

ARBITRARY DETENTION AND TORTURE:

THE BITTER REALITY OF LEBANON

January 2011



Despair  
Solitary Confinement  
Rafiqqa  
Forgotten Detainees  
Voiceless  
Balanco  
Unfair Trials  
Special Prisons  
Underground cells  
Intelligence Services



Project funded by the European Union



# ARBITRARY DETENTION AND TORTURE: THE BITTER REALITY OF LEBANON

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Lebanese Center for Human Rights (CLDH)

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The establishment of a Multimedia Virtual Space for Human Rights is the key objective of a two-year project (2009-2010) that aims at strengthening mutual cooperation among civil society organizations for a better integration of human rights, democratization and good governance in national development plans.

An open coalition of NGOs has been drawn up for the management of the virtual space and the project includes, among other activities, researches on various human rights topics in Lebanon ranging from freedom of association to trafficking and racism. For more information on the project, please consult <http://www.humanrights-lb.org>

Apart from the 4 project partners, the NGOs taking part in the Human Rights in Lebanon Coalition to date are: Amel Association, Amnesty International Lebanon, Association Libanaise pour l’Education et la Formation (ALEF), Association Najdeh, INSAN Association, Lebanese Association for Civil Rights (LACR), Lebanese Association for Democratic Elections (LADE), Lebanese Center for Civic Education (LCCE), and Support of Lebanese in Detention an Exile (SOLIDE).

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## Table of contents

Lebanese Center for Human Rights .....	5
Methodology.....	6
Arbitrary Detention.....	7
<b>A. Category I of Arbitrary Detention:</b> .....	7
✓ <b>Foreigners having completed their sentence: 13 % of the prison population</b> .....	8
✓ <b>Law on cumulative sentences: dozens of prisoners eligible for release are still in prison.</b> .....	11
<b>B. Category II of arbitrary detentions</b> .....	12
✓ <b>Foreigners: detentions on the grounds of national discrimination</b> .....	12
✓ <b>Arrests on the grounds of sexual orientation</b> .....	12
<b>C. Category III of arbitrary detentions</b> .....	13
✓ <b>Over the past three years, more than 400 people arrested on security charges have been subjected to procedure violations that made their detention arbitrary.</b> .....	13
✓ <b>Military Courts: at least 2,4 % of the sentences</b> .....	17
Torture .....	20
<b>I. Torture in custody: under what circumstances and for what purpose?</b> .....	21
<b>A. Common law cases</b> .....	21
✓ <b>Statistics</b> .....	21
✓ <b>Negligence of the security services in terms of investigation behind the use of torture</b> .....	23
<b>B. Security cases – Espionage, collaboration with Israel and terrorism</b> .....	25
✓ <b>Statistics</b> .....	25
✓ <b>Political motives and retaliation behind the use of torture</b> .....	27

II.	<b>Methods of torture according to services</b> .....	28
✓	<b>Tahariye : In Jdeideh, Warwar and Hobeich : beatings with sticks, slaps in the face – but also well-organized methods</b> .....	30
✓	<b>ISF Intelligence services (Maalumet) : methods of physical and psychological torture</b> .....	31
✓	<b>Army intelligence services: a well-organized practice of torture</b> .....	32
III.	<b>Conditions favoring the pattern of torture in custody: legal gaps and violations</b> .....	33
A.	<b>Inadequate legislation concerning the punishment of the crime of torture</b> .....	33
B.	<b>Inefficient judiciary</b> .....	34
C.	<b>Inefficiency of the control mechanisms</b> .....	36
D.	<b>Absence of effective international legal recourses</b> .....	39
IV.	<b>Other forms of torture following police custody</b> .....	40
✓	<b>Beating up inmates in retaliation</b> .....	40
✓	<b>Solitary confinement</b> .....	41
✓	<b>Abusive transfers to torture locations with intimidation purpose</b> .....	43
✓	<b>Prolonged administrative detention</b> .....	45
✓	<b>Conditions of detention deemed equivalent to torture</b> .....	46
V.	<b>Social circumstances favoring torture</b> .....	48
✓	<b>Cultural dimension</b> .....	48
✓	<b>The good and the bad victims, the media influence</b> .....	48
✓	<b>The drifts of the worldwide « fight against terrorism »</b> .....	49
	<b>Consequences of arbitrary arrests and torture</b> .....	50
I.	<b>Social consequences</b> .....	50
II.	<b>Individual consequences</b> .....	51
	<b>Recommendations</b> .....	54
	<b>Analysis: reluctance and shared responsibility</b> .....	56

## **Lebanese Center for Human Rights**

The Lebanese Center for Human Rights (hereinafter CLDH) is a local non-profit, non-political and independent Lebanese human rights organization based in Beirut.

CLDH was created in 2006 by the French Lebanese Movement SOLIDA (Support for Lebanese detained arbitrarily) that is active since 1996 in the fight against arbitrary detention, enforced disappearance and impunity of the perpetrators of gross human rights violations.

CLDH monitors the human rights situation in Lebanon, fights against enforced disappearance, impunity, arbitrary detention, and racism and provides rehabilitation to the victims of torture.

CLDH regularly organizes press conferences, workshops, trainings and awareness-raising meetings on human rights in Lebanon and records and documents violations of human rights through reports and press releases.

CLDH team on the ground supports initiatives aimed at unveiling the fate of all the missing persons in Lebanon.

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

In 2007, CLDH opened Centre Nassim, a rehabilitation center for the victims of torture in Beirut, a member of the International Rehabilitation Council for Torture victims (IRCT), which provides multidisciplinary support to the victims of torture and their families.

CLDH compiles and sends a daily press review about human rights violations and ongoing judiciary cases in Lebanon to more than 70 human rights organizations, institutions and embassies, and daily updates several blogs.

CLDH is a founding member of the Euro-Med Federation against Enforced Disappearances (FEMED), a member of the Euro-Mediterranean Human Rights Network (EMHRN) and of the SOS Torture Network of the World Organization against Torture (OMCT).

## **Methodology**

On a regular basis, Human Rights organizations analyze the issues of arbitrary detention and torture in Lebanon.

Before 2005, the influence of the Israeli and Syrian occupations was palpable in terms of impact on these issues. Thousands of Lebanese were victims of arbitrary detentions and torture during the thirty years of foreign occupations, and it was difficult if not impossible to control these systematic practices.

Since 2005, Lebanon is master of its destiny. How did the practices of torture and arbitrary detention evolve since the end of the occupations? How are the victims of violations treated in terms of rehabilitation and right to compensation?

This research was conducted from March 2009 to December 2010.

Statistics on arbitrary detention, torture, their causes and consequences have been established.

The evaluation of the practice of arbitrary detention was conducted in a systematic study of the entire prison population of Lebanon led by the CLDH team between March and September 2009.

The use of torture has been assessed using information resources produced since 2005 and by conducting interviews with representative samples of people arrested in 2009 and 2010.

The treatment of victims has been estimated on the basis of statistics compiled by the Centre Nassim for the Rehabilitation of Victims of Torture (a CLDH project) and interviews conducted during this research.

The definition of the violations was performed on the basis of the existing legal framework, and interviews / correspondence with politicians, security and justice took place.

## **Arbitrary Detention**

A detention is arbitrary when it does not comply with national legislation, other relevant international standards set forth in the Universal Declaration of Human Rights and relevant international instruments ratified by Lebanon.

Confronted with the alarming growth of this practice, and with the lack of a clear definition of "arbitrary" detention in international instruments, the United Nations Commission on Human Rights established in 1991 the Working Group on Arbitrary Detention.

To enable it to carry out its mandate using sufficiently precise criteria, the United Nations Working Group on Arbitrary Detention has defined as arbitrary any detention which is contrary to the Human Rights provisions of the major international human rights instruments, and more specifically has defined three categories of arbitrary detention:

1. Detention without a legal basis for the deprivation of liberty (as when a person is kept in detention after the completion of his/her sentence or despite an amnesty law applicable to him/her).
2. Detention of a person for exercising his/her rights and freedoms guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
3. Detention of a person after a trial which did not comply with the standards for a fair trial set out in the Universal Declaration of Human Rights and other relevant international instruments.

In this report, this same classification is used to identify the different categories of people arbitrarily detained in Lebanon.

### **A. Category I of Arbitrary Detention:**

**Definition: When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him)**

Currently in Lebanon, two main groups should be considered as victims of "category-one of arbitrary detention", namely the foreigners detained after the completion of their sentence pending review of their legal status by the General Security Services (in charge of immigration) and those sentenced to several prison terms who should have been released in application of the law on "cumulative sentence".

## ✓ **Foreigners having completed their sentence: 13 % of the prison population**

The number of persons incarcerated despite the end of their sentence represents a significant portion (13%) of the prison population. They are foreigners who served their sentence and who are being arbitrarily detained for several months to several years, waiting to be transferred to the General Security, which is in charge of their expulsion or regularization.

Keeping a person detained beyond his/her sentence constitutes a violation of article 9.1<sup>i</sup> of the International Covenant on Civil and Political Rights, which states that *“no person shall be arrested or detained arbitrarily. No person shall be deprived of his liberty except on such grounds and in accordance with the procedure prescribed by law.”* Moreover, the Human Rights Committee points out that article 9, paragraph 1 is applicable to all deprivations of liberty, whether in criminal cases or in other cases such as (...) immigration control.<sup>ii</sup>

The Lebanese Law explicitly stipulates that *“all persons convicted must be released the day their sentence expires”*<sup>iii</sup>. The internal rules of prisons stipulate that will incur a penalty of imprisonment of one to three years, all guard, man or woman who agree to imprison, actually imprison or keep in custody a person without any justification or legal documents justifying such detention, or will maintain the latter in prison after the expiration of his sentence.<sup>iv</sup>

However, according to a circular from the Public Prosecutor, which stipulates that any foreigner has to be transferred to the General Security at the end of his legal sentence, each year, hundreds of foreigners find themselves "stuck" in Lebanese prisons, the General Security making them languish for months to years in prisons, and sometimes even in the retention center.

### **- Systematic Practice of Arbitrary Detention due to the General Security: Causes**

The General Security, which is supposed to deport or release the aliens on the day of the end of their sentence, explains that delay mainly by "its lack of staff" and "the slowness of Embassies to issue travel documents". The question of the cost of airline tickets does not seem to arise, the General Security being provided with a budget deemed "sufficient".

When one tries to know more about the issue of the "lack of staff" at the General Security, causing this bottleneck, here is what emerges:

1. The General Security conducts a 15-day "investigation" after the end of the legal prison term of each foreigner. Knowing that the persons are all supposed to have been heard by the Judiciary, the merit of such an investigation seems questionable since the majority of foreigners in detention are domestic workers who left their employers "illegally".  
The abolition of this procedure of "systematic investigation" would free some of the General Security' staff to proceed more smoothly with repatriations. This "investigation" could only be conducted when necessary, and before the end of the foreigners' sentence in order to comply with the law.
2. The General Security seems to be making a point of expelling the refugees recognized by the United Nations High Commissioner for Refugees (hereinafter UNHCR), in violation of the principle of non-refoulement and article 3 of the Convention against Torture, ratified by Lebanon. At least nine Iraqis registered with the UNHCR have been illegally expelled to Iraq between January and November 2010. Each of these expulsions took the investigators of the General Security several weeks to several months of "work" to try to "convince" these refugees to "sign" their voluntary return to their country of origin. When a refugee refuses to sign, the General Security staff is then mobilized to "force the refugee into the plane", even using violence.

In early October 2010, for example, the General Security tried by every means to "convince" two Iraqis who had been detained for several months at the underground detention center in Adlieh to "sign their voluntary repatriation to Iraq". Meanwhile, 19 Sudanese, originally sentenced for illegal entry to Lebanon and willing to return to their country of origin, were arbitrarily detained after completion of their sentence at Byblos prison.

Regarding "the slowness of embassies to issue travel documents", we note that as of October 1<sup>st</sup>, 2010, out of the 19 Sudanese who had completed their prison sentences at Byblos prison, 17 were holding valid passports and plane tickets. Similarly, in July 2009, out of 92 foreign domestic workers who had completed their sentences at Tripoli women's prison, 90 had a valid passport (sometimes with them, sometimes kept by the employer). In other words, the responsibility of the embassies in the clogging of the General Security detention center and the slowness of repatriations are only true for a minor number of detainees.

In fact, it appears from several interviews with officials of the General Security that the practice of systematic arbitrary detention of aliens would be carried out quite intentionally by the General Security in order to deter illegal immigration. Yet this policy is not only a systematic violation of human rights but seems to be ineffective and counterproductive.

## **- A result inversely proportional to that expected**

The “illegal” immigration in Lebanon has three main sources:

- The illegal entry from Syria into Lebanon of workers from the member countries of the Arab League - like Sudan - who enter Syria without a visa.
- The illegal entry, also from Syria, of Iraqi refugees fleeing the war in Iraq.
- The legal entry into Lebanon of domestic workers from Ethiopia, Sri Lanka, the Philippines, who may be leaving their employer on whom they depend, to work illegally.

It is common knowledge that punishing clandestinity with human rights violations has never curbed the phenomenon.

Indeed, migrants coming from poorer countries are working illegally in Lebanon with the mindset that as long as they are not caught, they can work and provide for their families.

So the energy spent by the Lebanese authorities to crack down illegal immigration through arbitrary detention is as much energy that could be spent on border control or on the development of new regulations to allow domestic workers to have the right to change their employers, not to be considered as slaves, and therefore to fall less into illegality.

Regarding Iraqi refugees, human rights violations perpetrated against them by the Lebanese authorities, paradoxically, encourage their illegal entry into Lebanon. Indeed, because of the practice of arbitrary detention and deportation against them, the UNHCR is obliged to consider Lebanon as a country at risk for the refugees and thus accelerate the process of refugee resettlement in third countries, such as in Europe or America.

Indeed, several Iraqi refugees in detention met during this research, to whom was asked the question: "Would it not have been better to stay in Syria, rather than coming to Lebanon where you are considered illegal?" responded: "We took the risk of entering Lebanon illegally, knowing that we would be at risk of being arrested, because in Lebanon, it is more likely to be resettled in another country, and faster..."

