogs barking ! I really thought my life was over!*"
A detainee interviewed by CLDH.

The Ministry of National Defense carries out maintenance works in the prison related to it on a regular basis in order to provide adequate health conditions for the detainees.

Lebanon Initial Report - 2016

The Ministry of Defense prison is made of underground isolation cells with no window, no natural light and cells **amounting to graves** are used to detain individuals at the Ministry of Defense Detention Center.

"*I am the scapegoat who 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

The examination of the prisoners shall be ensured on a daily basis by following-up their health condition and writing down detailed and clear notes on the patient own record by a physician and nurse,

and provide the necessary treatment for them, knowing that the medical staff is familiar with the Istanbul Protocol in terms of medical procedures for the detainees.

Lebanon Initial Report - 2016

It has been reported on several occasions that the Ministry of Defense doctor in fact takes part in torturing the detainees. CLDH provided the information to the Order of Physicians of Lebanon for an investigation which in turn asked for witnesses to confront the practitioner. However, no guarantee of protection could be provided to the witnesses and CLDH could not take the responsibility to involve them in the complaint.

"*In early 2009, the army intelligence services came to my house and asked me to follow them to the military barrack of my area for some questions, as they said. I was kept there, in the barrack, for four days with no explanation and without letting me contact anyone. The fifth day I was brought up in a Jeep, and I was blindfolded when arriving to the Ministry of Defense. Before I even had time to realize anything, I was hung to the balanco. I was blindfolded, and they told me I had to confess that I was a member of a terrorist group. I spent seven hours suspended to the balanco! In total I spent 6 days in the Ministry of Defense. I got electric shocks, I was forced to stand for hours with my legs apart, I heard every insult possible. I ended up signing everything without being allowed to read! On the sixth day, I was taken to a small room. There a man examined me. He told the others that the torture should stop because I was exhausted. It was the doctor.*"
A detainee interviewed by CLDH

The Army Command shall ensure all the facilities to the delegates of the International Committee of the Red Cross (ICRC) to interview and examine prisoners and monitor the prison condition without any control or determine the duration of the visit pursuant to Decree No. 8800 dated Oct.17.2002.

Lebanon Initial Report - 2016

The decree of 2002 was not effectively implemented until the beginning of 2007, because of the refusal of the Lebanese authorities to grant access to ICRC to the places of detention managed directly by the military intelligence. A report of CLDH (then SOLIDA) broke again the silence on this issue in October 2006 denouncing torture in the Ministry of Defense underground prison and urging the authorities to grant access to the place to ICRC. Access was authorized in February 2007.

However CLDH believes that detainees at the Ministry of Defense prison can be easily held in secret detention and not be receiving any monitoring visit since this detention place reportedly counts an unknown number of floors underground where detainees can be kept and hidden.

Lebanon Initial report indicates that "the Lebanese judiciary has played, since 2010, an important role in the preservation of the refugees' rights, where it started the application of Article 3 of the Convention against Torture, in judicial decisions relating to non-Palestinian refugees, in order not to pass a judgment to deport a refugee from Lebanon if his life is endangered in his country.

Lebanon Initial Report - 2016

The application of article 3 is the only

achievement of the Lebanese authorities in terms of implementation of the CAT. However, General Security still has the prerogative to deport foreigners in spite of the non-deportation decisions taken by the Judiciary.

With the beginning of the displaced Syrians crisis, the General Directorate of General Security, which is the administrative authority responsible for regulating the entry, residence into and exit of foreigners from Lebanon, which owns the power- sometimes- to decide to deport foreigners from Lebanon, has committed to apply the provisions of international conventions, particularly Article 33 of the Convention relating to the status of refugees of 1951, despite the fact that Lebanon has not signed it, and Article 3 of the Convention against torture, and did not impose the deportation of any foreigner from Lebanon and handing him over to his country if his life was endangered there.

Lebanon Initial Report - 2016

The practice of deportation of Syrian refugees by the Lebanese authorities continued in violation of the non-refoulement principle and article 3 of the CAT. For example, on January 8, 2016, Amnesty International denounced the deportation to Syria of 100 individuals who had fled their country[ii].

Over the years, CLDH has also been referred dozens of cases of recognized refugees from Iraq and Sudan who were forcibly deported to their country of origin in spite of their refugee status granted by the UNHCR.

On another hand, it is worth noting that the report adopts the terminology of "displaced" to qualify the refugees from Syria which contradicts the international definition of an internally displaced person (person having sought refuge within the borders of his/her own country) vs. a refugee (who has left his/her country of origin because of a fear of persecution). The Lebanese State is not a signatory of the 1951 Geneva Convention on the status of refugee and openly refuses to call "refugees" the persons fleeing the war in Syria in order to limit and flout their basic human rights. Nevertheless the report alleges that the General Directorate of General Security applies "the provisions of international conventions, particularly Article 33 of the Convention relating to the status of refugees of 1951", implicitly recognizing that people fleeing the war in Syria are indeed refugees as per the international definition.

Enforcement by the judicial and administrative authorities of the provisions of the Convention directly, and the necessity to translate them into domestic laws or administrative regulations so that the concerned authorities will be able to enforce them:

The legislative act which incorporates the provisions of the agreement in the Lebanese legal system:

The Lebanese State, including the official authorities and civil society members, had to take actions in order to respond to these obligations and implement them. Indeed, after several discussions, the parliamentary Human Rights Commission

adopted the proposal to amend Article 401 of the Penal Code which defines the crime of torture and provides for appropriate punishments in accordance with the provisions of the Convention and the proposal to amend Articles 10 and 24 of the Code of Criminal Procedure relating to the provisions of prescription and drop criminal sanctions. However, these legal amendments are still to date on the agenda of the Chamber of Deputies, without being able to approve them due to the political and security situation currently prevailing, which led to suspend legislative meetings of the Chamber of Deputies.

Lebanon Initial Report - 2016

Draft laws for the implementation of the Convention Against Torture are still pending, 16 years after its ratification.

Judicial or administrative authorities under the jurisdiction of which falls the issues related to the Convention against Torture:
The State report lists a number of judicial and administrative authorities under the jurisdiction of which falls the issues related to the Convention against Torture, and among them:

"The courts of justice (that) enjoy comprehensive powers to consider financial compensations for damages to persons deprived of liberty, issued by the perpetrators of torture (...).

Lebanon Initial Report - 2016

CLDH never heard of any compensation granted to a victim of torture in Lebanon.

"The criminal courts (that) enjoy the power to prosecute the perpetrators of crimes of torture among the judicial police officers from the internal security forces, General Security, State Security and Customs Control, to investigate with them, trial them and impose criminal penalties against them".

Lebanon Initial Report - 2016

To this To this date, CLDH did not hear of any perpetrators of torture convicted for having subjected a detainee to violence and who stayed in prison for their crime.

"The Military Court (that) is a special court granted a jurisdiction over all crimes committed by security members. The prosecution, investigation and punishment of the offenders committing all these crimes, including the practice of torture, fall, initially, within the jurisdiction of the military court by virtue of the provisions of Article 27 of the Code of Military Justice".

Lebanon Initial Report - 2016

However, in spite of the widespread practice of torture at the hands of the Army, CLDH has never heard of a military convicted for torture by the Military Court.

The administrative authorities relating to the police and prisons management is related to both the Ministry of Interior and Municipalities and the Ministry of National Defense, noting that the management of civil prisons (which are currently managed by the Ministry of Interior and Municipalities) is in the stage of transition to the Ministry of Justice.

Lebanon Initial Report - 2016

The transition of the management of prisons from the Ministry of Interior to the Ministry of Justice has been planned by the Lebanese State since 1964 but has

yet to be implemented.

