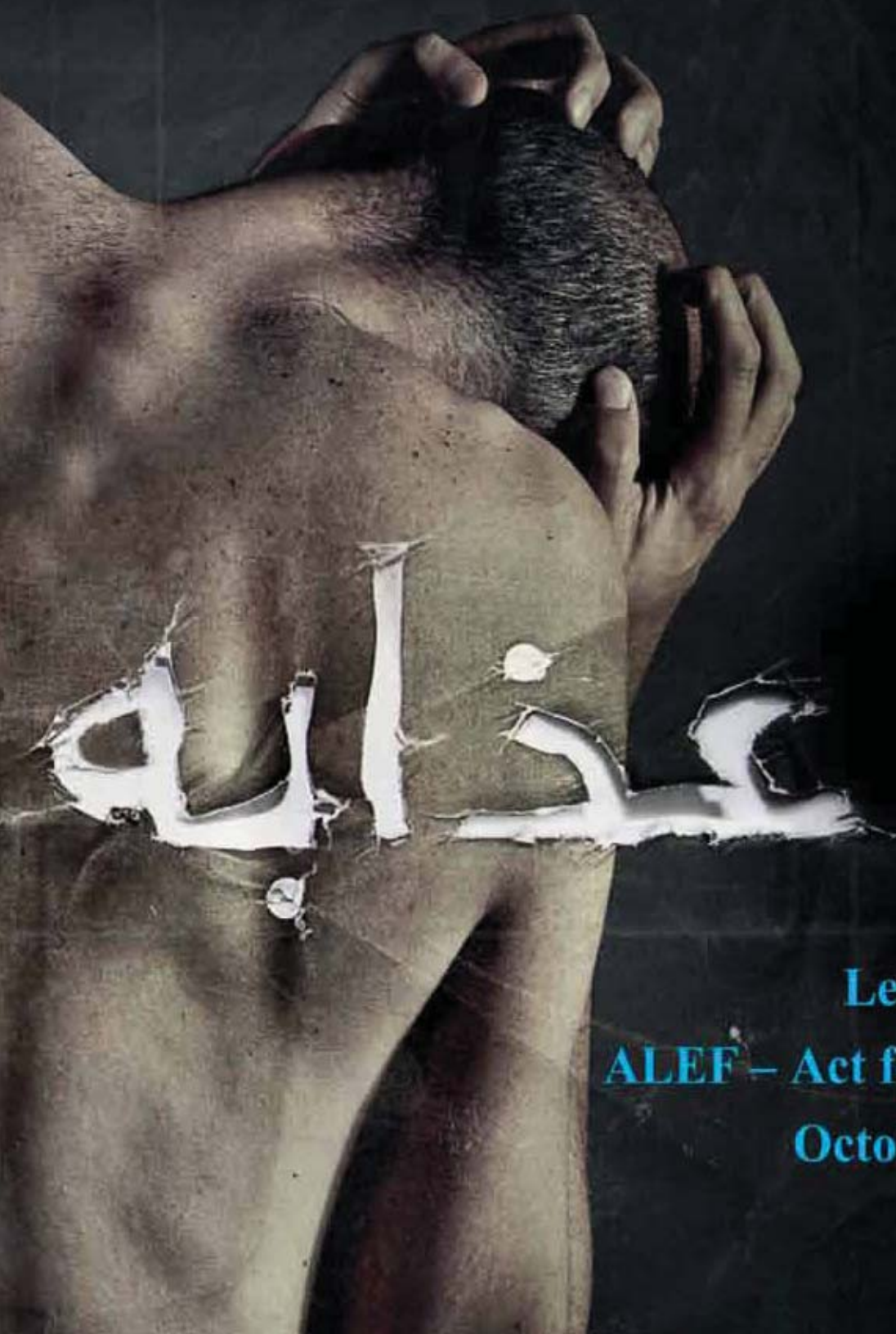


Alternative Report: Convention against
Torture and Other Cruel, Inhuman
or Degrading Treatment and Punishment