So the message circulates among the refugees fleeing Iraq that it is more interesting to take refuge in Lebanon than in Syria or Jordan, because in Lebanon they are more likely to be quickly resettled into a third country. The Lebanese authorities would therefore be well advised to respect the rights of the refugees by ceasing to arrest them for illegal entry, to arbitrarily detain and deport them. Thus Lebanon would no longer be considered a hostile country, and therefore an opportunity for refugees. This not to mention the international assistance Lebanon could benefit from by helping refugees, who anyway, will enter its territory.

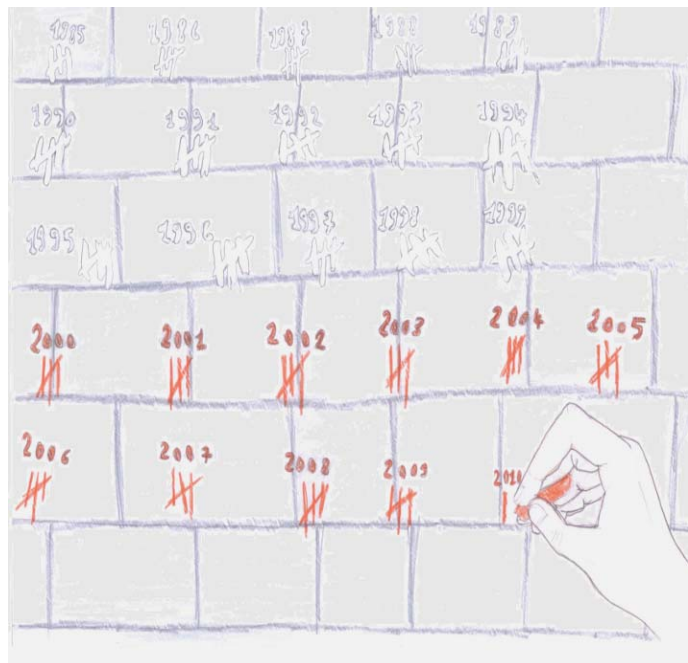
✓ **Law on cumulative sentences: dozens of prisoners eligible for release are still in prison.**

It was not possible during this research to assess the exact number of prisoners in Lebanon who could be released if a lawyer would be ready to submit a legal claim to allow their sentences to be served concurrently.

Article 205<sup>v</sup> of the Lebanese Penal Code stipulates that if a person has been convicted to serve multiple sentences, the severest penalty shall be enforced; the matter shall be referred to the Judge for a decision, or the lawyer of the detainee may subsequently submit a legal claim in this regard.

**Issam Attieh Said could have been released 10 years ago!**

Issam Attieh Said, a Palestinian born in 1962, was, at the time of this research, detained at Roumieh central prison for 25 years. Arrested on February 27<sup>th</sup>, 1985, Issam Attieh Said was sentenced for 46 offences committed between 1980 and 1985. Oddly, he was also convicted of two offenses committed in 1986 and 1991 while he was in prison. If Mr. Said would have had a lawyer to help make his sentences run concurrently, he could have been released 10 years ago, in 2000, upon completion of his severest sentence, i.e. 15 years' imprisonment.



On January 26<sup>th</sup>, 2010, CLDH sent a letter to the General Prosecutor attached to the Court of Cassation, Said Mirza, and to the Minister of Justice, Professor Ibrahim Najjar, to expose this case. The attorney general attached to the Court of Cassation, judge Charbel Bou Samra, confirmed in a letter that only a lawyer could submit a legal claim to combine sentences in order to release Issam Attieh Said.

## B. Category II of arbitrary detentions

**Definition:** The deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7<sup>vi</sup>, 13<sup>vii</sup>, 14<sup>viii</sup>, 18<sup>ix</sup>, 19<sup>x</sup>, 20<sup>xi</sup> and 21<sup>xii</sup> of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12<sup>xiii</sup>, 18<sup>xiv</sup>, 19<sup>xv</sup>, 21<sup>xvi</sup>, 22<sup>xvii</sup>, 25<sup>xviii</sup>, 26<sup>xix</sup> and 27<sup>xx</sup> of the International Covenant on Civil and Political Rights.



### ✓ **Foreigners: detentions on the grounds of national discrimination**

While a Lebanese citizen will be released the same day of the completion of his sentence, a person having a foreign nationality will remain in prolonged detention. This constitutes a discrimination based on nationality and a violation of Article 7 of the Universal Declaration of Human Rights and Article 26 of the International Covenant on Civil and Political Rights. Moreover, the Human Rights Committee recalled that aliens receive the benefit of the general requirement of non-discrimination in respect of the rights guaranteed in the Covenant<sup>xxi</sup>.

### ✓ **Arrests on the grounds of sexual orientation**

Article 534 of the Penal Code criminalizes "sexual intercourse against nature", without specifying the exact nature of the offense. Offenders face up to one year in prison. This article is mainly used to penalize homosexuality, adultery, sodomy and fornication.

Provisions of article 534 of the Lebanese Penal Code constitute a violation of Article 7 of the Universal Declaration of Human Rights and Article 26 of the International Covenant on Civil and Political Rights.

The association Helem reported in its research published on October 21<sup>st</sup>, 2008<sup>xxii</sup> that in 2007, 20 individuals have been arrested in Tripoli for «homosexuality».

On December 3<sup>rd</sup>, 2009, a judge from Batroun set a legal precedent by making a ruling negating the application of the term "sexual intercourse against nature" to homosexuality. However, we noted that persons are still being arrested on the basis of their sexual orientation despite this legal step forward.

Indeed, during this study, six individuals have been reported arrested for "homosexuality" between December 2008 and May 2010, although these figures do not represent an exhaustive survey of these cases.

### C. Category III of arbitrary detentions

**Definition:** The total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.

- ✓ **Over the past three years, more than 400 people arrested on security charges have been subjected to procedure violations that made their detention arbitrary.**

Whether arrested on terrorism or espionage charges, the detainees arrested in such cases over the past three years have seen their rights systematically flouted. Custody for an excessive period of time, torture, being denied access to lawyers and relatives for the duration of interrogations, prolonged delay in bringing the accused before an investigative judge, delayed ruling...

It is worth noting that such practices, whether due to the intelligence services of the Ministries of Interior or Defense, or even the Military Justice, have hardly changed since the end of the occupations. The fundamental principle of the presumption of innocence enshrined in the Universal Declaration of Human Rights<sup>xxiii</sup> and the International Covenant on Civil and Political Rights<sup>xxiv</sup>, under which any person accused of a crime is presumed innocent as long as the latter did not plead guilty to the offense or until the person's guilt thereof was not proven beyond a reasonable doubt during a trial, is systematically flouted.



<sup>xxv</sup>The most recent documented case during this study is that of General Fayez Karam, arrested on August 3<sup>rd</sup>, 2010 for collaborating with Israel.

On September 23<sup>rd</sup>, 2010, CLDH denounced the detention of General Karam in these terms:

*“The multiple violations of the detainee's rights, as guaranteed by the Lebanese law and Lebanon's international commitments, are so serious that his detention is arbitrary. The proceedings against the officer should be immediately canceled and the latter released.*”

CLDH representatives have tried to visit General Fayez Karam in Roumieh prison (building called "Maalumet" managed by the intelligence services of the Internal Security Forces) but could not access the place of detention which the guards themselves qualify as a "special prison" which is not accessible to NGOs contrarily to other areas of the central prison.

This visit attempt was motivated by concerns about the detainee's physical, psychological and legal conditions.

In fact, since his arrest on August 3<sup>rd</sup>, 2010, General Karam has been under the custody of the same security forces which carried out his arrest and interrogation, which impaired his right to defend himself and places him at risk of being subjected to pressures, if not to torture.

Moreover, according to the information available, General Karam has to this day not been granted the right to talk face to face with his lawyers, in contradiction with Article 14 paragraph 3 of the International Covenant on Civil and Political Rights ratified by Lebanon<sup>xxvi</sup> and with the Lebanese Prison Internal Code which states that lawyers' visits can take place "*without the presence of a guard if the defendant or the attorney requests it.*"

In addition, following his arrest, General Karam was allegedly detained incommunicado and interrogated without the assistance of counsel during eight days before being presented to an investigating judge, in the presence of his lawyer but without having been able to talk with him previously in contradiction with Article 47 of the Criminal Procedure Code<sup>xxvii</sup> and Article 14 of the International Covenant on Civil and Political Rights.

In addition to these violations of procedure, General Karam was victim of libel on the part of some unscrupulous media, which pretended to make his alleged confession public even before the file was referred to the Justice System. This may constitute a serious violation to the confidentiality of the investigation and the presumption of innocence which the inmate is supposed to benefit from, notably under Article 14 paragraph 2 of the International Covenant on Civil and Political Rights.<sup>xxviii</sup>

CLDH considers that under these conditions, General Karam is not only subjected to arbitrary detention, but also at risk for his physical and psychological integrity, especially as he is 62 years old and has serious health problems."

## ✓ Before the civil courts: systematic violations of the right to a fair trial

During this study it was impossible to estimate the number of persons convicted by civil courts, resulting from unfair trials. It is likely that these cases represent hundreds of prisoners currently held in Lebanon.

Here are some examples:



<sup>xxix</sup>**Nehmeh El Haj case<sup>xxx</sup> : a death sentence based on confessions extracted by torture, confirmed in cassation on February 12<sup>th</sup>, 2009, despite the opinion of the United Nations Working group on arbitrary detention.**

Nehmeh El Haj was allegedly arrested at the end of October 1998 by the Syrian intelligence services, and accused of the murder of two Syrians in Lebanon, on October 23<sup>rd</sup>, 1998.

He remained in detention for nearly a month, in the hands of the Syrian intelligence services, notably in Anjar, where he claims he was forced to sign confessions under torture, before being handed over to the Lebanese authorities (at Zahleh police station) on November 25<sup>th</sup>, 1998.

He was sentenced to death by the Baabda Court on July 9<sup>th</sup>, 2004, and the verdict was confirmed by the Court of Cassation on February 12<sup>th</sup>, 2009.

In this case, it appears clearly that the initial statements of Mr. El Haj, which he claims to have signed under the torture of the Syrian intelligence services, as well as some evidence lacking consistency or credibility, seem to be the only grounds for conviction.

It seems that Nehmeh El Haj has never really been heard by the Lebanese judiciary. The investigating judge, by his own admission, considered "sufficient" the "confessions" signed by Nehmeh El Haj while he was in the hands of the Syrian intelligence.

On May 12<sup>th</sup>, 2006, the United Nations Working Group on Arbitrary Detention issued an opinion concerning the detention of Mr. El Haj, considering his detention to be arbitrary, in that it contravenes article 14 of the International Covenant on Civil and Political Rights to which Lebanon is a party<sup>xxxi</sup>.

Despite his complaints of torture, and inconsistent testimony against the defendant, Nehmeh El Haj was sentenced to death and the verdict, confirmed by the Court of cassation –in 2009-, is just a copy of the initial ruling.

It seems that at no time the allegations of torture, the contradictions within the file, the doubt that resulted and the serious procedural errors in this case have been construed in his favor.



<sup>xxxii</sup> **Muhammad Ibn Muhammad Hamid Omar case, detained without trial for 6 years**<sup>xxxiii</sup>

Arrested on September 14<sup>th</sup>, 2004 following a brawl in Burj Hamoud (Beirut) that killed one person, Muhammad Ibn Muhammad Hamid Omar, 30 years old Syrian worker, has been detained since then without trial at Roumieh central prison.

The hearing having been postponed over and over, Mr. Omar has been waiting for 6 years to be tried by the Justice System. In accordance with the relevant international standards applicable in Lebanon<sup>xxxiv</sup>, anyone arrested or detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending his trial. Moreover, the Human Rights Committee considers that bringing a person before a judge must not exceed a few days, and esteems in addition that pre-trial detention should be an exception and as short as possible<sup>xxxv</sup>.

As for domestic legislation, article 108 of the Criminal Procedure Code sets the duration of pre-trial detention to two months for offenses and 6 months for crimes, renewable once<sup>xxxvi</sup>.

A 6-year pre-trial detention by no means could be described as a "short" or "reasonable" time. This unacceptable delay in the trial of Mr. Omar is a flagrant violation of the presumption of innocence, and constitutes an arbitrary detention according to both domestic law and relevant standards enshrined in the international instruments ratified by Lebanon.

## ✓ **Military Courts: at least 2,4 % of the sentences**

Already in 1997, the military courts were subjected to criticism by the United Nations Human Rights Committee; in its report, on May 5<sup>th</sup>, 1997, the United Nations Human Rights Committee expressed its concerns about *“the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians”*, but also about the lack of procedures followed by these courts.<sup>xxxvii</sup>

Military courts in Lebanon are considered special courts due to their composition, functioning and jurisdiction, which contravenes article 14 of the International Covenant on Civil and Political Rights. During this research, 2.4% of the convicted persons were reported to have been sentenced by a military court.

### **An excessive material competence**

Military courts, which fall under the Ministry of Defense, were granted a very broad jurisdiction to try civilians. These courts are competent to examine not only crimes, misdemeanors and minor offenses under the Military Penal Code, but also any crime, misdemeanor or act entailing an individual criminal responsibility which is linked directly or indirectly to a military.

### **A summary justice**

The trials before military tribunals are far from meeting international standards of fairness:

- Military courts do not motivate in details their verdicts - because of the exceptional nature of the proceedings.
- Trials are often summary - especially before the Permanent Military Court which is distinguished by its swiftness and the exceptional nature of the procedures.
- Access to a lawyer is limited. This form of summary justice violates the rights of the defense.
- Procedures of military courts are not subject to control by any independent judicial authority.

**Nour Merheb: a civilian who opposes the injustice and illegitimacy of the military court.**

In 2010, for the first time to our knowledge, in the contemporary history of Lebanon, a young civilian dared to publicly oppose, on the form, his trial by a military court. His story is chronicled on his website <http://case2769.org>.