The transfer of prisons' administration from the Ministry of Interior to the Ministry of Justice would however ensure a more suitable prison administration with an appropriate and relevant trained staff.

The Administration and Justice Committee and the Human Rights Committee concerned with human rights issues in the Lebanese parliament unanimously approved the draft law for establishing the Independent National Human Rights Institution (NHRI) which include the formation of a national committee for the prevention of torture (National Prevention Mechanisms) based on Lebanon's approval of the Optional Protocol to the Convention against Torture (OPCAT).

Lebanon Initial Report - 2016

On October 19, 2016, the Lebanese Parliament voted the overdue law establishing the National Human Rights Institute (NHRI), which has the mandate to monitor the situation of human rights in Lebanon, to receive complaints of violations and to issue reports and recommendations.

Lebanon has taken a positive step to adopt the Committee Against Torture recommendation to "*establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and ensure it has the resources needed to fulfill its mandate effectively*" [iii]. The new legislation aims at the fulfillment by Lebanon of its international obligations, more specifically the Optional Protocol of the Convention Against Torture that it ratified on December 22, 2008 that provides for the establishment of an independent national mechanism to prevent torture, by conducting regular visits to all types of places where persons are deprived of liberty.

The NHRI will also observe various laws, decrees and administrative decisions acting as a monitor of human rights violations. In times of war, the NHRI shall have the mission to control just application of international humanitarian law and ensure accountability for abuses.

The investigative committee shall have the power to inspect and access all of Lebanon's places of detention (including police stations, immigration custody sites and mental health facilities), without any restriction, as well as to access all information and to be able to talk with detained persons in private. By law, the Lebanese authorities will have to cooperate with the committee and facilitate its work. The law also adds measures to protect the committee members from any form of retaliation and from conflicts of interests.

CLDH has positively welcomed this step for which it has largely contributed. CLDH has been working on the initial draft law since the beginning of the initiative in 2012 and is willing to further collaborate for its effective entry into force. Lebanese officials yet need to allocate adequate funds and human resources to the NHRI and ensure relevant staff conduct regular monitoring, and build a long-term relationship with relevant authorities, based on trust and on-going dialogue. As a domestic and independent body, the NHRI shall have the power to identify early warnings signs, and thereby propose concrete preventive measures to address abuses in places of detention.

Chapter 2
Steps to implement the Convention against Torture in Lebanon

Legislative or judicial or administrative or other measures that give effect to the convention:

Judicial measures that give effect to the convention:
The Lebanese judiciary, after the entry into force of the Convention under Law 185/2000, has become more sensitive on the subject of prohibition of torture, torture fighting and controlling the work of the judicial police that conducts investigation with persons deprived of liberty.

Lebanon Initial Report - 2016

CLDH notes that most of the cases of torture reported took place during the preliminary investigations. Repeated violations of article 47 of the Code of Criminal Procedure (more particularly denying access to external observers and violation of the custody duration), lack of implementation of existing control mechanisms, arrests conducted in contradiction with the Lebanese law provisions pave the way to the practice of torture.

In terms of Investigative Judges and arbitration judges, the testimony of the arrested person before the investigative judge or the primary court that he was tortured during the preliminary

investigation would lead to the following procedures:

Lebanon Initial Report - 2016

1- Conduct the necessary investigations in order to verify the validity of the statements of the arrested person (appointment of a forensic doctor for the arrested person in order to prove the physical and moral damages to him, listen to the members of the judicial police accused of committing torture, listen to any witness mentioned by the arrested person - torture victim, in addition to other investigative procedures required by the process to the victim's statement).

Lebanon Initial Report - 2016

In practice, judges don't take action in case of torture allegations. CLDH has established in 2009 and 2010 statistics showing that the investigative judges practically don't take in consideration torture allegations (50% of the cases), pretend not to hear the detainee (37,5% of the cases) or even threaten the detainee of being tortured again (in 12,5% of the cases).

2- After confirming that the torture occurred and even if serious doubts exist over the occurrence of torture practices, the judge (whether the investigative judge or arbitration judge) refers all the papers to the General Prosecution in order to complete the procedures and bring suit against members who have committed a torture offense.

Lebanon Initial Report - 2016

Physical torture is very hard to document mainly because of the non-respect by the security services of the prescribed duration of custody. This breach allows the traces of torture to disappear. Psychological torture does not seem to be integrated by the judicial authorities nor by forensic doctors at all.

3- Confirm the occurrence of torture results, according to the provisions of Lebanese law, to the invalidity of the interrogation report, which was conducted under torture and to not consider it as one of proof evidences.

Lebanon Initial Report - 2016

CLDH never hears of interrogation reports that are cancelled (since torture is never investigated).

Administrative measures that give effect to the convention:
The administrative measures that give effect to the provisions of this convention include the organization of training courses and sending administrative circulars to judges and persons working in law enforcement (members of the judicial police) requiring them to respect the fundamental guarantees for persons deprived of liberty and to refrain from any practice of torture, whether physical or moral torture.

Lebanon Initial Report - 2016

The trainings that are taking place have proven to be inefficient since the practice of torture continues and will continue as long as it is encouraged and not sanctioned by the relevant authorities.

Chapter 3
Definition of torture in Lebanese Law (Article 1 of the Convention)

Definition of "torture" in the Lebanese law and its compatibility with the definition contained in the Convention against Torture:

The State report mentions that "Lebanese laws emphasize in many of its provisions (Penal Code, Criminal Procedure Code ...) on the respect for human rights in general and the respect of the rights of persons deprived liberty regardless the accusations made against them. Lebanese laws does not contain as well any article that could constitute a legal means or instrument to justify any violation of the rights of any person arrested by governmental security and military members or institutions."

Lebanon Initial Report - 2016

CLDH fully endorses this statement and regrets the non-application of the existing Lebanese law that should protect the people from torture. CLDH contributed to and fully supports the draft law aiming at defining torture in the Lebanese criminal code; however the lack of political will to put an end to torture and the non-implementation of already applicable laws make very unlikely that this draft law, even if adopted, effectively puts an end to torture.

Legislative or criminal provisions dealing with cases of torture in case of absence in the local law of a definition of torture in conformity with the Convention:

Torture practiced against persons deprived of liberty, falls within the framework of crimes punishable under the Penal Code. And despite the fact that it does not refer to torture in particular as a punishable crime, the judge shall or he must apply its provisions on criminal acts committed against persons deprived of liberty.

Lebanon Initial Report - 2016

The criminal code also provides for punishment of torture perpetrators but is not implemented as this report shows (see next chapter).

Chapter 4
Effective measures to prevent acts of torture (Article 2 of the Convention)

Effective measures to prevent torture:

1- Duration of preventive detention in police stations and military centers:

The provisions of the Code of Criminal Procedure clearly and explicitly provide for the necessity to respect the personal liberty of individuals through controlling and restricting the work of Judicial Police members, determining the detention period, which shall not be exceeded, during which individuals are being held for the purposes of the initial investigation conducted by the judicial police members. In this context, the Lebanese judiciary was and remains fully committed to respect the legal rules governing the detention duration and conditions to be met in order to take the decision to arrest a particular person.

Lebanon Initial Report - 2016

Duration of custody is often violated. For example, on October 15, 2014, CLDH asked the Lebanese authorities to immediately put an end to the arbitrary detention of an Ethiopian woman who had been held in custody for at least 6 days by Beirut Internal Security Forces without being presented to a judge.

The State report stated that "The violation of these legal provisions and principles will hold the judicial police members accountable and they will be prosecuted for having committed the crime of "liberty seizure" provided for in Article 367 of the Penal Code in addition to disciplinary sanctions in this context".

Lebanon Initial Report - 2016

However, CLDH never heard of any judicial police members held accountable for over passing the duration of preventive detention in police stations or military centers of an investigated detainee.