Lebanon

ALEF – Act for Human Rights

October 2011



**ALTERNATIVE REPORT: CONVENTION
AGAINST TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT AND
PUNISHMENT**

Lebanon

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RECOMMENDATIONS TO THE COMMITTEE AGAINST TORTURE

1. The Lebanese Government should criminalise torture in line with the definition in Article 1 UNCAT, provide for command responsibility where superiors knew or should have known that torture was likely to occur, and repeal any legislation relating to amnesty or limitation periods regarding this crime. Sentences for the crime of torture should reflect the gravity of the offence.
2. The Lebanese Government should ensure that victims of torture receive redress and free access to all necessary psychological, social and medical services for rehabilitation.
3. The Lebanese Government should consider publishing the report of the visit of the Subcommittee for the Prevention of Torture, and form a committee for follow-up to the recommendations, that includes all relevant governmental and non-governmental stakeholders.
4. The Lebanese Government should amend the Code of Criminal Procedure to ensure that arrestees are given prompt and private access to a doctor and that full, detailed records of detention and interrogation are preserved.
5. The Lebanese Government should immediately place all doctors in contact with detainees under the authority of the Ministry of Health, and remove any oversight of their selection or remuneration from authorities responsible for managing places of detention.
6. The Lebanese Government should make arrangements for the systematic videotaping of all interrogations.
7. The Lebanese Government should transfer the management of all prisons and detention centres to the Ministry of Justice, including those currently controlled by the Internal Security Forces and the Ministry of Defence.
8. The Lebanese Government should ensure that the provisions of Prisons Law No. 14310 in each place of detention in regards to accountability and responsibility in each place of detention are respected.
9. The Lebanese Government should establish an independent National Preventive Mechanism in line with its obligations under the Optional Protocol to the Convention against Torture (OPCAT), and provide this body with adequate funding to allow it to fulfil all aspects of its mandate, including the advisory role.

10. The Lebanese Government should ensure that all law enforcement officials are bound by a Code of Conduct in line with international standards and good practices, These officials should be provided with adequate training to carry out their functions in line with the Code of Conduct. The latter's rules and regulations should be respected; this may be achieved through follow-up training and professional development initiatives.
11. The Lebanese Government should establish an independent complaints system for cases of torture and ill-treatment at the national level. It should also ensure that secure, anonymous complaint boxes are available in all places of detention.
12. The Lebanese Government should repeal all laws that unreasonably suppress freedom of speech by human rights defenders, or affect their ability to operate freely without fear of arrest for investigating or drawing attention to cases of torture and ill-treatment.
13. The Lebanese Government should launch a full and public investigation into cases of torture and ill-treatment during the Nahr al-Bared conflict, and ensure that perpetrators are brought to justice and victims have adequate access to redress and rehabilitation.
14. The Lebanese Government should design and implement a comprehensive training programme for all law enforcement officials, including community policing, witness support, forensic science and appropriate methods of questioning suspects and possible witnesses. Adequate funds for such training should be included in the government budget, and the curriculum developed through an inclusive process should include all stakeholders.
15. The Lebanese Government should conduct public awareness-raising on the available complaints mechanisms for cases of torture and ill-treatment, and their precise mandates. The government should further ensure that such mechanisms are accessible by all groups, particularly those at risk of being tortured.
16. The Lebanese Government should ensure that the rights of detainees are displayed in all places of detention, along with details on how to trigger the relevant complaint mechanism.
17. The Lebanese Government should ensure that all law enforcement officials and agencies fall within the mandate of an independent complaints, monitoring and investigative body. The latter independent body should be equipped with sufficient resources and powers to function effectively. These resources and powers should

include, but are not limited to: human resources, the ability to access documents and other pertinent information, as well as the power to summon witnesses.

18. The Lebanese Government should systematically collect data on cases of torture and ill-treatment, as well as numbers of complaints, deaths or injuries in custody, and inter-detainee violence. This data should be made public in an aggregated, anonymous form on an annual basis.

ABOUT ALEF

ALEF was founded in 1996, and has worked on torture prevention and monitoring in Lebanon since 2007.

ALEF adopts a two-pronged strategy of advocacy for institutional and policy reform combined with awareness-raising and research into the causes of torture. At present, ALEF is conducting Lebanon's first major campaign to change the perception of torture through television advertising¹ and outdoor billboards, as well as providing comments on proposed legal reform. For more information, please see www.ALEFLiban.org.

GENERAL CONTEXT OF TORTURE

From 2005, Lebanon has been experiencing increased political instability. While the overall level of human rights protection has improved, this depends on political priorities of individual Ministers rather than coherent policy decisions, and is frequently affected by armed conflicts and clashes. There are reports of interference by the executive in the judicial process,² and unconstitutional military courts continue to operate.³

Lebanon still lacks a comprehensive institutional and legislative framework for the universal protection of human rights, and has no system to oversee the implementation of international treaties, including the UNCAT. Torture is widespread, with more than 700 cases reported to a single NGO in 2008-2009,⁴ particularly as regards suspects of national security offences, non-Lebanese citizens, LGBTIQ and drug addicts. The legislative and policy framework to prevent impunity for torture is absent.

In a socio-cultural study conducted by ALEF on the acceptance of violence in Lebanon, it was found that the Lebanese population accepts violence as an instrument of power and a tool to enforce power and control over opponents. In a survey conducted by ALEF in 2011, 23% of respondents associated violence with "political violence" and 27% said that they knew at least one person who has suffered from beating by official security agents.⁵

¹ The television advert can be viewed here: <http://www.youtube.com/watch?v=pvnWuhMq7tk&feature=feedlik>

² Lebanon-The Independence and Impartiality of the Judiciary, Maya W. Mansour Carlos Y. Daoud, Copenhagen, February 2010, Euro-Mediterranean Human Rights Network

³ Military Tribunal – A Breach in the Integrity of the Judicial System, ALEF-Act for Human Rights, May 2010