*« Nour Merheb is a Lebanese citizen, civil rights advocate and a Nonviolent Human Rights defender. Upon going out of his office on 07/02/2008, Nour was assaulted by a person named "J.Z." because of a dispute that arose in the building where he (Nour) worked. Nour did his best to defend himself against the aggressor, but he got severally beaten. His injuries required him first to go to a medical examiner and then he directly headed to file a complaint before the competent authority- the military police- after he found out that "J.Z." was in the military.*

*In the investigation conducted by the military police, the aggressor "J.Z." claimed that Nour held out a knife against him, what lead him to assault him in self defense. Nour refuted this allegation deeming it a false accusation- knowing that no proof was brought forward to support the allegation of "J.Z.". The military police ran an investigation on the subject and held officer "J.Z." responsible, as mentioned in the following report made by adjutant Ahmad Ismail from the military police:*

*"It was concluded from the whole investigation that the officer "J.Z." stepped into a dispute he was not concerned in, especially that he is a member in the committee of the building where he resides and he came to blows with the so-called Merheb. The investigation did not find that the latter held out a knife against him – Officer "J.Z." number: xxxxx, from the General Inspectorate at the Ministry of Defense, shall hold the following responsibility: – on 07/02/2008, in the area of New Rawda, he came to blows with a civilian, not to mention that he is also a member of the building committee and he interfered in its affairs without any right."*

*In contrary to the principles and rules of justice, the forces of power and oppression played their usual game and instead of prosecuting the officer, the army command, chiefs of staff and discipline and military justice, represented by Lieutenant Colonel Said, and after going back to the military prosecution office, decided to collect the hearing fees and the compensation for the suspension of officer "J.Z.". The decision was put into effect on 07/07/2008 and Nour was ordered to pay the amount of 2,468,00 LBP.*

*Nour was surprised upon hearing the verdict and objected to it for he was the victim and not the defendant. He did not accept to pay, and was therefore accused, without any evidence, of threatening the officer with a knife and of disabling him for six weeks because of a broken finger. Nour was accused according to articles 557 and 573 of the penal law and 73 of the weapons law, with accusations punishable with imprisonment for up to three years. Moreover, Nour was referred to the permanent military court without appearing before an examining magistrate and without the submission of a list of accusations that presents the evidence.*

*Nour attended the military court hearings, testified and was subject to numerous abuses and violations. However, he finally managed to prove that "J.Z." did not see a knife in his hand, through the confession of "J.Z." himself, who reiterated this statement several times since the first court hearing. However, his statement was not recorded in the minutes of the hearing despite Nour's persistent requests for it to be recorded until the hearing dated 01/22/2010, after Nour insisted before the judge. Yet, as it later turned out, the confession recorded in the minutes differed from the confession expressed by the officer and was somewhat ambiguous. In spite of this, the said statement is still considered a clear confession and must be considered sufficient evidence before the court to prove the contradiction in the officer's statements in this concern. It states the exact following: "The defendant "J.Z." was questioned and he added saying: "I did not see a knife in Nour's hand. However, after I went home, my brother-in-law told me he saw him pick his knife up from the ground and put it on his waist." After he succeeded in making officer "J.Z." himself confess that there was no knife, and since he did not trust the military court to be impartial, knowledgeable, capable and honest, ;given the injustice he suffered by being prosecuted without due reasons and treated as guilty while the officer was treated in a preferential way throughout the brief proceedings; and considering that the judge prevented Nour from talking and defending himself during the hearings at numerous occasions; and finally that he proved his innocence by the confession of officer "J.Z." himself (while originally, guilt should be proven and not innocence!!!); based on the aforementioned, Nour considers that the military court is unfair and illegitimate, and does not respect his right as a human being and as a Lebanese citizen nor his right to a fair and impartial trial that is provided for in the Constitution and in international covenants. Accordingly, he has refused to cooperate with the military court as from 05/28/2010, and did not attend the hearing that was supposed to be held at that date, although he risked that an arrest warrant be issued against him and he be incarcerated. (...) Nour, who is innocent until the opposite is proved, and who was proven innocent by virtue of the investigation that was conducted by the military police and finally by the confession of the aggressor himself, endured what every other Lebanese citizen might endure (...) Therefore, Nour considers based on what his conscience compels him to do, that it is his duty as a human being and as a Lebanese citizen to stop cooperating with the military court and to declare it illegitimate, according to the Lebanese Constitution, the international covenants and the Universal Declaration of Human Rights, and to refuse to cooperate with injustice, oppression, evil and abuse of power.*

Nour Merheb was sentenced on September 1, 2010 to two months of imprisonment and the payment of a fine of 100 000 Lebanese pounds.

*Nour refuses to submit to the military court orders that he deems illegitimate. He refuses to cooperate or even defend himself before it and he demands the Lebanese State and the Parliament to abolish the competences of the military courts immediately. Nour did not run away. He is present at his house in Dbayeh and he will conduct a series of activities in the coming days to mobilize the forces required to demand the abolishment of military courts in Lebanon, while awaiting his arrest, which he will confront with nonviolent noncooperation methods.*

## Torture

According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>xxxviii</sup>,

*“ the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”*

The issue of torture is closely linked to the issue of arbitrary detention.

The breaches of procedure not only lead to arbitrary detention but also pave the way for the practice of torture. As soon as the fair trial standards enshrined in both the Lebanese law and Lebanon's international commitments are not met, it goes without saying that in practice, it merely opens the opportunity for several violations: incommunicado detention, absence of lawyer and then lack of confidential communications between the lawyer and his client, excessive length of detention in custody, etc... All these flaws in the procedures in force breed an atmosphere of permissiveness and impunity favoring the practice of torture.

Vice-versa, arbitrary detention necessarily results from the practice of torture. Since it was established that a person signed confessions extracted under torture while detained in custody, this person should be released immediately, or else the detention becomes arbitrary.

This research notably aims to assess the extent of the practice of torture in Lebanon. Should we qualify it as "systematic" or as "occasional"? What are the circumstances of the practice and who are the perpetrators of torture? What are all the causes leading to the use of torture?

## **I. Torture in custody: under what circumstances and for what purpose?**

### **A. Common law cases**

#### **✓ Statistics**

If the matter of torture of the detainees arrested in relation to security issues is quite conspicuous as it is frequently denounced, the major question raised by this research is the following: does torture continue in the Lebanese police stations, in other words mainly in common law cases?

In order to respond to this question, we had two options: either document some credible allegations of torture that would have happened in police stations in 2009 or 2010, or take a sample of persons in custody in 2009 or 2010 to evaluate the prevalence of torture.

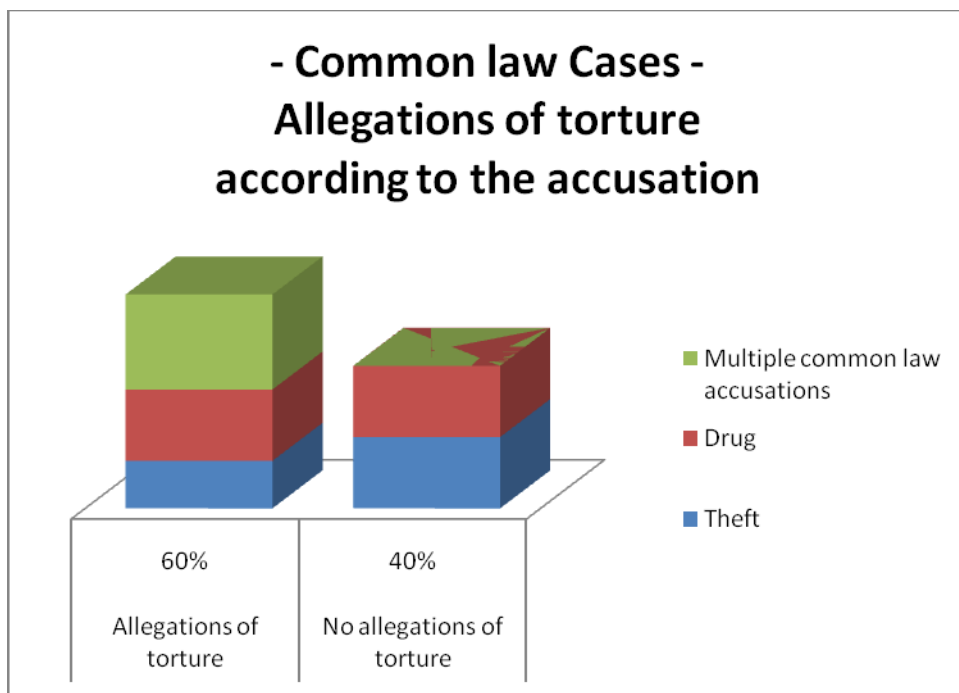
The second option seemed more objective, leaving scope for testimonies of persons treated well in custody. Therefore, a list of persons arrested for common law crimes, who were in custody in 2009 and 2010 was established, and detainees were interviewed accordingly.

To ensure and maximize the objectivity of the research, these persons were not aware of the subject of the study. They only knew that they were interviewed in the framework of a research on the rights of persons held in custody; they were then asked to introduce, and then describe, very freely, their arrest. In the case of torture complaint, the interview continued according to the "Model questionnaire to be completed by persons alleging torture or their representatives"<sup>xxxix</sup>, established by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment.

The statistics shown below concern men arrested between 2009 and 2010 for common law crimes.

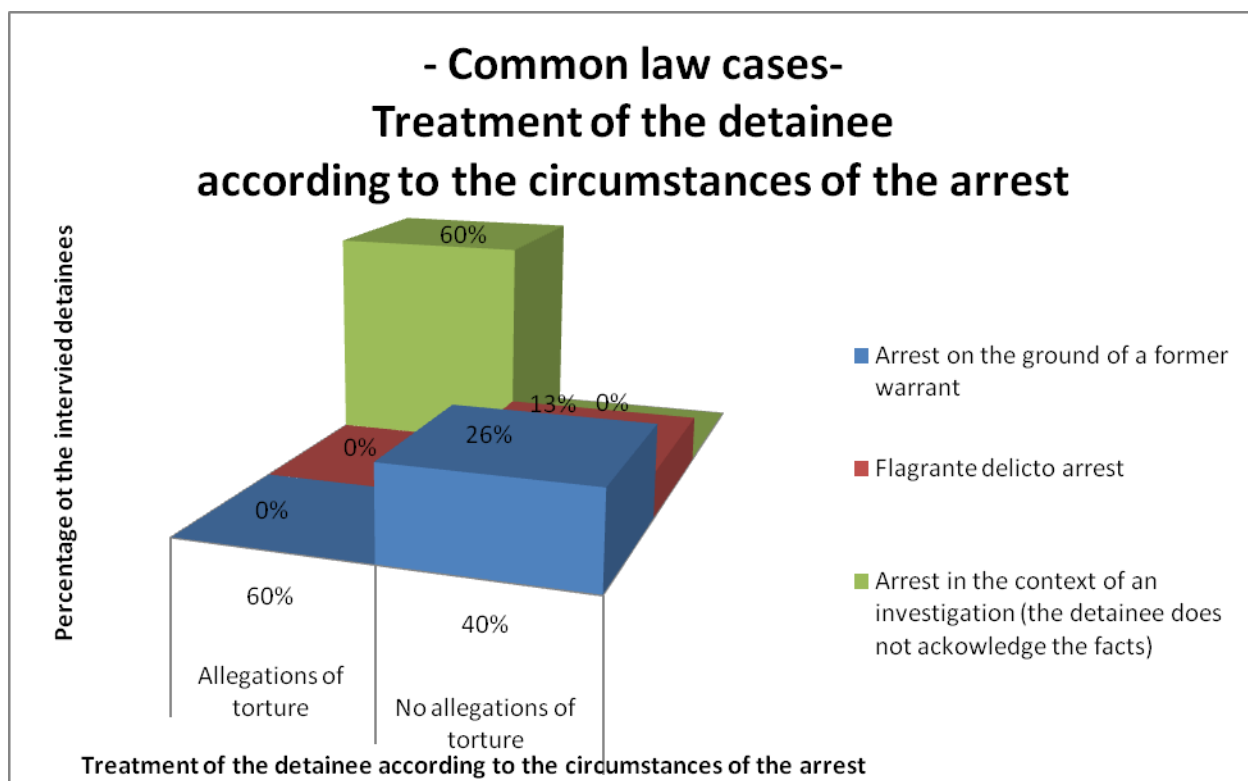
**If torture of women in custody seems to happen less frequently, it is still a genuine concern. Thus, statistics were based on random interviews of 10 women arrested for common law crimes between October 2009 and November 2010. Two of them complained of torture: one allegedly had her teeth broken during the police interrogation and ended up signing confessions extracted under torture; the other one was allegedly violently beaten on the head. In these two cases, the ISF (Tahariye) would be responsible.**

In common law cases, 60% of the interviewed detainees complained of torture.<sup>xl</sup>



It appears that in common law cases, the type of accusation, so therefore the service in charge of the case, is not correlated to the allegations of torture, expressed by 60% of the persons who were subject to investigation (see chart above).

- ✓ **Negligence of the security services in terms of investigation behind the use of torture**



It appears that the use of torture is determined by the circumstances under which the security services are working .

Indeed, detainees who did not complain of torture are those who were arrested in flagrante delicto, or pursuant an arrest warrant issued long ago (therefore the investigation is very limited, or even not to say useless in flagrante delicto cases; in the case of an old arrest warrant, the investigation may already have been conducted). In other words, torture is not used when services do not have to conduct an investigation, nor obtain new information.

On the other hand, when services should conduct an investigation, some persons complain of having been subjected to torture in order to sign confessions, and sometimes to accuse other persons.

A judge interviewed during this research was asked to explain why some suspects brought before him had been subjected to torture; he exclaimed: “But we have to obtain confessions! Do you really think that by simply asking questions the suspect will confess to his crime?”

It seems that the investigation itself, the gathering of evidence, notably scientific evidence, is seriously neglected in favor of a method considered “easier” by the investigators, that is to say obtaining confessions by force.