2- Imprisonment in isolation from the outside world:

The solitary confinement in isolation from the outside world is an exceptional measure required at the discretion of the prison commander in order to preserve the safety of the prisoners or the safety of the person against whom the procedure is taken, which is not a retaliatory action imposed by the prison guards, but a punishment among the disciplinary punishments that target some of the prisoners who commit certain offenses inside the prison and it has a clear legal framework stipulated in the prison bylaws, especially in articles 101 et seq. of the decree regulating prisons and places of detention and the Institute for juvenile reform and upbringing (Decree No. 14310 dated Feb.11.1949).(...) Staying in a solitary cell shall be specified in terms of the rank of the person in charge at the prison and who is entitled to impose this disciplinary punishment, and also specified in terms of time because it ranges between 4 and 30 days (in case imposed by the police commander).
Lebanon Initial Report - 2016

In practice, solitary confinement in isolation has always been extensively used as a means of torture in Lebanon and the CAT ratification hasn't changed this practice at all. On the contrary, places allowing this inhuman practice were never shut down. CLDH had hoped that the release of Samir Geagea for whom the basement of the Ministry of Defense had been legalized as an official prison would allow the Lebanese government to close this detention place where solitary confinement was a common practice. Instead, CLDH could document that the practice continued with the detention of new detainees in this detention place (like Nahr el Bared arrestees). Worse, a new place of detention allowing solitary confinement and torture has been legalized as a prison in the basement of ISF headquarters of Ashrafieh which is under the exclusive control of the ISF Information Branch (Maalumet).

Samir Geagea and Gerges Al Khoury arrested in 1994 for political reasons were kept in solitary confinement in the basement of the Ministy of Defense for more than 11 years. They were released in 2005.

Several detainees arrested on September 2005, within the scope of the investigation on the assassination of the Prime Minister Rafic Hariri, were kept in solitary confinement until May 2009 under the authority of ISF Information Branch.

3- Rules that govern the rights of detainees to appoint a lawyer, undergo a medical examination and contact their families, etc:

The Criminal Procedure Act of 2001 is based on the «presumption of innocence» principle, which means that each defendant is presumed innocent until proven guilty.

Lebanon Initial Report - 2016

The presumption of innocence is very regularly flouted in Lebanon at several stages of investigations:
- In the police stations: CLDH representatives were told by officers in a police station in 2012 that "we beat people who stole in order to punish them".
- In the courts: some judges refuse to study the cases for several years and CLDH noticed that the duration of the pretrial detention in these cases is equal to the maximum prison penalty faced by the accused. For example, if a suspect is arrested for drug dealing and faces a 5-year penalty, the judge will refuse to hear him for 5 years, that is only when the file will go on trial.
- In the media: the confidential investigations of the security services and more particularly the "confessions" of the suspects are very often leaked to the media and published integrally, sometimes while the suspect is still in custody and hasn't yet even been presented to a judge.

• General rights recognized for all persons deprived of liberty:

Article 47 of the Code of Criminal Procedure constitute the main text, which established the rights of persons arrested before carrying out any investigation action or means with them. This article stipulated the following: "Judicial Police officers shall, in their quality of Public Prosecution assistant, carry out the tasks assigned to them by the Public Prosecution such as investigating crimes with no witnesses, collect information about these crimes and conducting investigations to find out offenders the persons contributing to the crime and collect evidence hereon, including seizure of the material materials and conducting physical inspections of the crime scenes and scientific and technical studies on the effects and indicia and hear the witness statements without taking their oath and to the statements of defendants or suspects". This articles adds that if the defendants refuse to speak or remained silent, this shall be "mentioned in the report and they are not entitled to force them to speak or questioning them under penalty of considering their statements invalid.
- Contact a family member or employer or a lawyer of his choice or one of his acquaintances". It also stipulated that the Judicial Police officer conducting the investigation shall inform the suspect, immediately after being detained for investigation purposes, about his rights and shall write down this procedure in the reports. These rights are:

Lebanon Initial Report - 2016.

Meet a lawyer appointed by virtue of a permission written down in the report without the need for a power of attorney duly organized.

Lebanon Initial Report - 2016

When the detainee manages to appoint a lawyer, the latter is usually not allowed to meet his/her client during the investigation.

Get the assistance of a sworn translator in case he is not fluent in Arabic language.

Lebanon Initial Report - 2016

CLDH documented cases where a sworn translator was not granted because the person was speaking basic Lebanese dialect or English and it was considered sufficient by the investigators/judges to continue the judicial process.

In 2016, CLDH team visited Tripoli prison of women and met with an Ethiopian migrant worker accused of theft by her employer who was unable to understand nor to explain the outcomes of her trial since a translator did not assist her during the procedure.

Submit an application directly, or through his lawyer or a member of his family to the Attorney General, to see a doctor for examination. The Attorney General appoints a doctor immediately after submission of the application to him. The doctor shall conduct his examination without the presence of any of the Judicial Police officers and submit his report to the Attorney General in a period not exceeding 24 hours. The Attorney General sends a copy of this report to the petitioner immediately after receiving it, and the arrested and any of the persons mentioned above shall be entitled to submit a new examination application in case their detention period is extended.

Lebanon Initial Report - 2016

In practice the doctor (if the detainee manages to obtain an examination) reportedly never sees the detainee alone. Sources of information indeed confirm that it is always taking place under the watch of the investigating services.

The Article 47 of the Code of Criminal Procedure has established the right of the arrested person to remain silent and pointed out that if the defendants refused to speak and remained silent, "this shall be mentioned in the report and the judicial police members shall not force them to speak or interrogate them under penalty of nullity of their statements".

Lebanon Initial Report - 2016

CLDH has documented many cases where the detainee tried to remain silent and the security forces used torture intensively until the person starts speaking. CLDH also witnessed prosecutors putting verbally pressure on police officers asking them why they did not yet get confessions of suspects in custody.

In application of this provision, the investigator shall not force the arrested person to speak by resorting to physical or moral coercion means, but he shall be responsible to audit the evidences and proofs available without affecting the will of the person interrogated in any way.

Lebanon Initial Report - 2016

Evidences and proofs are often neglected, sometimes not even searched and collected, resulting in security forces "in need" of confessions in order to move forward with their investigation.

Other notes of CLDH regarding the scope of article 47 of the Criminal Procedure Code

The General Security proceeds to arrests of foreigners without informing the Judiciary, keeps them detained "for investigation" (according to their own

vocabulary) without respecting any of the provision of article 47 – foreigners investigated by the General Security don't have access to a lawyer, to a forensic doctor, they are not protected from any form of coercion.

For example, a few days before the publication of this report, General Security proceeded to the arrest at their workplace of Sujana Rana and Rose Limu Jee, two Nepalese women residing legally in Lebanon who had engaged in Human rights activities defending the rights of migrant workers in the country. After several days of arrest - during which they were not allowed to meet their lawyer, they were not presented to a judge, and without knowing if any charge was brought against them --, General Security issued a deportation order against them.

• Special rights recognized for certain categories under arrest (women, children and foreigners ...)

1- The necessity to respect guarantees of the law for the protection of juvenile offenders and at-risk youth.

Juveniles shall not be detained with adults.

Lebanon Initial Report - 2016

This provision of separation of the minors from the adults is generally implemented in the prisons but not in all detention places in Lebanon.

In 2015, CLDH documented the case of minors detained in Baabda Courthouse cells together with adults. The cells are supposed to host detainees brought to the courthouse for a hearing with a judge or a trial session, for a few hours only. In practice, Baabda courthouse cells are used as detention places where individuals are kept for unlimited periods of time. Information about deplorable conditions of the cells and the detention of minors with adults was reported to CLDH. One adult witness stated that he had been detained several days with three teenagers who were respectively 11, 13 and 15 years old in a cell full of adult detainees. The first minor, a Syrian national, was arrested on the sole reason of being a refugee and not holding legal papers. The 13-year-old boy was detained on charges of theft while the 15-year-old boy was accused of drug consumption. The witness reported that those boys were detained in very harsh conditions: around 25 detainees were crammed altogether into a cell, sleeping head to toe. The adult detainee reports that mattresses were ripped and rotten while the cells entirely infested with cockroaches and ants. The minor detainees complained from scabies and repeatedly asked for medication that was never given to them. One night, pouring rain caused muddy water from the streets to flood the cell up to one meter high (the cells are located in the basement of the courthouse). The detainees asked the guards for help, fearing electrocution and the latter deliberately ignored their request: the minors later had to empty the water themselves, inside the squat toilet. The teenagers were enslaved by adult detainees and forced to clean the toilets and the cell. Furthermore, adult detainees were reportedly trying to sexually assault them.

2- The need to respect the women's physical and psychological privacy that is different by nature from the man's privacy.

The physical and psychological nature of women is different from men. And the judicial officer conducting the investigation shall take into account this privacy and treats her fairly based on this difference, which results in the respect for her rights equally with men. And therefore, he shall:
- Treat her respectfully.
- Not severely or violently treat her, taking into account her right to be physically safe and the physical strength difference between her and the investigator.
- Not to address her with any words that would affect her dignity or self-pride.

Lebanon Initial Report - 2016

In 2015, CLDH published a report entitled "Women Behind Bars" that studied the conditions of investigation of arrested women in 2013 and 2014. "*... 52% of women arrested in Lebanon in 2013 and 2014 were severely tortured by the security forces during investigations.*"

Beatings, deprivation and psychological pressure - humiliation, threats and insults - violations of privacy by male investigators or guards; those were the main methods of torture and ill-treatment suffered by the majority of women interviewed by CLDH and documented in the report[iv].

The report further notices "*In 76% of the documented cases, the Internal Security Forces and police stations would be responsible for torture. Several women alleged having been subjected to torture by men in civilian clothes from the army or the police intelligence services, or by militia men outside the official places of interrogation. In 60% of the cases, the purpose of the torture was to extract confessions from the detainee, or confessions along with other type of information (names, locations) in 40% of the cases.*"
"*...Every day, they would take me to the interrogation room and would beat me all over my body with a stick and I would be electrocuted. I would give them information so that they would stop torturing me, but they would not believe me and always wanted more. They would electrocute me and would not stop beating me and kicking me on my stomach and my back. Then they showed me a document and told me to sign it. I was not able to call anyone; neither my husband, nor a lawyer and no one visited me. I was horrified.*
I was then taken to the instructive judge. I asked for a lawyer but he refused. Even though the investigators who had tortured me were there, I told the judge about the torture and how they had forced me to confess. I even showed him the traces on my body and asked to see a forensic doctor, but he also refused by simply nodding his head."
Testimony of a woman arrested at the end of 2014

4- A. The need to respect the rights of foreigners, especially in terms of language difference and to avoid racial discrimination

The investigator shall take into account the following points while dealing with a foreigner:
- Respect his right to be assisted by a sworn translator in case he is not fluent in Arabic.
- Treat him in a humanely manner that does not reflect any racial discrimination between him and a Lebanese detainee.
- Grant him all the rights granted to the Lebanese citizen to guarantee the right of the foreigner to defend himself.

Lebanon Initial Report - 2016

CLDH noticed that foreigners are often kept in police stations in inhuman conditions pending their handover to General Security.

A team of the Lebanese Center for Human Rights (CLDH) visited today the facilities of Jdeideh Palace of Justice and was horrified to discover the conditions in which around 30 arrested migrant women are surviving. Up to 6 detainees are detained in 6 square meter cells, kept by men guards, without ever seeing the sunlight, without being allowed to go out of their cells, without drinkable water and depending totally on their outside acquaintance to bring them food. If one of them is sick, the guards have to call the police station that has sent the detainee and get its approval to do anything. No doctor and no NGO never visit the place, according to the information gathered. « We are waiting for their transfer to the General Security », one guard told us, « if one of them does not have food, we bring her some yogurt from our home». One lady from Bangladesh has allegedly been surviving like this for 11 days; « no one is bringing her food, so we give her something to eat from time to time », explains the keeper of the place.
Excerpt of CLDH press release on June 13, 2013

B. Assess the effectiveness of measures taken to prevent torture, including measures aiming to ensure that those responsible are brought to justice:

In this regard, the Lebanese judiciary issues judgments condemning the perpetrators of torture when a victim of torture files a complaint against any of the security officers who commit this type of crime and provides sufficient evidence that will form the conviction of the court in this regard (kindly refer in this respect to the judgment issued by the Court of Appeal examining cases of misdemeanors in Beirut on Mar.14.2013)

Lebanon Initial Report - 2016

Lebanon's initial report quotes "the judgment issued by the Court of Appeal examining cases of misdemeanors in Beirut on Mar.14.2013" as evidence that the Lebanese judiciary effectively condemns perpetrators of torture when proven guilty. In fact, in the case referred to - and to CLDH knowledge -, a Lebanese policeman was convicted for torturing a detained Egyptian national. Beirut's single judge condemned the policeman to a 15-day imprisonment sentence and the payment of a 300,000 LBP (200$) fine. After appealing the decision, Beirut's Court of Appeal eventually cancelled the imprisonment and convicted the policeman to the payment of a 400,000 LBP (266$) fine only - after a 9-year procedure. Even if this judgment is undeniably a precedent of perpetrator being brought to Justice, its outcome can't be qualified as an effective measure to prevent torture.

Chapter 5
Prohibition of extradition of persons to countries that practice torture (Article 3 of the Convention)

The Lebanese legislations, which prohibit expelling, returning, or extraditing persons to a country where they may be subjected to torture:

It should also be noted that the General Directorate of General Security does not deport any refugee to his country or illegal immigrants in case it is believed that there their lives would be in danger if returned to their country. Moreover, this Directorate is working with relevant international organizations to resettle refugees in a third country where there is no danger to their lives. And therefore, it takes account the principle of non-refoulement (do not return) contained in Article 33 of the Convention relating to the Status of Refugees of 1951 (Lebanon did not sign it) and Article 3 of the CAT 1984 (Lebanon has signed it).

Lebanon Initial Report - 2016

As already mentioned in chapter 1, the application of article 3 is the only achievement of the Lebanese authorities in terms of implementation of the CAT. However, General Security still has the prerogative to deport foreigners in spite of the non-deportation decision taken by the Judiciary.

Hundreds of individuals of various

nationalities recognized as refugees by the UNHCR were forcibly deported to their country of origin by the General Security over the years.

Regarding "illegal migrants" according to the qualification of the General Security Directorate (illegal migrants can be domestic workers having fled their slave-like situation at their employer house or newly arrived refugees), they don't have any access to UNHCR once detained at the General Security premises unless if they were registered with UNHCR prior to their detention by General Security. In short, UNHCR representatives can meet only the registered individuals detained by the General Security but cannot register any new person detained by the General Security, including new refugees who have just entered the country illegally.

Individuals who are not registered with UNHCR are systematically deported to their country of origin whatever are the fears they raise regarding their safety in case they return.

On April 26, 2010, CLDH denounced in a press release entitled *"In a basement opposite the Palace of Justice, the General Security tortures with impunity ",* the forced deportation of an Iraqi refugee, recognized by the UNHCR, to his country of origin.