And yet, the Lebanese security services are endowed with human and scientific resources that would allow them to conduct investigations without necessarily having to obtain confessions or information from the suspects arrested.

For example, in the framework of the European Union-Lebanon Action Plan adopted in 2007, the European Union (hereinafter EU) granted its support (2.3 million euros) under the project entitled “Improving criminal investigation at all stages of the investigation process”<sup>xli</sup>.

Activities of this project include carrying out DNA tests, but also trainings, notably for the Lebanese security services, with the aim to *“improve the technical level of the police for a better enforcement of existing laws in tackling the terrorist threat and combating organized crime”*, says Salah Gebran, project coordinator.

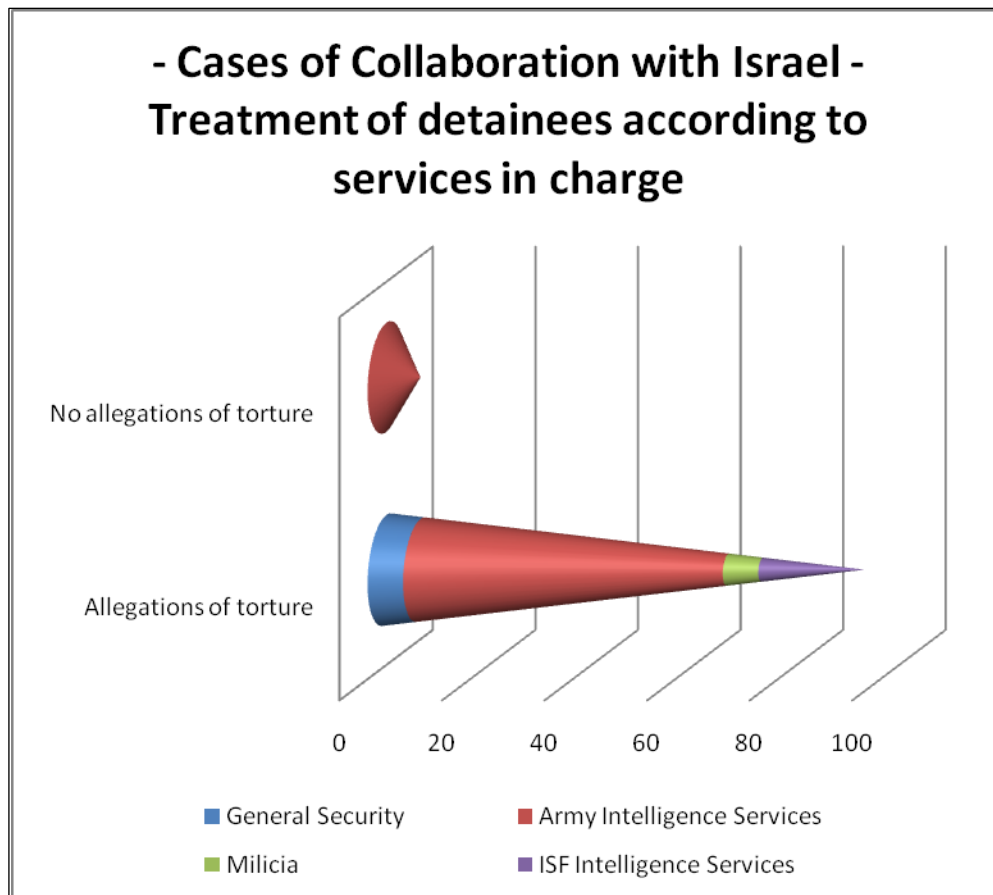
Jussi Närvi, head of cooperation at the EU delegation in Beirut, notes that *“this whole project is improving investigation techniques so that the outcome of the investigation is based on evidence, not on confessions that may be questionable”*<sup>xlii</sup>.

Since 2009, in the continuation of this EU initiative, the SAROL (Security and Rule of Law) project focuses on improving the ISF training capacity, mainly in the field of criminal investigation, through technical assistance, equipment and trainings<sup>xliii</sup>.

## B. Security cases – Espionage, collaboration with Israel and terrorism

### ✓ Statistics

Collaboration with Israel cases: nearly all the interviewed prisoners complained of torture<sup>xliv</sup>.

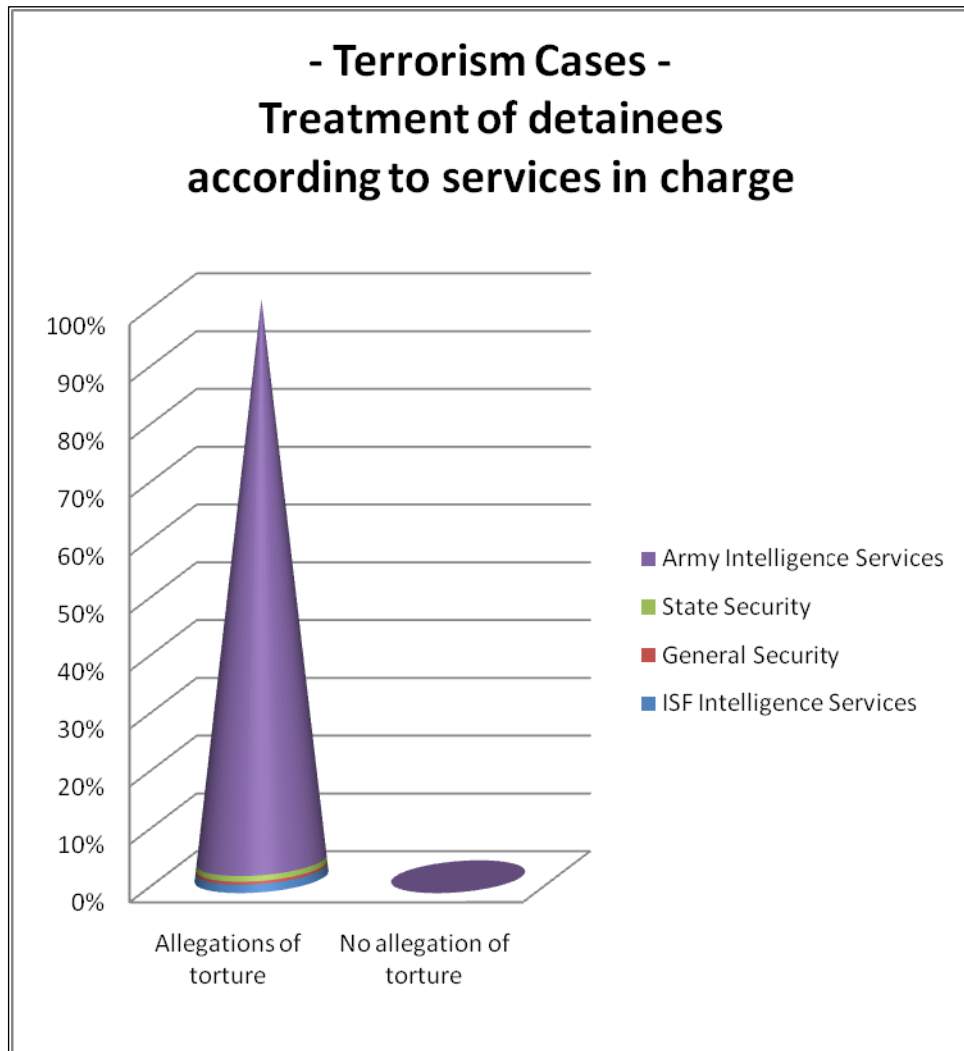


During this study, nearly all detainees arrested on suspicion of collaboration with Israel complained of torture, regardless of the interrogation services. In some cases, Amal and Hezbollah militias are involved in the arrest and practice torture on their “detainees”, with no legal grounds for their detention, prior to handing them over to the authorized Lebanese services.

Only two persons during this survey declared not having been tortured. One of them was of an advanced age, and showed serious health problems ; according to this person’s own declarations, the latter was “only slapped several times” by the interrogating service. The other has, according to his statements, “ immediately agreed to sign any document without reading it, for fear of being tortured.”

All persons who complained of torture during the interrogations, declared that the purpose of the torture was to make them sign documents that they were not allowed to read, and to extract information concerning other persons.

**Terrorism cases: all the interviewed prisoners complained of torture<sup>xlv</sup>.**



Following the example of persons arrested for alleged collaboration with the Israeli services, all suspects arrested for terrorism complained of having been subjected to torture by the interrogating services to extract confessions and information.

## ✓ **Political motives and retaliation behind the use of torture**

Statistics clearly show that persons arrested for espionage for Israel, or terrorism, are systematically tortured by the intelligence services in charge of the interrogations.

In most cases, the reasons behind the pattern of torture seem to be:

- First, the extraction of information and the signature of confessions beforehand written by the security forces. These “confessions” can be based on investigative facts, the suspect’s statements extracted under torture, or some “denunciations”.
- Second, the suspect’s adherence to the scenario, so that he does not retract before the magistrates, and punishment of any attempt to retract his statement.

These security cases reflect a double political stake that creates a context unfavorable to torture prevention.

First of all, these cases related to national security are inherently extremely politicized. In the context of this research, the major ongoing security cases are directly related to the 2006 July’s war and Nahr el Bared, with all the repercussions of these two armed conflicts on the country’s internal politics.

In addition, the incorrect definition of the role of the services in charge of those cases creates an unhealthy competition between the security institutions, which are already extremely politicized. In a context of media escalation, it seems that each service wishes the suspects to be found guilty, so they can prove the efficiency of their own investigating service.

Finally, it should be added that in some cases, torture seems to be a mean of retaliation, notably when the suspect is arrested for offences against the life of security forces members.

## II. Methods of torture according to services

The tables below show the methods of physical and psychological torture used by the four main reported services implicated in torture, according to 20 persons randomly interviewed, who complained of having been tortured in custody between 2007 and 2010.

### 14 methods of physical torture identified...

	Tahariye Jdeideh	Tahariye Warwar - Hobeich	Maalumet	Army Intelligence Services
Beatings (punches,kicks,sticks,whips, slaps)	X	X	X	X
Forced to stand for excessive period of times (sometimes legs apart)			X	X
Sleep deprivation			X	X
Food deprivation				X
Water deprivation				X
Deprivation of sanitaries facilities			X	X
Electric shocks				X
Balanco				X
Farrouj	X		X	
Beatings on sensitive parts of the body		X	X	
Kneeling of floor tiles facing the wall				X
Tight Handcuffs in the back		X	X	X
Blindfolded for excessive period of time			X	X
Fallaqa	X			

**...and 6 methods of psychological torture.**

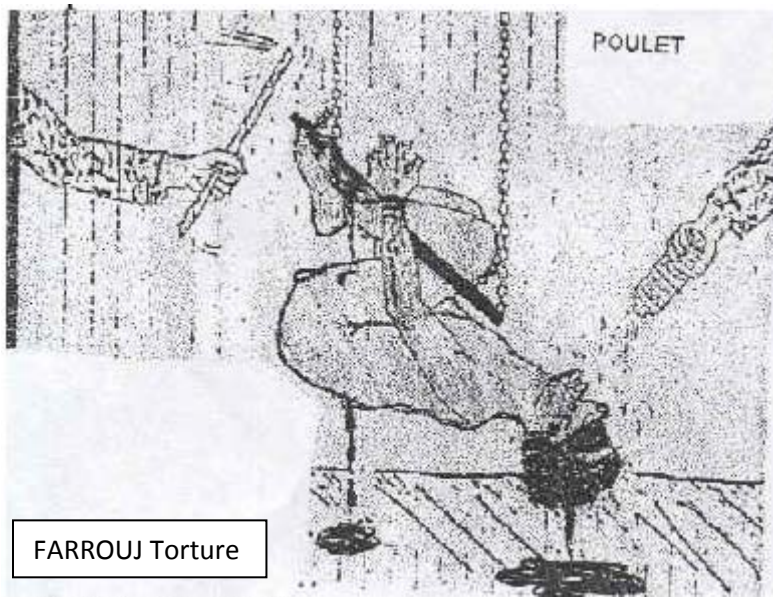
	Tahariye Jdeideh	Tahariye Warwar - Hobeich	Maalumet	Army Intelligence Services
Insults			X	X
Humiliations (Removal of clothing, urinate in the mouth...)	X		X	
Threats against the family			X	X
Threats against the person (electric shocks, rape...)			X	X
Prolonged solitary confinement			X	X
Left in a corridor for several weeks				X

These tables certainly do not reflect all the existing methods of torture, nor an exhaustive list of the security services potentially implicated in the use of torture in custody. In particular, it is possible that other branches of the Internal Security Forces make use of torture, including Tahariye –Beirut, although Jdeideh and Hobeich / Warwar<sup>xlvi</sup> branches were most frequently pointed out during the 20 random interviews.

It was also impossible to effectively assess the prevalence of allegations of torture perpetrated by Amal and Hezbollah militias, which arrest and interrogate suspects – at least in some cases – before handing them over to the competent security service.

✓ **Tahariye : In Jdeideh, Warwar and Hobeich : beatings with sticks, slaps in the face – but also well-organized methods**

- **Testimonies**



“On August 2009, I was taken to Tahariye Jdeideh for investigation. There, I was undressed, and then beaten with a stick, I got electric shocks, endured the Farrouj torture, and Fallaqa. They were putting ice where they hit me, for the welts not to appear on my body. I signed what I was asked to sign, although I do not know reading, just for the torture to stop.”

**Dessin: George ALAM**

“On the second day in custody at Warwar on February 2010, my left hand was attached to the wall with handcuffs. From nine o’clock in the morning until three o’clock in the afternoon, I was beaten with a stick on my shoulders, hands and feet. They wanted information on some drug dealers.”

- **Allegation of torture to death**

During this research, we collected information on a Lebanese man in his sixties, Mehareb Asaad Abdallah, who stayed in custody supposedly for 3 days in early 2010 at Warwar, where he was allegedly tortured (beaten, whipped, suspended) before being transferred to Roumieh central prison, where he allegedly died as a result of torture.

Already, on October 7<sup>th</sup>, 2008, seven Lebanese and international human rights organizations expressed their concern to the Minister of Interior, Ziyad Baroud, over 27 deaths in prison that occurred during the year 2007. The organizations called on an investigation into those deaths. The Ministry of Interior would have brought the matter to the attention of the Public Prosecutor, but no one knows today the outcome of this request for investigation.

✓ **ISF Intelligence services (Maalumet) : methods of physical and psychological torture**



“In 2007, I was placed in custody at Maalumet. As soon as I got there, they started beating me up. I was blindfolded and handcuffed. I spent 20 days in solitary confinement. On four occasions, I endured the torture of the Farrouj. I was hit non stop with an electric wire. I was left up to 36 hours without being able to use the bathroom. I stayed for a whole month wearing the same clothes! Several of my codetainees who asked to drink suffered something horrible: some Maalumet officers urinated on their face...”

“On September 2010, some men in civilian clothes came to arrest me. They took me for investigation to the ISF headquarters, and the “Maalumet” section started to question me. It was not an interrogation, but a volley of blows. I spent four days under kicks, punches, slaps in the face and whips. I am still suffering in my whole body. (*Note: indeed this person, in his twenties, walks slowly, with his back slightly bent*). They made me sign some papers, I signed everything without being allowed to read them, I couldn’t take it anymore.”



✓ **Army intelligence services: a well-organized practice of torture**



Dessin: George ALAM

“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. ”

“When I was arrested on 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 screaming, 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!”



### III. Conditions favoring the pattern of torture in custody: legal gaps and violations

Both the Lebanese law and Lebanon's international commitments constitute a sufficient legal framework to assert that the use of torture is strictly prohibited in Lebanon.

According to the Constitution, the International Covenant on Civil and Political Rights<sup>xlvii</sup>, the Convention against Torture, ratified by Lebanon respectively in 1972 (entered into force in 1976) and 2000, as well as the Universal Declaration of Human Rights<sup>xlviii</sup>, supersede domestic law, and are therefore enforceable.

Article 47 of the Criminal Procedure Code specifies that *"if they (the suspects) refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements."*

Article 77 of the Criminal Procedure Code also stipulates that the judge *"must ensure that the suspect made his statement without any external influence, whether moral or physical."*

What are the legal gaps and violations that lead to the systematic breach of this prohibition?

#### A. Inadequate legislation concerning the punishment of the crime of torture



Article 401 of the 1943 Penal Code stipulates that *"whoever submits a person to acts of violence not permitted by the law for the purpose of obtaining a confession or information about a crime will be punished by imprisonment from three months to three years. If such acts of violence lead to illness or injury, the minimum punishment of imprisonment will be for one year."*

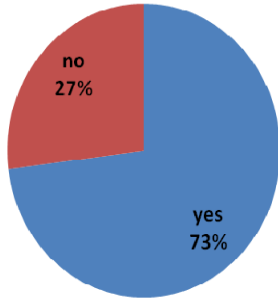
The penalty incurred does not reflect the gravity of the crime of torture. According to the above mentioned article, torture is considered in Lebanon a misdemeanor punishable by a maximum of three years in prison.

In this respect, the Lebanese Association for Education and Training (ALEF) published an in-depth analysis of article 401 of the Penal Code<sup>xlix</sup>.

## B. Inefficient judiciary

- **Admissibility of confessions extracted under torture<sup>1</sup>**

### - Allegations of torture - Did the detainee complain to the investigating judge?



73% of the victims of torture interviewed declared having complained of the torture since their first appearance before the investigating judge, and assert that the latter did not take into consideration their complaint, and based his interrogation exclusively on the grounds of the confessions signed by the suspect.

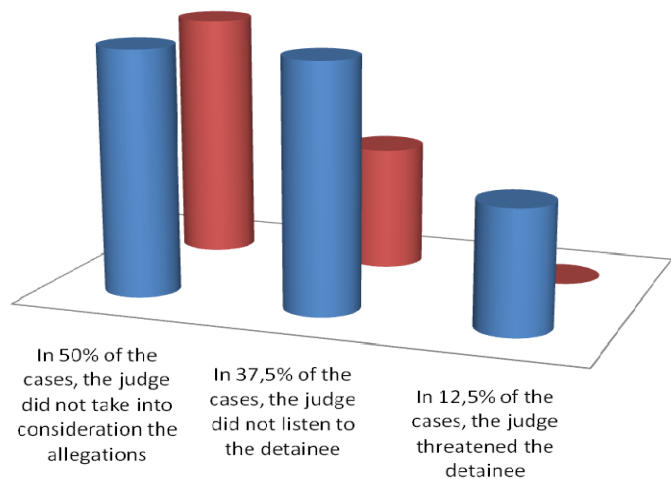
In all the cases studied, the allegations of torture brought up before the investigating judge, were not followed up. The investigating judge, who falls under a civil or military jurisdiction, does not pursue the complaints and sometimes even pretends not to hear the plaintiff.

In some cases, the judge himself threatened the suspect with reprisal, if the latter would retract his confessions.

In the sample group of victims of torture who complained to the investigating judge, no complaint had been pursued by a forensic doctor to confirm the allegations.

### - Allegations of torture - Attitude of military and civilian judges towards allegations of torture

■ Military Instructing Judge ■ Civilian Instructing Judge



Regarding the victims who did not complain to the investigating judge, that is 27% of the persons who complained of having been tortured, these are the reasons why they chose to keep silent:

- Either the person had been violently tortured and arrived physically and psychologically exhausted to the investigating judge's office, where the person simply approved the confessions' read by the judge, and signed the documents without reading.
- Either the person was too terrified to speak.
- Either security services members who conducted the interrogation were present in the office of the investigating judge.

- **Inefficient lawyers**

During all judicial procedure, the role of the lawyer is fundamental to control the procedure applied to his client, and assert their rights when necessary. And yet, it appeared during this research that the vast majority of the Lebanese lawyers take on their role with plenty of carelessness, and show a reprehensible incompetence, or even, not to say corruption.

Thus, the majority of the interviewed pretrial detainees appeared the first time before the investigating judge without a lawyer, and then called upon a lawyer who only attended the second hearing before the investigating judge. Since then, the clients were in detention for several months, and never saw their lawyers again.

Almost no lawyer raises the issues of procedural irregularities and torture before the courts.

Finally, it appeared during this research that the army intelligence services give power of attorney to a certain number of civilian lawyers to "defend" persons who had been interrogated (and most of the time tortured) by these services. These lawyers, who do not have access to their "clients" file, would simply get paid by the Ministry of Defense to be part of this travesty of justice by the military court.

It is true that most lawyers declare getting underpaid to assist their clients when it comes to judicial aid. Yet, for clients who pay fees (most of the time very expensive), the situation remains quite the same.

- **Impunity of torture perpetrators**

It goes without saying that the admissibility of confessions extracted under torture during the trial, confers a de facto impunity to torture perpetrators. The services torture, the Justice backs them up.

It is the breach of both the Lebanese law and Lebanon's international commitments<sup>li</sup> by the Lebanese judiciary itself that makes torture a systematic and generalized practice.

### C. Inefficiency of the control mechanisms

- Existing internal control mechanisms

Currently, both the Ministry of Interior and the Ministry of Defense, as well as the Human Rights Parliamentary Commission, appear to be the most appropriate institutional bodies to monitor effectively the interrogation and detention places with the aim to prevent torture.

Considering the two concerned ministries, the question raised is about their will of effective capacity to monitor the behavior of services, which fall under their own authority.

The Ministry of Interior has an extroverted communication policy towards the citizens; nonetheless, it remains an inactive interface between the civil society and the security services.

For example, on April 26<sup>th</sup> 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.

Moreover, this practice constitutes a violation of Article 3 of CAT, which prohibits the deportation of anyone to a country where he/she is at risk of torture.”

The Ministry of Interior replied on September 4<sup>th</sup>, 2010 to CLDH’s press release. This is his response:

In reference to your letter regarding the Iraqi refugee Ammar Al Zubaidi, detained for illegal entry in Lebanon. After asking the General Security Executive Direction for its opinion, the latter asserted that:

- On November 17<sup>th</sup>, 2008, the Iraqi Al Zubeidi was arrested in Saida for illegal entry in Lebanon. He was sentenced by the Justice to one month imprisonment and a 100000LL fine.
- On January 22<sup>nd</sup>, 2010, this Iraqi was transferred from Roumieh prison to the investigation and procedure department of the General Security, and then on February 11<sup>th</sup>, 2010, the decision was taken to send him back to his country, in coordination with the Iraqi Embassy, and to issue a notification of permanent legal interdiction to the territory.
- On April 23<sup>rd</sup>, 2010, he was deported, after the Iraqi Embassy issued a laissez-passer (it took two months for the Embassy to prepare this document).
- On May 3<sup>rd</sup>, 2010, a 15 years’ legal interdiction to the Lebanese territory was issued.
- This Iraqi signed without restraint the documents to return to his country of origin and met with Caritas representative Joelle Khoury, to whom he asked for help to get a ticket and some bags to travel.

The General Security Executive Director asserted that no breach of human rights occurred at the investigation and procedure department of the General Security, that detainees’ visits are allowed twice per week, and that humanitarian organizations as well as the ICRC visit the detainees, after having taken the permission.

There is within the investigation and procedure department a permanent office for Caritas, and moreover another one for the United Nations High Commissioner for Refugees.

Beirut, September 4<sup>th</sup>, 2010

Signature: Minister of the Interior and Municipalities Ziyad Baroud

It is impossible that the Minister himself, a lawyer and former member of the civil society, did not notice that the response of the General Security that he mentions, deliberately omits to take into consideration the fact the Mr. Al Zubeidi is a refugee recognized by the UNHCR, and that his deportation to his country of origin amounts to a breach of article 3 of the Convention against Torture ratified by Lebanon. He also omits to mention the examination by his ministry of the various allegations mentioned in the press release.

The Ministry of Interior, in this case as in several others, simply behaved as an interface between a civil society organization and a security service, of which he is supposed to control the practices.

As regards to the Ministry of Defense, Elias El Mur, he does not feel concerned by the torture happening in the basement of his own Ministry.

REPUBLIC OF LEBANON  
Vice President of the Council of Ministers  
Minister of National Defence

Anne-Cécile Antoni, ACAT President

Madam President

We received, during the month of February 2010 a series of correspondence from several persons, all directly related to your association ACAT-France, concerning the arrest and sentence of the person by the name of Faysal Ghazi Moqalled.

In order to clarify the facts, it is appropriate to assert the following:

1- The Lebanese Constitution, like the French constitutional system, guarantees the principle of separation of powers demanding the complete independence of the judiciary towards the political power. To this end, article 20 of the Constitution stipulates that "the judges shall be independent in the exercise of their functions. The decisions and judgments of all courts shall be rendered and executed in the name of the Lebanese People". That is to say that the political power is not entitled to intervene vis-à-vis any tribunals.

2- Investigations are conducted, in legal forms and according to the circumstances by the police or the antiterrorist department acting as judicial police, and under the supervision of the General Prosecutor of the Republic. Therefore the Ministry of National Defence has no relation to the investigations, in compliance with the laws in force.

3- The judgments rendered by the military tribunal fall under military jurisdiction. Therefore, there is no control or authority from the Ministry of National Defence on these judgments, in compliance with the laws in force.

4- Finally, I would like to highlight, on a personal level, that at the time of the arrest of the person by the name of Faysal Ghazi Moqalled, I was still undergoing medical treatment, after a terrorist attack perpetrated against me by a car bomb on 7/12/2005. And I was in no fit state to fulfill my political function of Minister of National Defence.

These are the reasons why, while highly appreciating your humanitarian activity, I would be most grateful if you would inform all members of your association to be aware of these truths,

Yours sincerely,

Beirut, February 22, 2010,  
ELIAS MURR

ACAT-France (Action by Christians against Torture) questioned the Ministry about the allegations of torture perpetrated on Faysal Ghazi Moqalled at the Ministry of Defense.

This is hereby the response of the Minister who considers that the military justice is « independent », and who does not consider himself accountable for the actions of the military intelligence services, happening in the basement of his office.

Moreover, it does not seem that the Human rights parliamentary commission has conducted an – official - inspection of the detention places from 2004 to 2010. In 2004, the last visit of the Lebanese detention places conducted by three parliamentarians was allegedly not the object of a report.

In brief, the presumably relevant institutions do not seem to intervene at all in order to prevent the use of torture in Lebanon.

- **National Preventive Mechanisms provided by the OPCAT**

The Optional Protocol to the United Nations Convention against Torture (hereinafter OPCAT)<sup>lii</sup>, which entered into force on June 22<sup>nd</sup> 2001, is the first international instrument that aims to prevent torture and other cruel, inhuman or degrading treatment by establishing a system of regular visits to detention places, undertaken by independent bodies, in charge of making recommendations to the authorities in order to establish effective measures to prevent torture and ill-treatment and improve the detention conditions of all persons deprived of their liberty.

At the international level, the Optional Protocol creates a new international preventive body, called the Subcommittee for the Prevention of Torture (hereinafter SPT). The SPT conducted a mission in Lebanon, from May 4<sup>th</sup> to June 2<sup>nd</sup>, 2010, during which 14 detention places (including the General Security Retention Center, and the detention center of the Ministry of Defense) have been visited<sup>liii</sup>. The SPT communicates its recommendations and observations confidentially to the State, and only publishes all or part of the report, in exceptional circumstances<sup>liv</sup>.

At the national level, State Parties have to create or designate National Preventive Mechanisms (hereinafter NPM) within one year of ratification of the OPCAT. Lebanon ratified the OPCAT on December 2008, and has therefore become the first country in the region to commit itself to establishing a NPM. A first preparatory commission was established by the Ministry of Justice, and submitted a draft law to the Minister at the end of September 2009 in regards to the creation of an independent NPM. Its official creation, at the date of this research, was still pending.

#### **D. Absence of effective international legal recourses**

In the absence of a regional Human rights court, Lebanese citizens should be able to turn towards the UN mechanisms.

Article 22 of the Convention against Torture stipulates that every State party may at any time declare the competence of the Committee against Torture<sup>lv</sup> *“to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention”*.