The press release included the following allegations:
"Ammar Al Zubeidi, 35, an Iraqi refugee detained arbitrarily for a year and a half for illegal entry into Lebanon, who was about to be resettled in a third country, was allegedly expelled to Iraq." One case among many others...

While he was initially sentenced to one month and a half in prison, Ammar Al Zubeidi was imprisoned in Jezzine prison and then in Roumieh prison without any legal justification nor news from his family, before undergoing hell at the hands of the General Security. Imprisoned for three months in the underground cages that serve as a retention center to the General Security, Ammar Al Zubeidi had called CLDH several times, desperate and exhausted, before finally being prevented from contacting our organization.

CLDH had managed to briefly meet him on April 12th in the presence of officers of the General Security. He was presenting signs of severe physical and mental deterioration; his complexion was yellow and he was confused. The UNHCR and the lawyers having no access to the retention center, he had not been informed in time that the interview for resettlement was scheduled on May 19th.

This practice of the General Security, which consists in keeping the refugees in its retention center underground, and making them suffer all sorts of hardships and humiliations without real external control in order to make them sign their "voluntary repatriation" to their countries of origin despite their refugee status granted by the UNHCR, strictly corresponds to the definition of torture under the terms of the Convention against Torture, ratified by Lebanon in 2000.

Authorities that are invoked to prevent the decisions for handing over or expelling or deporting or excluding persons and the entry into force of these authorities' decisions:

It is possible that the concerned and competent authorities in Lebanon to

prevent the decisions for handing over or expelling or deporting or excluding persons to countries where they may be victims of torture, are authorities enjoying judicial quality or authorities enjoying administrative quality

Lebanon Initial Report - 2016

It is to be noted that the decisions of the Judiciary are not always followed by the General Security who on several occasions deported individuals while the Judiciary had considered that they were at risk of torture in their country of origin.

Chapter 6
Conviction of torture in the Lebanese law (Article 4 of the Convention)

The term “torture” does not exist in the Lebanese law and articles of the Criminal Code and Criminal Procedure Code that could prevent torture are not implemented.

For example, the Lebanese judiciary has taken all necessary judicial procedures immediately upon discovering that torture has been committed in Roumieh prison, according to the rebellion by the prisoners on Apr.20.2016, which was leaked to the media through a video taken. Once aware the judicial authorities became aware of the video content, the competent judicial police were instructed by the military public prosecution to immediately investigate the crime, under the supervision of the Public Prosecution at the Court of Cassation. As a result of the investigation, the military public prosecution made a decision file claim against the security members involved and refer them before the first military investigative judge for prosecution and investigation.

On Jul.06.2015, the first military investigative judge issued a presumptive decision against the accused and referred them to the competent court for trial.

Lebanon Initial Report - 2016

On June 26, 2015 – International day in support of victims of torture, CLDH

issued a press release, underlining that almost 60% of all those arrested between 2009 through 2014 have been tortured; it also addressed the leaked videos of inmates being tortured and stated that "*what happened in Roumieh that has just been made public is an overview of what happens every day in police stations, barracks and other places of interrogation in Lebanon.*" [v]

Since the State declares in its initial report that there is no official census of the number of cases in which provisions and penalties imposed on torturers were applied, but mentions the specific case of the leaked video footage of Roumieh prisoners subjected to torture that reportedly led to prosecution of perpetrators, one can only wonder if the mobilization of social media and a scandal at the national level are needed in order to have perpetrators prosecuted.

- In regard to reasons of innocence, it is attributed to the inability of victims to prove their case or testimonies against the perpetrator. The inability of proof is attributed to the following reasons:
- The difficulty to prove the physical damage especially because the perpetrators have full experience in committing acts of severity that do not result in any apparent physical effects.
- The difficulty to prove the moral damage which is represented by the psychological damage caused by the crime of torture.
- The difficulty to prove the causal link between the damage caused by the torture and the criminal act committed by a person in charge of law enforcement.
- Given the relationship of unequal power between the investigator (the perpetrator) and the victim, and the secret nature of the way the crime was committed, therefore, naming of witnesses and their approval to testify becomes difficult.

Lebanon Initial Report - 2016

The State report mentions a long list of reasons why perpetrators of torture get innocence decisions, because the victim cannot prove their case. This part is a recognition by the Lebanese State of the practice of torture since it establishes that "*the perpetrators have full experience in committing acts of severity that do not result in any apparent physical effects.*"

Models of judicial decisions related to crimes of torture:

Reference in this context shall be made to the the verdict issued by the Criminal Court in Mount Lebanon, presided by Judge Joseph Ghamroun and judges Khaled Hammoud and Nahida Khaddaj, in terms of the trial of a retired General having committed a crime that caused the death of a person in the Bureau of Investigation at the Anti-narcotics department as a result of beatings and torture.

The Criminal Court did not only condemn the judicial officer who caused the death of the victim in the Bureau of Investigation in the anti-narcotics department, but also cancelled the interrogation reports obtained under torture, for violating the provisions of the law, particularly Article 47 of the Code of Criminal Procedure, pointing out that the confession extracted under torture shall be considered void and contrary to the basic guarantees recognized for persons deprived of liberty.

Lebanon Initial Report - 2016

Regarding the verdict issued by the Criminal Court in Mount Lebanon mentioned in the State initial report against a retired General having committed a crime that caused the death of a person (...) as a result of beatings and torture, the State explains that the ex-general was indeed condemned, but omits to add that the said individual appealed the 3-year conviction, was released pending his trial, and was eventually declared innocent by the Cassation Court.

Chapter 7
Jurisdiction of the Lebanese judiciary over crimes of torture (Articles 5 and 6 of the Convention)

Examples of cases applied in Lebanon and related to the jurisdiction of the Lebanese judiciary over crimes of torture:

It is not possible to give examples of situations applied in Lebanon in terms of the of Lebanese courts exercising their jurisdiction over cases of torture committed due to the lack of a data base in this regard. (Kindly refer to Chapter 7, clause “E”).

Lebanon Initial Report - 2016

The Lebanese State is not in a position to implement article 5 and 6 of the Convention.

Chapter 8
Judicial proceedings for the prosecution of persons accused of committing crimes of torture (Article 7 of the Convention)

The principle of non-application of the new penal laws retroactively and the principle to apply them immediately. This principle is one of the basic principles that would reinforce the rights of persons violating the law and deprived of liberty, since the trial of any person shall not be made unless by virtue of the law under which the offense was committed during the entry into force of its provisions and who is supposedly aware of its content and provisions, and no measure or action shall be imposed against him, and he shall not be tried under new laws knowing that he does not know its content and the degree of severity of its sanctions.

Lebanon Initial Report - 2016

The initial report is prompt to declare that perpetrators of torture are protected from the application of a new law on torture that would allow proper prosecution of perpetrators. However, it does not suggest any judicial remedial for the thousands of people who have been tortured over the 16 years since the ratification by Lebanon of the Convention Against Torture and whose assaulters have never been prosecuted in contradiction with the existing Lebanese laws.

The respect of the principles of offenders' fair treatment and the application of equal standards of evidence against the Lebanese and foreigners are one of the obvious things in the field of the work of judicial agencies and authorities.

Lebanon Initial Report - 2016

CLDH considers that this statement of the Lebanese State is purely rhetorical and in total contradiction with all the findings of human rights NGOs.

Chapter 9

Pledge to hand over persons accused of crimes of torture and provide judicial assistance between States Parties to the Convention (Articles 8 and 9 of the Convention)

There is no case in which the Lebanese government has requested assistance from another state to prosecute and punish the perpetrators of a specific crime of torture.

Lebanon Initial Report - 2016

The Lebanese state does not implement the article 8 and 9 of the Convention.