Yet, as Lebanon has not declared the competence of the said Committee, no individual complaint can be sent to the United Nations, excluding the communications to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment.<sup>lvi</sup>

#### IV. Other forms of torture following police custody

Regularly, some persons complain of "torture" in Lebanese prisons.

These cases seem to be extremely poorly documented, since the prison is most often seen in Lebanon as a punishment rather than rehabilitation.

In addition, the only witnesses of this alleged torture are often humanitarian organizations, whose activities depend largely on monthly or yearly prison visit permits, granted by the authorities. Under these conditions, these same organizations will not dare to protest against what they are witnessing, or will only do so through institutional channels, often without getting any results, and without being able to make any prevention.

During this research, however, several situations had to be considered as acts of torture committed within the Lebanese prisons.

For each situation identified as a potential method of torture, we followed the definition of torture under the Convention against Torture and other forms of cruel, inhuman or degrading treatment, which indicates the kind of suffering inflicted on the victim, the purpose of this suffering and the perpetrators, and which adds that this does not apply to lawful sanctions.

##### ✓ **Beating up inmates in retaliation**

The practice of beating up inmates in retaliation in comparison with the definition of torture according to the Convention.

It is indeed a method of torture.

Severe sufferings	
- physical	X
or	
- psychological	
<u>Intentionality</u>	
- obtain information or confessions	
or	
- punish	X
or	
- intimidate / coerce	
or	
- discriminate	
<u>Perpetrator</u>	
- public official	X
or	
- person acting in an official capacity	
It is not a lawful sanction	X

During this research, there have been several reported cases of forceful interventions of the ISF special forces in some of Roumieh prison cells, in order to quell some prisoners' protests.

For example, at the end of the year 2009, at least 17 detainees were allegedly transferred inside Roumieh central prison, from the building D (detainees) to the Section H (High Security) located in the building commonly known as the "building for minors". Upon arrival at the high security section, the detainees were severely beaten up by the ISF Special Forces.

### ✓ Solitary confinement

*"Solitary confinement has a well documented negative impact on mental health and wellbeing and may amount to cruel, inhuman or degrading treatment or punishment, particularly when used for a prolonged time. [...] When used for interrogation purposes, either in combination with other methods or on its own, solitary confinement can amount not only to cruel, inhuman or degrading treatment but even to torture."*<sup>lvii</sup> - Prof. Manfred Nowak, United Nations Special Rapporteur on torture.

**Definition** - Solitary confinement is the physical isolation of individuals who are confined to their cells for 22 to 24 hours a day. In many jurisdictions, prisoners are allowed out of their cells for one hour of solitary exercise. Meaningful contact with other people is typically reduced to a minimum. The reduction in stimuli is not only quantitative but also qualitative. The available stimuli and the occasional social contacts are seldom freely chosen, are generally monotonous, and are often not empathetic.<sup>lviii</sup>

Prolonged solitary confinement may amount to a breach of:

- Article 7 of the International Covenant on Civil and Political Rights, as recalled by the Human Rights Committee.<sup>lix</sup>
- Article 10 of the International Covenant on Civil and Political Rights, which stipulates that *"[...] The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation"*. By definition, solitary confinement deprives the individual of human contact and social interaction, and is therefore clearly contrary to this principle.

- but also of the Convention against Torture :

The use of solitary confinement in comparison with the definition of torture enshrined in the Convention.

Severe sufferings	
- physical	
or	
- psychological	X
Intentionality	
- obtain information or confessions	
or	
- punish	
or	
- intimidate / coerce	X
or	
- discriminate	
Perpetrator	
- public official	X
or	
- person acting in an official capacity	
It is not a lawful sanction	X

It is indeed a method of torture.

The use of prolonged solitary confinement has been reported not only in the detention center of the Ministry of Defense, but also in the buildings falling under the ISF intelligence services – Maalumet – that belong to the Lebanese official prisons.

For instance, 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 in the Maalumet building of Roumieh central prison.

It should also be noted that in several prisons, some absolutely inhumane solitary cells were used to detain persons.

For example, during CLDH’s visit of Tripoli prison in 2009, the team could notice that the isolation cells of this prison for men were in a completely unacceptable state, the walls covered with human wastes and incredibly small (even a mattress would not fit). During our visit, a bottle full of urine was still on the cell’s floor that had apparently just been released from its occupant.

✓ **Abusive transfers to torture locations with intimidation purpose**

Torture threats and intimidation may amount to torture according to several relevant international bodies in regards to torture prevention:

- According to the Special Rapporteur on torture, information on threats and intimidation is often a crucial element in assessing whether a person is at risk of physical torture and other forms of ill-treatment.
- On the other hand, the Human Rights Committee gave its opinion in this regard in the Estrella v. Uruguay case. In this case, the alleged victim, Miguel Angel Estrella, an Argentinean pianist, notably complained of having been threatened to cut off his hands by an electric saw. The Committee concluded that the plaintiff was subjected to severe physical and psychological torture, with lasting effects, particularly to his arms and hands – loss of sensitivity for eleven months.<sup>lx</sup>
- The Human Rights Commission in its resolution 2001/62 condemned “*all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and other cruel, inhuman or degrading treatment*”. (par. 2).

Abusive transfers to torture locations in comparison with the definition of torture enshrined in the Convention against torture.

It is indeed a method of torture.

<b>Severe sufferings</b>	
- physical	
or	
- psychological	X
<b>Intentionality</b>	
- obtain information or confessions	
or	
- punish	
or	
- intimidate / coerce	X
or	
- discriminate	
<b>Perpetrator</b>	
- public official	X
or	
- person acting in an official capacity	
<b>It is not a lawful sanction</b>	X

#### **- Abusive transfer of Mahmoud Rafeh to the Detention center of the Ministry of Defense**

On January 28<sup>th</sup>, 2010, Mahmoud Rafeh, accused of collaboration with Israel, was transferred from Roumieh central prison to the detention center of the Ministry of Defense where he was held for 6 days for a “complementary investigation” regarding the complaints of torture before the military court.

Indeed, Mahmoud Rafeh, who was detained from June 6<sup>th</sup>, 2006 until March 2009 at the Ministry of Defense, complained of having signed his confessions under torture by the army intelligence services. The latter would have asked him if he knew the perpetrators and their rank. During this “interrogation”, he was kept sitting for 6 days in a corridor, handcuffed and blindfolded. He was not taken to his hearing before the military court, initially scheduled on January 29<sup>th</sup>, 2010. His lawyer had not been informed of this transfer to the Ministry of Defense. According to the available information, the military court did not order this interrogation and was not even informed of it.

#### **- Abusive transfer of Faysal Moqalled to the Detention Center of the Ministry of Defense**

On the morning of October 13<sup>th</sup>, 2010, agents of the Ministry of Defense reportedly arrived in military vehicles in the central prison in Roumieh and would have taken 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 would have been 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 would have had a purpose of intimidation on a person whose trial on appeal is ongoing. Faysal Moqalled was reportedly slapped several times and would have 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 allegedly held him for five months before handing him over to the military intelligence, would have 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 allegedly suffers from severe asthma since the torture he suffered and has a concerning psychological situation, sees his health deteriorating day after day.

## ✓ Prolonged administrative detention

Severe sufferings	
- physical	
or	
- psychological	X
Intentionality	
- obtain information or confessions	
or	
- punish	
or	
- intimidate / coerce	X
or	
- discriminate	X
Perpetrator	
- public official	X
or	
- person acting in an official capacity	
It is not a lawful sanction	X

Prolonged administrative detention in comparison with the definition of torture enshrined in the Convention.

It is indeed a method of torture.

A psychological study conducted by CLDH on foreign nationals undergoing prolonged administrative detention shows both psychological and physical impacts of such detention.

Because of this practice, persons sentenced to one or two months in prison for violating immigration laws, are kept in detention for several months to several years beyond their sentence, in inhumane conditions, without knowing the duration of their prolonged detention, and sometimes with the only aim to make them sign their “voluntary return” to their country of origin.

Among the psychological disorders that these people present:

- insomnia
- loss of appetite
- constant fear, anxiety
- memory loss
- depression
- cognitive disruption
- suicidal thoughts

✓ **Conditions of detention deemed equivalent to torture<sup>lxi</sup>**

The conditions of detention in comparison with the definition of torture enshrined in the Convention.

<b>Severe sufferings</b>	
- physical	X
or	
- psychological	X
<b>Intentionality</b>	
- obtain information or confessions	
or	
- punish	X
or	
- intimidate / coerce	
or	
- discriminate	
<b>Perpetrator</b>	
- public official	X
or	
- person acting in an official capacity	
<b>It is not a lawful sanction</b>	X

In several cases, the conditions of detention amount to a method of torture.

**- Underground detentions**

There are at least two official underground prisons in Lebanon; one is located in the basement of the Ministry of National Defense in Yarze, the other one in the basement of the Internal Security Forces headquarters in Ashrafieh<sup>lxii</sup>. People arrested on security charges (terrorism, espionage) are regularly detained there.

The General Security retention center, located under the Elias Hraoui Bridge in Beirut, in the Adlieh area, is also a detention place, described as “temporary” by the Ministry of Interior, in which are kept, for several weeks to several months, illegal aliens in Lebanon, pending their regularization or deportation.<sup>lxiii</sup>

Several underground prisons would be illegally used by some militias, to detain some persons. It is impossible to obtain some information on the type of inmates, their number nor the fate awaiting them.

**- Overcrowding in inappropriate cells**

Some testimonies report the dramatic conditions of detention at the high security Section, located in the building for minors in Roumieh. Overcrowding, deprivation of activities, and complete lack of hygiene, would be the daily reality of the persons detained in this section.

During this research, we witnessed on two occasions, in Roumieh prison, six inmates crowded in 6m<sup>2</sup> cells, who were allowed for a walk in the prison yard only twice per week.

### **- Health care deprivation**

On July 15<sup>th</sup>, 2010, CLDH denounced in those terms the detention in inhumane conditions of a young Indian, Sany Kumar;

“Sany Kumar, a young Indian held in Roumieh for illegal entry in Lebanon is in danger of death.

Having had a scooter accident, he was hospitalized two months ago, suffered multiple fractures (arm, leg and pelvis) and underwent several operations, including the installation of an external fixator at the pelvis level.

He is currently held in a very dirty, overcrowded cell, his bones are likely to get infected, he cannot walk, and is losing complete mobility of his legs. For several days, he has not been eating, nor drinking, has been vomiting continuously and seems extremely dehydrated. He only seems to be receiving paracetamol for treatment purposes.

Sany Kumar must be immediately transferred to the hospital, otherwise, he risks at a minimum, permanently losing the use of his legs and, at worst, losing his life.

We urge the Lebanese authorities to make in the coming hours the decision to transfer Sany Kumar to a health care setting, and in case the medical director of the prison refuses, that he be immediately examined by an independent doctor. We also asked the Justice System to expedite its decision and to show clemency for humanitarian reasons, and the Embassy of India to take all necessary measures to repatriate him to his country.”

After two weeks of unimaginable suffering, Sany Kumar was finally transferred to Ryak hospital; he stayed there for two weeks on antibiotics and analgesic drip.

Then he spent two more months in prison, without any legal grounds, in very difficult conditions; finally, he was repatriated to India on September 29, 2010.

## **V. Social circumstances favoring torture**

Torture seems to be for most Lebanese an extremely common practice.

### **✓ Cultural dimension**

In the Lebanese dialect itself, the verb « to torture » also means « to bother » or « to disturb ». Therefore, the same question will be asked to a detainee to know if he was subjected to torture and to the baby sitter to know if the children bothered her!

In other words, in a cultural point of view, the definition of torture does not necessarily match the one enshrined in the Convention against Torture, and therefore could not be seen as it should be, as a heinous crime.

### **✓ The good and the bad victims, the media influence**

Media influence is considerable when it comes to torture.

Who has not seen the extremely shocking images of the torture perpetrated by the American troops against the detainees at Abu Ghraib prison in Irak? Which Lebanese has not been shocked by the stories of the torture perpetrated against their opponent by the Israeli and Syrian troops? Who can ignore the torture perpetrated against the Lebanese opponents during the 1990s in the basements of the Ministry of Defense<sup>lxiv</sup> ?

Unanimously, the public opinion condemns those images and stories carried out through media, which makes torture abnormal, unhealthy, criminal and unacceptable. It must be assumed that media doesn't disseminate those images and stories with the unique and laudable intention to denounce the practice of torture – otherwise it would be done systematically – but with the aim to convey a message of support to those victims considered by the media as “good victims”, often described as “innocent”.

All the other victims, on whom the media doesn't focus, are forgotten. Today, the media doesn't mention as victims of torture those “bad victims”, who are common law detainees, alleged terrorists and spies... And yet, they are victims.

### ✓ **The drifts of the worldwide « fight against terrorism »**

Following the measures taken in response to 9/11 by the American administration to legitimate torture in the context of the fight against terrorism, the use of torture in security cases has become not only a common practice, but also a way to point the finger at the “others”, at “those who also use it”!

How many times did we hear during this research, from citizens, and even sometimes from lawyers: “why would torture be prohibited in Lebanon? See what happens in Abu Ghraib or in Syria instead of criticizing what’s happening in Lebanon!”

In this context, as Amnesty International mentions in a document entitled “*Torture and ill-treatments: the arguments*”<sup>lxv</sup> :

*« if torture is no longer absolutely prohibited, law enforcement attitude change. Over time, the attitude that torture can be acceptable gains ground and spreads throughout the entire system; people suspected of ordinary crimes receive the same treatment as terror suspects. »*

# **Consequences of arbitrary arrests and torture**

## **I. Social consequences**

### **Loss of credibility of the judicial and security systems:**

In a country, the main consequence of both the generalized practice of torture and the violations of procedures (arbitrary arrests and detentions) is a serious blow to the credibility of the security and judiciary systems.

#### **- Citizens are reluctant to refer to the judiciary**

A person met during this study made this statement:

“I had lodged a complaint following a theft. When I saw how the police treated the suspect, I withdrew my complaint. He was screaming because of the beatings. I couldn’t see this, I couldn’t let them continue!”

Another declared:

“The police tortured my neighbor because I lodged a complaint following a burglary. He was undressed and beaten. Then they released him, telling me that it wasn’t him. I shouldn’t have lodged a complaint; they didn’t find the person who did it and my neighbor and his family don’t talk to me anymore.”

#### **- Street Justice**

During this research, one of the most serious consequence of the loss of credibility on the judiciary appeared with the Ketermaya drama.

On Thursday, April 29<sup>th</sup>, 2010, a man arrested the previous day by the ISF for quadruple homicide was brutally lynched in the public square of the village of Ketermaya – and then hanged with a butcher’s hook from an electric pole - while the ISF was trying to bring him back to the crime scene as part of the investigation. Security sources argued that the police was allegedly unable to prevent this crime.

This outburst of violence against a suspect under arrest, that happened in front of the cameras, without any real intervention of the security forces present at the lynching scene, shows an evident unwillingness of the said services, and a complete lack of trust of the citizens in the country’s judiciary.<sup>lxvi</sup>

## II. Individual consequences

Victims of torture and arbitrary detention are damaged for life by this traumatic experience.

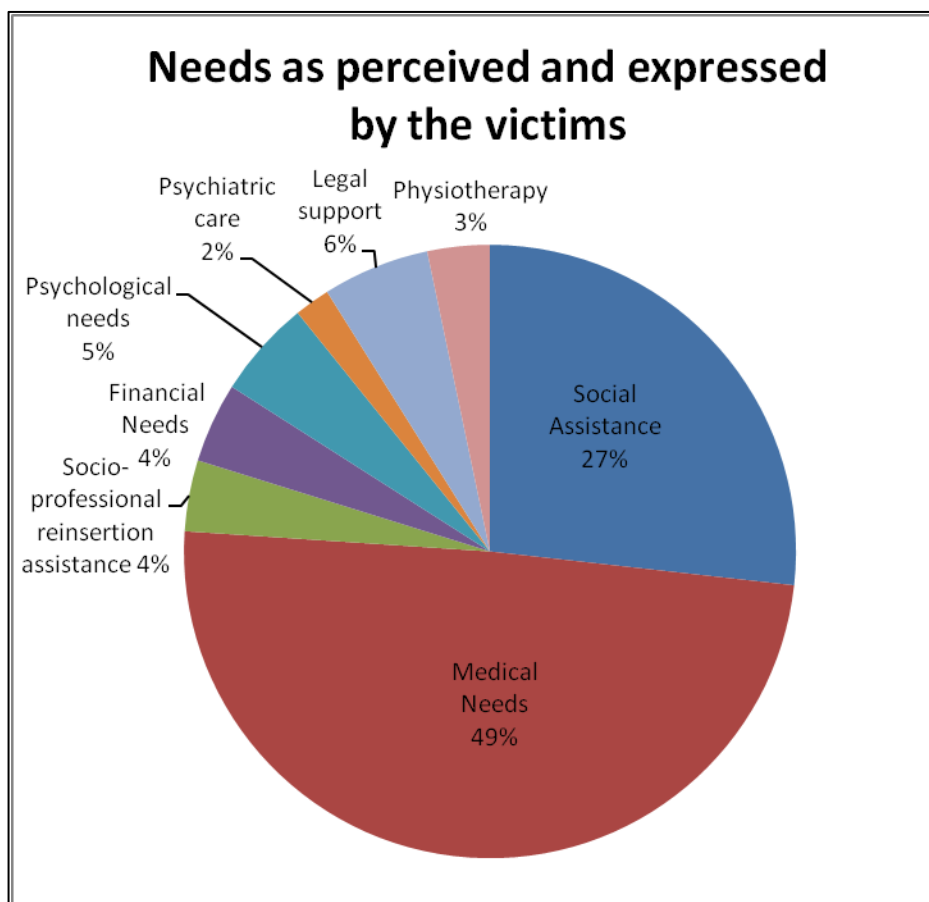
### - Perception of the victims by the society

Torture and arbitrary detention being trivialized in Lebanon, only the victims described as “innocent”, whose story has been disclosed by media, are considered as victims by the society. It was the case, for example, for the persons who had been arrested and tortured by the Israeli forces during South Lebanon’s occupation, or more recently towards the former detainees in Syria.

Most victims of torture and arbitrary detention, arrested on common law or national security grounds, are more or less considered by the society as criminals.

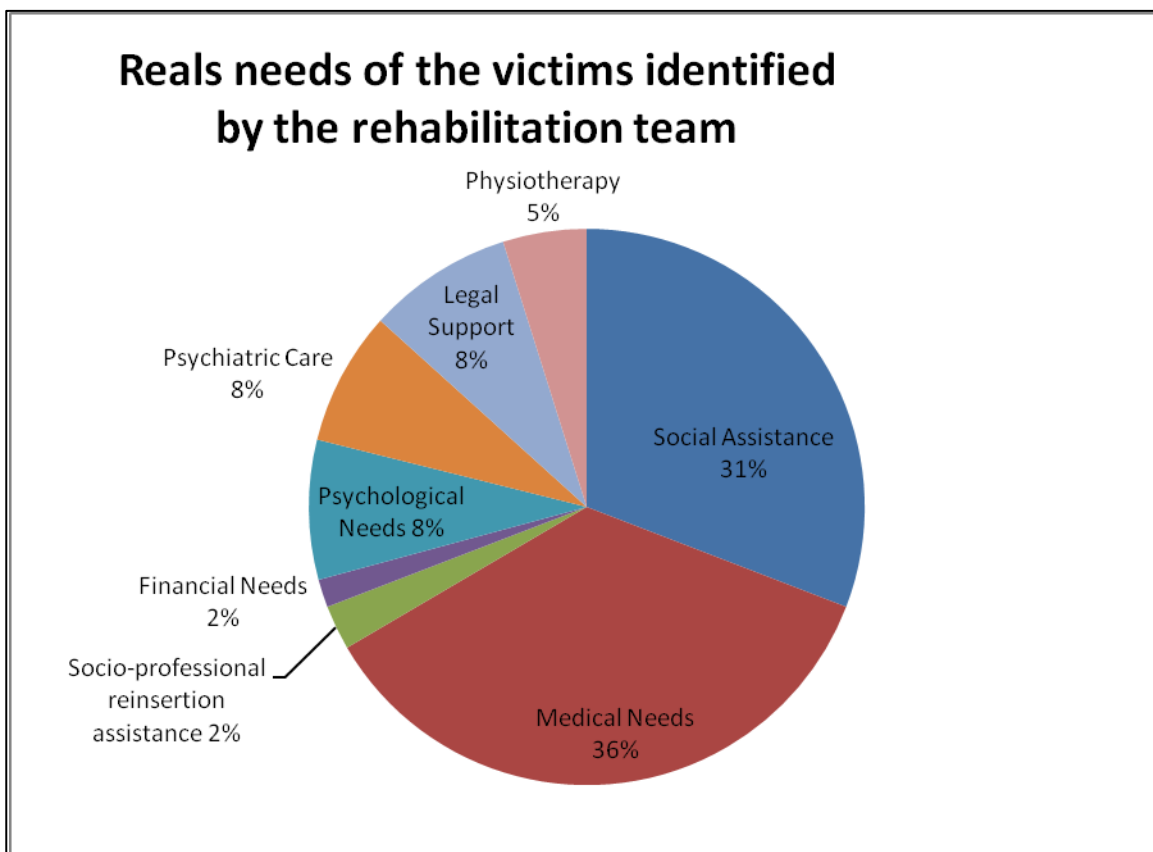
This perception has an enormous influence on the psychological situation of the victims, who meet some difficulties to reintegrate with society, with their families or to find work.

### - Needs as perceived by the victims and the real needs



During this research, statistics were produced concerning 135 victims of torture and arbitrary detention living in Lebanon<sup>lxvii</sup>.

These statistics show that the main needs as perceived by the victims are medical and social needs. After their detention, they are overall hanging on to life itself, and trying to provide their own and their families’ needs.



In reality, the need they express arises from other problems, of psychological order, or even psychiatric, preventing the victims from finding their place in the society. The rehabilitation teams must be specialized in order to identify the real needs of the victims – and not only the needs perceived - , in order to offer them an appropriate care.

The above chart shows that while 49% of the victims were seeking a medical assistance, only 36% genuinely needed it. Inversely, while 7% of the victims felt the need to seek psychological or psychiatric assistance, 16% really needed it.

#### **- Position of the State vis-à-vis the victims**

The violations result from the State itself; yet the latter does not address the needs of the victims following their detention. It must be said that the health system in Lebanon is completely inefficient, and exclusively accessible to those who can afford it and public servants.

The State established a compensation system in only one case: former detainees in Israeli prisons.

### **- The role of nongovernmental organizations**

Providing care to victims mainly relies on nongovernmental organizations that are largely operating through foreign funds. This is the case for Nassim Center for the rehabilitation of victims of torture, a Lebanese Center for Human Rights project.

The first role of Nassim Center is to recognize the victims in their status as victims. The very existence of this center, as that of Restart Center for rehabilitation of victims of violence and torture<sup>lxviii</sup> is a recognition in itself of the victims' status. Subsequently, professionals of those centers, through the talks they deliver, are best able to bring the victims themselves, their family and the society, to be acquainted with the fact that each person is endowed with rights, and that arbitrary detention and torture are unacceptable in all circumstances.

Then, the rehabilitation work implies both a global and individualized care of the person, at a social, medical, physiotherapeutic, psychological, psychiatric and legal level.

### **- And the right to compensation?**

It goes without saying that because investigations are never undertaken following allegations of torture raised before the investigating judge, as a result of almost systematic breaches of procedures, unfair trials, and the pressure they were subjected to, the victims, as the society as a whole, have no trust in the judiciary and refuse almost systematically to lodge complaint against the perpetrators for the violations they were subjected to.

## **Recommendations**

### **To the Lebanese Government:**

- Establish the National Preventive Mechanism in the shortest delays, in accordance with the OPCAT.
- Urgently submit the initial report to the United Nations Committee against Torture, expected in 2001, and comply with the recommendations of the committee.
- Adhere to article 22 of the Convention against Torture, and recognize the competence of the Human Rights Committee to receive and examine all individual complaints presented by individuals for the violations of their rights set forth in the Convention against Torture.
- Invite the Special Rapporteur on torture to conduct a fact finding mission in Lebanon.
- Ratify the International Convention on the protection of the rights of all migrant workers and members of their families.
- Order the closing down of all illegal prisons falling under non-state forces.

### **To the Lebanese Parliament:**

- Amend article 401 of the Penal Code to criminalize all forms of torture and ill-treatment, including psychological torture, and adapt the penalty for the crime of torture, currently three years, to the gravity of the crime.
- Amend the 1962 law regulating the entry and stay of foreigners in Lebanon, so as to exempt asylum seekers and refugees from penalties for being in the country illegally.
- Annul article 534 of the Penal Code to put an end to arrest based on sexual orientation.
- Order the immediate closing down of the prisons of the Ministry of Defense and the Internal Security Forces headquarters in Ashrafieh, as well as the Adlieh retention center.
- Review the military courts' prerogatives.
- Establish regular visits of the Human rights parliamentary commission to the Lebanese prisons.

### **To the Ministry of Interior:**

- Amend the General Security procedures regarding the treatment of foreigners and make sure to put an end to the systematic detention of foreigners at the end of their sentence.
- Ensure an effective control over the security services by the means of internal investigations and disciplinary measures every time violations are reported.
- Define the role, in terms of arrest and interrogation, of each service falling under the Ministry of Interior.
- Open a new retention center, in compliance with international norms and standards.
- Ensure the confidentiality of the interviews between incarcerated persons and their lawyer, in compliance with domestic legislation.
- Ensure a better coordination between the personnel of the prisons, the General Security, and UNHCR for a systematic review of the foreigners' situation, and a better implication of the embassies to the requests of incarcerated persons.
- Prohibit the Embassies to meet with their nationals in detention, whenever the latter sought – or wish to seek – asylum or already obtained refugee status.
- Formally prohibit the arrest and/or detention of refugees and asylum seekers for illegal entry and/or stay in the country.

### **To the Ministry of Justice**

- Conduct an in depth reform of the legal aid.
- Revise all unfair trials.
- Systematically open an investigation into credible allegations of acts of torture.
- Systematically cancel all preliminary investigations during which credible allegations of acts of torture occurred.
- Prosecute and sentence all alleged torture perpetrators.
- Ensure the presence of a lawyer throughout the instruction, and during the trial, including for foreigners, who in addition must have an interpreter.

## **Analysis: reluctance and shared responsibility**

To put an end to the violations of human rights in Lebanon is a matter of will, not resources. Without any will, crimes committed by the State against human beings will never end.

There are some resources. The country is endowed with high-level intellectuals and academics, material resources, allowing describing the country as “reasonably developed”; in addition, the country benefits from an exceptional international political and financial support. Furthermore, since 2005, the Lebanese elect their representatives in quite a serene and democratic environment.

Only the will for reform is lacking.

### **Lack of social will**

The Lebanese people seem to ignore that they are endowed with rights, enshrined in the Constitution of the country, in its domestic law and international commitments, and that these rights are universal : everyone living in this country has the same rights, regardless of its nationality, its community belonging, wealthy or poor, well connected or isolated.

During this study, a young police officer working in a prison shared with us his analysis of the situation, which is quite relevant. He said:

“In a minibus, I met a woman who was on her way to visit her son who is detained. She told me that what she was enduring, as well as her son, was our fault, because we are representing the State. I told her that in fact, it was her fault. She seemed offended and asked me why. So I simply told her that the State was chosen by the citizens, who elect their representatives, and that I am only executing the State’s instructions.”

### **Inertia of the State**

Political and State officials are also citizens, who have the duty to implement reforms based on their rights and the citizens’ rights.