Chapter 10

Train employees in medicine sector and law enforcement and judicial officials concerned with the prohibition of torture issues (Article 10 of the Convention)

The work done by Lebanese forensic doctors in documenting physical and psychological evidence of torture is fully independent from the work of the judicial police members where the forensic doctor examines persons in a separate room, without the presence of any judicial officer, and writes a report of the examination result independently without any interference from the persons involved in the investigation. This report shall be attached to the investigation file.

Lebanon Initial Report - 2016

The investigators are in fact reportedly often in the room while the doctor conducts the examination.

Forensic doctors in Lebanon are not qualified to perform forensic examinations. Training doctors on forensic examination is at the stage of a plan that has not yet been completed.

A long list of trainings given to law enforcement officials is mentioned in the Lebanon initial report but one can only remain very skeptical about their real impact since the practice of torture continues to be widespread.

Finally, regarding the subject of respect for the rights of socially marginalized persons, and for the interest of the legitimacy of investigation methods used and taking into account the

necessity to respect human rights when conducting judicial investigations, the Public Prosecutor at the court of cassation issued a circular that prohibits intrusive physical inspection for people prosecuted with the crime of sexual intercourse against nature namely homosexuals. Attorney General also issued a resolution by virtue of which he asked the Public Prosecutions of Appeal to stop the authorization of rectal examinations. The investigations conducted with homosexuals are followed up in all interrogation and detention centers in terms of making sure not to take advantage of their situation and their sexual orientation to mistreat them. In the same context, the President of the Order of Physicians in Lebanon issued a circular requesting the forensic doctors not to perform tests to prove homosexuality under penalty of disciplinary accountability.

Lebanon Initial Report - 2016

As this report explains in chapter 4, women arrested are severely tortured and their vulnerability is not taken into account at all by the security services.

Rectal examinations continued to be perpetrated against members of the LGBTI community, even after the circulars issued in 2012 forbidding this practice. Bad treatments related to their sexual orientation also continued to be perpetrated by members of the security forces.

Chapter 11

Keeping under review the rules, instructions, methods and practices related to persons interrogation and detention arrangements and treatment of persons under any form of arrest, detention or imprisonment under the scope of torture prevention (Article 11 of the Convention)

Despite the difficult circumstances that Lebanon is going through, there are several steps that are taking place to ease the overcrowding crisis and improve living conditions in Lebanese prisons as a prelude to make these circumstances in conformity with international standards.

Lebanon Initial Report - 2016

A lot of plans were made to improve the prisons conditions with very little effect. The main cause of overcrowding in prisons and detention places is the slowness of the Judiciary and the procedures of release of foreigners that impose their transfer to the General Security premises after their detention by any other security service.
The slowness of the Judiciary is very much related to the absenteeism of judges and could be resolved by a better monitoring of their working hours. For example, in Baabda Court (one of the main courts in Lebanon) many sessions are postponed because of the judge's absence from his office on his supposed working days.

The procedures of release of foreigners through the General Security services create a saturation of all the detention places including police stations and could be resolved by a better organization and an easing of the procedures in place (example: when an arrested foreigner

has been declared innocent by a court and has a legal status in Lebanon, why should he be transferred to the GSO for "investigation" before being released? – there is no reason for such practice but this is the current situation)

Communicate with civil society organizations concerned with the prisoners' cases and with their families in order to help them and pay bails and fines owed by them, as a prelude to their release from prison.

Lebanon Initial Report - 2016

The bail aims at guaranteeing the appearance in the court sessions of the person on trial who can be returned the amount of his/her bail after the trial has been completed. If the bail is paid by a third person, it does no longer guarantee the appearance of the person at the tribunal sessions. It would make more sense that the State cancel their bails instead of managing for their payment by civil society organizations.

The Lebanese system includes many bodies authorized to conduct inspections of prisons, whether affiliated to the Ministry of Interior and Municipalities or to the Ministry of Justice. These bodies conduct periodic visits to prisons in order to inspect, control and monitor all forms of violence and torture that can be practiced against persons deprived of liberty, whether they are men or women, and regardless the nature the torture (physical, sexual or psychological).

Lebanon Initial Report - 2016

Inspections are rarely conducted in the prisons, police stations, GSO, Ministry of Defense and are seemingly insufficient to prevent the practice of torture.

The Lebanese government seeks with all its organs and authorities to secure greater protection for individuals mostly victims of torture. These persons could be accused in terrorist cases, or may be detained in secret or possibly are foreigners deprived of liberty.

Lebanon Initial Report - 2016

While the State report states that "the provisions of the Code of Criminal Procedure clearly and explicitly stipulate the prevention of any secret detention" it also acknowledges two paragraphs before when addressing the safeguards protecting the most vulnerable individuals, that "these persons (...) may be detained in secret".

Moreover, concerning foreigners, the Lebanese government seeks to provide greater protection and guarantees for this category that can be detained in a special detention center of the General Directorate of General Security. In this context, the detention center located under the Palace of Justice Bridge in Mathaf area will be closed and all detainees will be transferred to the detention center recently built by the Ministry of Interior and Municipalities - Directorate General of Public Security – that takes into account the international standards for the establishment of special detention centers for foreigners. The opening of the new detention center was opened in September 2015, and detainees will be transferred at the beginning of 2016.

Lebanon Initial Report - 2016

The State report mentions that the parking lot being used to detain foreigners unlawfully and in appalling conditions is scheduled to be closed

in 2016.

The State has yet to explain what are the measures planned in order to effectively protect foreigners from torture at General Security detention places, and to what extent it can be guaranteed that such places do no longer serve for additional – and potentially secret – detention places to be used by the GSO.

Chapter 12
Prompt and impartial investigation into allegations of torture committed inside Lebanese territory (Article 12 of the Convention)

In this regard, it is necessary to emphasize that the Lebanese army, in its war against terrorism in 2007, acted professionally and gave a lesson in respect for the provisions of International Humanitarian Law represented by Geneva Convention of 1949, in particular through moving civilians out of Nahr al-Bared camp, including 22 women, wives of the main terrorists present in the camp, as well as 46 children, and he transferred them to safe places where they were deported by the general security, upon their will, regardless of their legal status in terms of violating the law regulating the entrance to, residence in and exit from Lebanon since most of them are non-Lebanese.

Lebanon Initial Report - 2016

When addressing Nahr el Bared conflict, the State report praises the respect of human rights by the Army while many of the detainees in this specific case complained of having been seriously tortured by the Army personnel, including when no real accusation was found against them. In this regard, the UN Committee Against Torture reported in 2013 : "at Roumieh central prison, the mission focused its attention on the situation of inmates who were arrested during and after the clashes between Fatah Al Islam members and Lebanese Armed Forces at the Nahr al-Bared camp in 2007. Almost half of the inmates interviewed in the Roumieh Prison B building alleged that they had been severely tortured by ISF and/or military interrogators. Allegations included threats against the inmates' relatives. It was explained that some of them continued to suffer from pain associated with the type of torture that they had been subjected to. The mission also received various allegations of torture and ill-treatment taking place in the vehicles used for the transportation of inmates. Medical evidence consistent with some of those allegations was gathered by the mission's medical expert."

Chapter 13

Guarantee the rights of persons who have been subjected to torture, accept complaints, conduct immediate investigations, and protect complainants and witnesses from mistreatment and intimidation (Article 13 of the Convention)

There is no legal mechanism to protect the complainants or witnesses in the cases of crimes of torture of any kind of intimidation or mistreatment. (...) Also, there are no legal provisions to prevent, in particular, all practices that would harass or re-traumatize victims.

Lebanon Initial Report - 2016

The Lebanese State initial report states later in this chapter that "there is no statistical data on complaints of torture, the results of investigations and the jobs of the persons accused of torture". CLDH considers that there is almost no lawsuit filed against torture perpetrators because of the intimidations and mistreatment exerted by the authorities against the victims when they raise allegations of torture.

Faysal Moqalled case: mistreated and intimidated for denouncing torture

On the morning of October 13, 2010, agents of the Ministry of Defense reportedly arrived in military vehicles in the central prison in Roumieh and took Faysal Moqalled to the Ministry of Defense. The legal basis for this transfer is unknown as his lawyer was not notified. Throughout the transportation, he was reportedly blindfolded with his head pushed down.

Kept for three days in the underground detention center of the Ministry of Defense on October 13, 14 and 15, Faysal Moqalled was allegedly interrogated for six hours, blindfolded, and according to available information, **the questions focused on the allegations of torture he was subjected to which were made public by different human rights organizations**. This investigation seems to have had a purpose of intimidation on a person whose trial on appeal is ongoing. Faysal Moqalled was reportedly slapped several times and received a punch in the back. His lawyer was not notified of his transfer and was therefore not attending the interrogation.

Faysal Moqalled, kidnapped in February 2006 by Hezbollah who held him for five months before handing him over to the military intelligence, has already suffered severe torture and degrading detention conditions at the Ministry of Defense for 20 months before being transferred to Roumieh prison. Faysal Moqalled, who suffers from severe asthma since the torture he suffered and has a concerning psychological situation, sees his health deteriorating day after day.

Layal Al Khayaje: arrested for denouncing torture and sexual abuse by soldiers

(case reported by Human Rights Watch)
Lebanese military authorities should immediately and unconditionally release a woman arrested after she alleged being raped in military custody in 2013. The Lebanese army referred the case of Layal al-Kayaje, who was arrested on September 21, 2015, to the military prosecutor to investigate her for allegedly harming the military's reputation by making false accusations.

Both the criminal prosecution of a civilian before a military court and a prosecution for allegedly defaming the army or other state institutions contravene Lebanon's obligations under international law. The Lebanese judiciary should open an independent and impartial investigation into al-Kayaje's allegations of rape by members of the military and hold anyone involved criminally responsible.

"Layal al-Kayaje has been jailed for almost a month for saying that she was tortured and raped in detention," said Nadim Houry, deputy Middle East director. "By going after those who allege abuse as opposed to investigating the claims, Lebanon's judiciary is entrenching impunity and undermining confidence in its independence."

***Military Intelligence arrested al-Kayaje after a local media outlet, NOW News, published an article in which a woman under the pseudonym "Amr" alleged that she was tortured in custody at the Defense Ministry in 2013** and was later raped by army personnel at the military detention center in Rehaniyyeh. The Lebanese army issued a statement the next day identifying "Amr" as al-Kayaje and claiming that she had confessed to lying about being raped to gain "sympathy and a job opportunity." The army stated that it referred her case to the "relevant judicial instances." A military investigative judge, Riad Abou Ghaida, is investigating her for iftira' (fabricating false accusations), which is a crime under the Lebanese penal code. After her arrest on September 21, 2015, al-Kayaje was taken to the Defense Ministry. On September 23, she was transferred to the Barbar al-Khazen women's prison in Beirut, where she is still being held.*

Human Rights Watch interviewed

al-Kayaje in detention on October 9. She said that following her arrest in September, military interrogators at the Defense Ministry pressured her to withdraw the rape allegations reported by local media:
"Several military men at the Ministry of Defense told me that rape allegations would ruin the lives of the two men, who have families and children. They said they want to help me by making this all go away. I was so traumatized and scared by what happened in 2013 that I just wanted this to be over, so I agreed. Instead, the army published a public statement saying I admitted to making false allegations to get fame and job opportunities. I was so shocked and upset. I decided that I had to speak up, if not for myself, but for the protection of other women from the men who raped me."

Al-Kayaje told Human Rights Watch that her allegations of rape in military detention at Rehaniyyeh was not a criticism of the army but of two individuals who did wrong. "I'm not against the army," she said. "On the contrary, I'm just against what those two men did to me. Since the rape, I can't sleep and feel on edge around men."

Military Investigative Judge Abu Ghaida denied a request for al-Kayaje's release on bail on October 13, al-Kayaje's family told Human Rights Watch. They said that her lawyer subsequently filed another request for release but has yet to receive a response.

The journalist who wrote the NOW News article, Myra Abdullah, told Human Rights Watch that Abu Ghaida interrogated her in a humiliating way during an investigative session on October 15: Abu Ghaida accused Layal and me of fabricating the rape story together to speak out against the army. I adamantly denied this. I am a journalist who is being investigated by the military court for publishing a story about abuse. How humiliating is that?

Under international law, governments are prohibited from using military courts to try civilians when civilian courts are functioning. The United Nations Human Rights Committee has stated in its general comment on the right to a fair trial that "the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned."

Prosecuting people for allegedly defaming the army or other state institutions is incompatible with Lebanon's obligations under article 19 of the International Covenant on Civil and Political Rights. In 2011, the Human Rights Committee issued guidance that emphasized the high value international law places upon freedom of expression in "public debate concerning public figures in the political domain and public institutions," adding specifically that governments "should not prohibit criticism of institutions, such as the army or the administration."

Al-Kayaje told Human Rights Watch that in 2013, after being released from detention, she called a doctor to have a medical exam. However, he refused to be involved due to the alleged involvement of the military. As a result, she had kept silent about the case until recently. The Convention against Torture, to which Lebanon is a party, requires governments to investigate all allegations of torture and other ill-treatment, including sexual violence, in a diligent, timely, and effective manner to bring those responsible to justice. Lebanon's

judiciary should promptly and impartially undertake an investigation of al-Kayaje's allegations.

Survivors of sexual assault should have access to emergency medical services, legal assistance, and social support to address injuries caused by the assault; prevent pregnancy, HIV, and other sexually transmitted infections; and to collect evidence to support prosecution of perpetrators, Human Rights Watch said.

In its national submission to the UN Human Rights Council on September 25, the Lebanese government stated that "vigorous steps" were "being taken to prevent torture by prosecuting perpetrators of torture and either sentencing them to imprisonment or subjecting them to severe disciplinary measures, such as dismissal from office." However, Lebanon has failed in the past to properly investigate, prosecute, and punish those responsible for torture. While arrests of low-ranking security officials sometimes follow public abuse scandals, prosecutions made known to the public are rare. For example, in 2013, Human Rights Watch documented allegations of torture, ill-treatment, and a death in custody by the Lebanese army following the 2013 clashes in Saida. The outcome of any investigations into these allegations remains unknown.

Lebanon's human rights record will come under review at the Human Rights Council on November 2, 2015, as part of the Universal Period Review mechanism set in place since 2005.

"Lebanese authorities should take advantage of the upcoming UN review to show that they are serious about combatting human rights violations," Houry said. "One concrete way of doing that is to immediately release al-Kayaje and properly investigate her rape allegations."

Chapter 14
The rights of the victims of torture, to obtain fair and adequate compensation for damages and compensation and rehabilitation (Article 14 of the Convention)

Fair and adequate compensation for damages and compensation

> However, (...) no victim has filed any lawsuit before the Council of State in order to hold the government accountable for the acts of persons affiliated to it. Moreover, there are no decisions issued by the State Council, or statistical data on such decisions that show the nature of torture and damage caused to the victim and the amount of the compensation awarded to him.
>
> Lebanon Initial Report - 2016

The State recognizes in this report that "no victim" has filed lawsuit against the State, which shows the incapacity of the victims to claim their rights at the highest level of the Lebanese courts. This can be explained by various factors:
- Most lawyers would not accept to bring such case to such a high level of jurisdiction without receiving high honoraria
- The victims (and even the lawyers) are afraid of reprisals (as explained before)
- The time prescription that applies to torture acts against detainees starts on the day the practice of torture ended and not on the day the victim was released; most persons in detention don't have the possibility to file such a lawsuit and it is often too late to do it when they are released.