It is appalling to notice the condition of the offices of the police, the Palace of Justice, the central prison – these are only few examples - that are rather antiquated, but specially and above all appallingly filthy, with a nonchalant ambient atmosphere detrimental to both those working there, and the judicial defenders.

What prevents State agents, as citizens, and everybody at his/her own level, to act in the common interest? One of the most irritable arguments regularly heard from State agents when mentioning Human rights in Lebanon is the following: "We could apply this in Sweden, not in Lebanon". Why would the Lebanese not be capable to do as good, or even, not to say better than the Swedish?

As long as the Lebanese will not have the determination to change the system, by becoming acquainted with their rights, by asserting their universality, by acting and rising up against the gravest violations, nothing will change in Lebanon.

This is the main conclusion of this research on arbitrary detention and torture in Lebanon.

This report is dedicated to all person, politician, activist or citizen who is willing to change things. Putting an end to arbitrary detention and torture in Lebanon is easy. Willingness is the key.

Marie Daunay

## Endnotes

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<sup>i</sup> Article 9.1 International Covenant on Civil and Political Rights - Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

<sup>ii</sup> Human Rights Committee, General comment 8, Article 9, Compilation of General Comments and General Recommendations adopted by Human Rights Treaty bodies, U.N. Doc. HRI\GEN\1\Rev.1 (1994).

Available at : <http://www1.umn.edu/humanrts/gencomm/hrcom8.htm>

<sup>iii</sup> Article 406- (...) the convicted is released on the last day of his sentence.

<sup>iv</sup> Article 58 of the internal rules of prisons, Decree n°1430, February 11, 1949 and amendments.

<sup>v</sup> Article 205 of the Penal Code – If multiple felonies or misdemeanors are found to have been committed, a penalty shall be imposed for each offence and only the severest penalty shall be enforced. The penalties imposed may, however, be consecutive. However, the sum of fixed-term penalties shall not exceed the maximum penalty prescribed for the most serious offence by more than one half. If no ruling has been issued on whether the penalties imposed should run concurrently or consecutively, the matter shall be referred to the Judge for a decision.

<sup>vi</sup> Article 7 Universal Declaration of Human Rights – All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination.

<sup>vii</sup> Article 13 Universal Declaration of Human Rights - 1. Everyone has the right to freedom of movement and residence within the borders of each State. 2. Everyone has the right to leave any country, including his own, and to return to his country.

<sup>viii</sup> Article 14 Universal Declaration of Human Rights –1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

<sup>ix</sup> Article 18 Universal Declaration of Human Rights - Everyone has the right to freedom of thought, conscious, and religion ; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance..

<sup>x</sup> Article 19 Universal Declaration of Human Rights – Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions, without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

<sup>xi</sup> Article 20 Universal Declaration of Human Rights - 1. Everyone has the right to peaceful assembly and association. 2. No one may be compelled to belong to an association.

<sup>xii</sup> Article 21 Universal Declaration of Human Rights - 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right of equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

<sup>xiii</sup> Article 12 International Covenant on Civil and Political rights – 1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country.

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<sup>xiv</sup> Article 18 International Covenant on Civil and Political rights - 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

<sup>xv</sup> Article 19 International Covenant on Civil and Political Rights - 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

<sup>xvi</sup> Article 21 International Covenant on Civil and Political rights - The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

<sup>xvii</sup> Article 22 International Covenant on Civil and Political rights - 1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right. 3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

<sup>xviii</sup> Article 25 International Covenant on Civil and Political rights - Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

<sup>xix</sup> Article 26 International Covenant on Civil and Political rights - All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

<sup>xx</sup> Article 27 International Covenant on Civil and Political rights - In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

<sup>xxi</sup> General Comment 15, The position of aliens under the Covenant (twenty-seventh session, 1986), Available at: <http://www.unhcr.ch/tbs/doc.nsf/0/bc561aa81bc5d86ec12563ed004aaa1b?Opendocument>

<sup>xxii</sup> Helem, *A Case Study of the First Legal, Above-Ground LGBT Organization in the Mena Region*, 47 pages, p.14

<sup>xxiii</sup> Article 11.1 Universal Declaration of human rights - 1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

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<sup>xxiv</sup> The Lebanese Constitution stipulates in its Preamble: “B) 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.”

<sup>xxv</sup> Picture from the Facebook profile page « General Fayez Karam », November 17, 2010.

<sup>xxvi</sup> Article 14 paragraphe 3 International Covenant on Civil and Political Rights – In the determination of any criminal charge against him, everyone shall be entitled [...] to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.

<sup>xxvii</sup> According to article 47 of the Criminal Procedure code, the suspect has the rights to call a member of his family (and) to meet with a lawyer ; moreover, the duration of custody cannot exceed 48 hours, renewable one.

<sup>xxviii</sup> Article 14.2 International Covenant on Civil and Political rights - Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

<sup>xxix</sup> Image du site <http://www.varesdant.com/GN/Lexique/complet.html>

<sup>xxx</sup> Documentation as to December 9, 2009.

<sup>xxxi</sup> GTDA, Opinion No 17/2006 (Lebanon), May 3, 2006, A/HRC/4/40/Add.1, §23 to 25 “23. *In the light of the foregoing, the Working Group renders the following opinion: the deprivation of liberty of M. Naim El Haj is arbitrary, being in contravention of article 14 of the International covenant on civil and political rights, and falls under category III of the categories applicable to the consideration of cases submitted to the Working Group. Having rendered this opinion, the Working group requests the Government to take the necessary steps to remedy the situation of Mr Naim El Haj in conformity with the norms and principles set forth in the International covenant on civil and political rights. In view of the special circumstances of the case, the most appropriate remedy would be to obtain his exemption from capital punishment. 25. Such a generous measure would, the Working Group believes, be broadly welcomed and highly appreciated by the international community.*”

<sup>xxxii</sup> Picture from the following website: [http://wcfcourier.com/news/local/article\\_faa746b4-3105-11df-9a12-001cc4c002e0.html](http://wcfcourier.com/news/local/article_faa746b4-3105-11df-9a12-001cc4c002e0.html)

<sup>xxxiii</sup> Documentation as to July 21, 2010.

<sup>xxxiv</sup> Article 9 International Covenant on Civil and Political Rights - 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

<sup>xxxv</sup> Human Rights Committee, General Comment 8, Article 9 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 8 (1994). Available at <http://www1.umn.edu/humanrts/gencomm/hrcom8.htm>

<sup>xxxvi</sup> Article 108 of the Criminal Procedure Code - Except for persons already sentenced to at least one year imprisonment, the length of preventive detention for misdemeanors shall not exceed two months. In case of extreme necessity, it is possible to extend this period to a period of similar duration at most. Except for murder and drug crimes and attacks on state security and crimes presenting a global threat and for persons already sentenced to a criminal penalty, the period of preventive detention for crimes shall not exceed six months and may be renewed once for a similar length following a reasoned decision. The examining magistrate may decide to prevent the defendant from traveling for a period not exceeding two months for misdemeanors and one year for felonies

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<sup>xxxvii</sup> Concluding observations of the Human Rights Committee: Lebanon. 04/01/1997. CCPR/C/79/Add.78. (Concluding Observations/Comments) “14. The Committee expresses concern about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians. It is also concerned about the procedures followed by these military courts, as well as the lack of supervision of the military courts’ procedures and verdicts by the ordinary courts. The State party should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts.”

Available at : <http://www.unhcr.ch/tbs/doc.nsf/0/4ae80feca81d794e8025648900322921?Opendocument>

<sup>xxxviii</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1) Available at the following address: <http://www2.ohchr.org/english/law/cat.htm>. The Convention was ratified by Lebanon on November 4, 2000

<sup>xxxix</sup> Available at : <http://www2.ohchr.org/english/issues/torture/rapporteur/model.htm>

<sup>xl</sup> Out of 15 ordinary cases examined.

<sup>xli</sup> Europaid, Gouvernance et réformes institutionnelles, Améliorations de l’enquête criminelle, Fiche descriptive. Disponible sur le site suivant : [http://ec.europa.eu/europeaid/documents/case-studies/lebanon\\_governance-institutional-reforms\\_fr.pdf](http://ec.europa.eu/europeaid/documents/case-studies/lebanon_governance-institutional-reforms_fr.pdf)

<sup>xlii</sup> ENPI, EU funded project seeks to improve Lebanese Criminal System, 2009.

Available at: [http://www.enpi-info.eu/mainmed.php?id\\_type=1&id=19882](http://www.enpi-info.eu/mainmed.php?id_type=1&id=19882)

<sup>xliii</sup> See Delegation of the European Union to the Republic of Lebanon Website

[http://ec.europa.eu/delegations/lebanon/press\\_corner/all\\_news/news/2010/20100507\\_01\\_en.htm](http://ec.europa.eu/delegations/lebanon/press_corner/all_news/news/2010/20100507_01_en.htm)

<sup>xliv</sup> Out of 15 collaboration cases.

<sup>xlv</sup> Statistics based on Al Karama report, *Torture in Lebanon: time to break the pattern*, October 2009. Available at: [http://en.alkarama.org/index.php?option=com\\_docman&Itemid=134](http://en.alkarama.org/index.php?option=com_docman&Itemid=134)

<sup>xlvi</sup> The Hobeich police station includes the “anti-drug brigade”, often incriminated in torture cases in custody. During the renovation works, this brigade was transferred to Warwar.

<sup>xlvii</sup> Article 7 of the International Covenant on civil and political rights – No one shall be subjected to torture, inhuman or degrading treatment or punishment. Article 10 of the International Covenant on civil and political rights – All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

<sup>xlviii</sup> Article 5 of the Universal Declaration of Human Rights – No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.

<sup>xlix</sup> ALEF, *Lebanon : The Painful Whereabouts of Detention*, February 2008

<sup>l</sup> Statistics based on 16 cases, 8 ordinary cases and 8 security cases.

<sup>ii</sup> Article 15 of the Convention against torture – Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

<sup>iii</sup> Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Available at : <http://www2.ohchr.org/english/law/cat-one.htm>

<sup>iiii</sup> Office of the High Commissioner for Human Rights Display news, Subcommittee on Prevention of Torture concludes mission to Lebanon, 2 June 2010.

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<sup>liv</sup> The SPT in brief. Available at : [http://www2.ohchr.org/english/bodies/cat/opcat/spt\\_brief.htm](http://www2.ohchr.org/english/bodies/cat/opcat/spt_brief.htm)

<sup>lv</sup> Committee against Torture, Monitoring the prevention of torture and other cruel, inhuman or degrading treatment or punishment Available at : <http://www2.ohchr.org/english/bodies/cat/>

<sup>lvi</sup> The Special Rapporteur on torture is an expert appointed by the United Nations Human Rights Commission, extended by the Human Rights Council. His mandate comprises three main activities: 1. Transmitting urgent appeals to States with regard to individuals reported to be at risk of torture, as well as communications on past alleged cases of torture; 2. undertaking fact-finding country visits; 3. Submitting annual reports on activities, the mandate and methods of work to the Human Rights Council and the General Assembly.

<sup>lvii</sup> Sharon Shalev, A sourcebook on solitary confinement, October 2008. Available at : [http://www.solitaryconfinement.org/uploads/sourcebook\\_web.pdf](http://www.solitaryconfinement.org/uploads/sourcebook_web.pdf)

<sup>lviii</sup> Istanbul Statement on the use and effects of the use of solitary confinement, Adopted on December 9, 2007 at the International Psychological Trauma Symposium, Istanbul.

<sup>lix</sup> The Human Rights Committee recalls in this respect, « *that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7*», Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations, Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 30 (1994).

<sup>lx</sup> Miguel Angel Estrella v. Uruguay, Communication No. 74/1980, U.N. Doc. CCPR/C/OP/2 at 93 (1990), Available at : <http://www1.umn.edu/humanrts/undocs/newscans/74-1980.html>

<sup>lxi</sup> The Special Rapporteur on torture underlines that inadequate conditions of detention amounts a mean of torture and other cruel, inhuman or degrading treatment, *Civil and Political rights, including the questions of torture and detention, Torture and other cruel, inhuman or degrading treatment or punishment*, December 23, 2003, E/CN.4/2004/56, §41

<sup>lxii</sup> This prison was formalized by decree N° 15119 on September 10, 2005

<sup>lxiii</sup> On the conditions of detention at the Retention Center and Detention Center of the Ministry of Defence, See CLDH report, *Lebanese Prisons, Humanitarian and Legal concerns*, 2010, pp. 42-47. Available at: [http://www.solida.org/Rapports%20et%20communiqués/Rapports/french/cldh\\_prisons\\_2010\\_fr.pdf](http://www.solida.org/Rapports%20et%20communiqués/Rapports/french/cldh_prisons_2010_fr.pdf)

<sup>lxiv</sup> SOLIDA report, *The detention centre of the Ministry of Defence: a major obstacle to the prevention of torture. Forgotten victims, unpunished executioners*, 2006. Available at : [http://www.solida.org/Rapports%20et%20communiqués/Rapports/french/SOLIDA%20Ministry%20of%20Defense\\_FR%202006.pdf](http://www.solida.org/Rapports%20et%20communiqués/Rapports/french/SOLIDA%20Ministry%20of%20Defense_FR%202006.pdf)

<sup>lxv</sup> Amnesty International France, *Campaign against torture*, March 29, 2006. Available at : [http://www.amnesty.fr/index.php?/amnesty/agir/campagnes/terrorisme/campagne\\_contre\\_la\\_torture/argumentaire](http://www.amnesty.fr/index.php?/amnesty/agir/campagnes/terrorisme/campagne_contre_la_torture/argumentaire)

<sup>lxvi</sup> CLDH Press release, *Lynching in the public square: the violation of presumption of innocence leads to barbarism*, May 1, 2010. Available at: <http://www.solida.org/Rapports%20et%20communiqués/Communiqués%20de%20presse/2010/01%20mai%202010%20Lynchage%20sur%20une%20place%20publique.pdf>

<sup>lxvii</sup> Source: Centre Nassim for the victims of torture, a CLDH project

<sup>lxviii</sup> Restart Center for rehabilitation of victims of violence and torture, <http://www.restartcenter.com/>