Rehabilitation
In practice, all rehabilitation activities dedicated to victims of torture are, according to the State report and to our knowledge, effectively provided by nongovernmental organizations. CLDH considers that this provision of the convention, especially regarding rehabilitation, cannot be implemented by Lebanon as long as torture is widespread and not effectively combated.

Chapter 15

Non-use of any statements obtained under torture as evidence except against a person accused of torture as evidence that the statement was made. (Article 15 of the Convention)

The State report indicates that "the provisions of the Lebanese law do not explicitly provide for the invalidity and irrelevance of the interrogation report if it was conducted or obtained from the defendant - victim under torture."

Lebanon Initial Report - 2016

In fact, article 47 of the Criminal Procedure Code does specify that "*(the suspects) must not be forced to speak or to be interrogated, under penalty of invalidity of their statements*."

Even in the absence of an evidence for torture, which would lead to the invalidity of the interrogation report that includes the confession, the Lebanese criminal court, and once doubts are raised about the possibility of obtaining a confession by force, could exclude the confession as an evidence and establish his conviction based on other evidences available in the case considered by him.

Lebanon Initial Report - 2016

CLDH documented that in many cases the detainees claim in front of the tribunal that they were forced to make their confessions under torture during the preliminary investigation and had repeated the same statements in front of the investigative judge out of fear of being tortured again. However,

their confessions are never cancelled, especially if they have been repeated in front of the investigative magistrate. This is also the case when material evidence proving the innocence of the defendant has been collected.

The case of Nehmeh El Haj, described below, is a blatant illustration of violation of the right of the detainee to see his confession cancelled in case of serious allegations of torture:

Nehmeh El Haj was allegedly arrested by the Syrian intelligence services late in the October of 1998 on the grounds of murdering two Syrians living in Lebanon on October 23, 1998. He reportedly was held in detention in Anjar for roughly a month by the Syrian intelligence, where he claims he was forced to sign a confession under torture. Subsequently, El Hajj was handed over to the Lebanese authorities at Zahleh police station on November 25, 1998.

In El Haj's file, the Syrian intelligence report is indeed attached to the Zahleh police statement.

After being transferred to the Lebanese judiciary, Nehmeh El Hajj claims his testimony was never effectively heard. It appeared as though the Lebanese investigating judge deemed the "confession" signed by El Haj while in the custody of Syrian intelligence services to be sufficient evidence.

In fact, on the first page of Jounieh police statement dated November 26, 1998, the investigating judge was recorded to have written that it is « not necessary to interrogate Nehmeh El Haj, since the proof of his guilt was handed over along with the detainee by the Syrian intelligence services of Anjar ».

Judged on July 9, 2004, at Baabda tribunal, Nehmeh El Haj was sentenced to the death penalty. In this case, it is apparent that the basis of the condemnation of Mr. El Haj is simply his initial statements, which were allegedly made while under the torture of the Syrian intelligence services.

Two Lebanese forensic doctors have attested to the torture Nehmeh El Haj faced and their reports are included in the file.

In spite of his claims of torture and the discrepancies in the testimonies against him, Nehmeh El Haj was again sentenced to death by the cassation court on February 12, 2009. However, it must be noted that the decision issued by the cassation court is a mere verbatim copy of the original decision made against Nehmeh El Hajj.

> The Lebanese judiciary does not hesitate to conduct an investigation when there is any doubt about acts of torture in any judicial police station. It also does not hesitate to assign a forensic doctor for a medical examination of persons who are suspected to be victims of mistreatment and violence in interrogation and detention stations.
>
> *Lebanon Initial Report - 2016*

The statement of the Lebanese State in this matter is pure rhetoric as in practice, and as explained in this report, the judges most of the time do not at all take into consideration torture allegations.

Chapter 16
The obligation to prohibit acts that involve cruel, inhuman or degrading treatment or punishment (Article 16 of the Convention)

Lebanon initial report mentions all the legal provisions and decisions of the services that should grant the persons deprived of their liberty a decent treatment. However, CLDH notes that most of these laws, decrees, circulars, agreements and measures only work on paper but are not effectively implemented.

For example, the report mentions that:

> A typical major trial chamber has been established in the surrounding area of Roumieh prison dedicated to speed up trials in important cases.
>
> *Lebanon Initial Report - 2016*

However, to CLDH knowledge, this trial chamber built inside Roumieh prison does exist but has never been used for any trial, reportedly for reasons of security invoked by the judges.

Other points regarding cruel, inhuman or degrading treatment or punishment
Police stations are currently overcrowded because the General Security is late in handing over foreigners. As a result, people can be kept up to one month in inadequate cells equipped for a few-hour stay. They are most of the time not provided food, drinkable water, clothes, hygiene products if no family is visiting them. They often are detained in underground, unventilated places

where the conditions are unbearable in both summer and winter. Women don't benefit of any privacy and even go to the bathroom under the watch of male guards. Detainees are never taken out of the cell, and they don't receive any appropriate medical service. If a detainee is sick, the policemen explained to CLDH that they are obliged to call the prosecutor and to be given an approval to simply open the cell's door.

The General Security doesn't allow independent monitoring of its detention place except by the ICRC under condition of confidentiality. Lawyers and independent NGOs are not allowed to work regularly inside the detention place. Until 2016, detainees were kept for unlimited periods of time in unlawful detention in a parking lot located under a bridge in Beirut without natural light or ventilation, nor outside yard. Women were guarded by male guards only. General Security declared that the detention place had been moved to a more decent place that CLDH hasn't yet visited. However, no change of rule has been announced that would better safeguard the detainees from being subjected to cruel, inhuman or degrading treatment. The civil prisons of Lebanon are overcrowded and lack basic provision of services for detainees and prisoners. Overcrowding is unbearable, around 1square meter being availed to each individual. The overcrowding is so high that outside walks can't be arranged on a daily basis, resulting in individuals being obliged to stay in an overcrowded cell, basically sitting on a mattress on the floor 24 hours a day. Inmates depend a lot on exterior visitors for receiving edible food, hygiene products and cigarettes (that represent the money of the prison). Socially isolated or foreign inmates are subjected to all kinds of violence and enslavement on behalf of other detainees in order to gain their support and to survive.

The existence of special prisons and investigation places handled exclusively by intelligence services (Information Branch of the ISF – also called Maalumet, and Military Intelligence) or by non-state actors collaborating with the State (Amal and Hezbollah) paves the way to all kinds of human rights violations such as secret detention, non-access to basic needs and subtraction to the Law. In this regard, the UN Committee Against Torture stated in 2013 that "the mission (…) received reports of unlawful arrests and torture by non-State actors, such as militias affiliated to Amal and Hizbullah (…)"

i http://www.constitutionnet.org/sites/default/files/the_independence_and_impartiality_of_the_judiciary_in_lebanon.pdf (last accessed on 11/12/2016)

ii https://www.amnesty.org/en/latest/news/2016/01/lebanon-forcible-return-of-more-than-100-refugees-to-syria-a-shocking-setback (last accessed on 11/12/2016)

iii The Committee against torture conducted a confidential investigation on the practice of torture in Lebanon, under article 20 of the Convention against torture from, April 8 to 18, 2013.May

iv "Women behind bars – Arbitrary detention and torture" – CLDH, April 2015

v available at: – "Support the Victims of Torture in Lebanon in a hostile environment" – Press release http://bit.ly/25dvX9I

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Registration 2008/218
Dora, Mar Youssef st, Bakhos Blgd, 7th floor. Beirut, Lebanon
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