⁴ As reported by AJEM, a Lebanese NGO during a press conference attended by ALEF staff for the launching of the Internal Security Forces (ISF) Committee on Monitoring Torture on 8 February 2011, Beirut; ISF launches committee to monitor torture in prisons, <http://www.dailystar.com.lb/News/Local-News/Feb/09/ISF-launches-committee-to-monitor-torture-in-prisons.ashx#%23axzz1DY1EqZV1#ixzz1ZEPu8vgP>

⁵ The survey was conducted by Statistics Lebanon in August 2010 on a sample of 400 Lebanese over 16 years distributed throughout Lebanon. ALEF "Report on the Socio-Political & Cultural Contexts of Violence" May 2011 p.9

**COMPLIANCE WITH THE CONVENTION AGAINST
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT AND PUNISHMENT
LEBANON**

1. DEFINING AND CRIMINALIZING TORTURE (ARTICLES 1, 4, 14)

1.1 COMPLIANCE OF LEBANESE CRIMINAL LAW WITH UNCAT

The compliance of Lebanese law with the UNCAT regarding criminalization of torture can be summarized as follows:

Subject	Lebanese Law	Compatibility of the Lebanese Law with the CAT
Definition of torture	<p>Article 401 of the Penal Code states: “Anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it will be imprisoned from three months to three years. If the violent practices have led to sickness or caused wounds, the minimum period of imprisonment is one year”.</p> <p>Unlike in Article 401, in Article 569 the word torture is clearly mentioned. The article states: “anyone who deprives another person of his individual liberty by kidnapping or by any other means will be temporarily imprisoned. He will also be imprisoned for life...[i]f the one whose liberty was deprived was mentally or physically tortured...”.</p>	<p>According to the Preamble to the Constitution and Article 2 of the Lebanese Code of Civil Procedure, international law takes precedence over national laws in court proceedings. Lebanese courts could therefore interpret the term ‘violent practices not permitted by the law’ in Article 401, and the term ‘torture’ in Article 569 of the Penal Code in line with the UNCAT definition. However, this does not happen in practice. The current law is inadequate to cover all aspects of the definition in Article 1 UNCAT, in particular purely psychological torture.</p> <p>Article 401 of the Penal Code is restricted to use of force for the extraction of information or a confession, and does not include other prohibited purposes such as punishment, intimidation, coercion, or discrimination. Similarly, Article 569 of the Penal Code applies only to cases of kidnapping or unlawful detention.</p>

<p>Perpetrators and command responsibility</p>	<p>The Penal Code applies whatever the status of the perpetrator, whether a public official or not. The Code of Criminal Procedure prohibits the use of force to obtain a confession in Articles 41 (as regards <i>flagrants délits</i>) and 47 (for ordinary crimes). Confessions obtained through the use of force are not admissible in court.</p> <p>Lebanese law does not contain any provisions regarding command responsibility for torture.</p>	<p>The element of State responsibility required for the crime of torture is absent from the Penal Code. While the Code of Criminal Procedure prohibits the use of force to obtain a confession, there are no provisions for command responsibility for this or any other form of torture or cruel, inhuman or degrading treatment or punishment.</p>
<p>Defences, limitation periods and amnesty</p>	<p>Lebanese law does not provide for exceptions to general limitation periods and defences as regards crimes related to torture.</p> <p>Law 84 of 26 August 1991 granted a general amnesty for all crimes committed by militias and armed groups during the civil war prior to 28 March 1991. The amnesty explicitly includes offences that involve torture, including Article 569 of the Penal Code, discussed above.</p>	<p>Lebanese law does not implement the exclusions to defences or general limitation periods.</p> <p>The amnesty law pre-dates the ratification of the UNCAT, but its continued existence indicates a lack of political will to address torture.</p>
<p>U n i v e r s a l jurisdiction</p>	<p>Article 23 of the Penal Code stipulates that “Lebanese law shall apply to any foreign national in Lebanese territory who, as perpetrator, instigator or accomplice, has committed, in a foreign country, a crime or offence ... respect of whom no application for extradition has been applied for or granted.” While Lebanese law does not apply to acts committed abroad which are not a crime in Lebanon, this arguably does not cover acts of torture by virtue of the direct applicability of Article 5 of the Convention against Torture.</p>	<p>According to available information, this provision has never been applied in practice to cases of torture.</p>

Sentencing	Article 401 of the Penal Code is a petty crime in Lebanese law, with a maximum sentence of three years. According to Article 557 of the Penal Code, if a crime leads to mutilation, removal of an organ, loss of a sense, serious disfigurement or other permanent injury, the maximum sentence is 10 years' hard labour. As hard labour is no longer used as a punishment in Lebanon, the time period may be increased at the discretion of the judge.	The sentences provided are clearly inadequate to reflect the gravity of the crime of torture, which should have equivalent sentences to the most serious crimes.
Compensations and ways to give equity to the victims of torture	The Penal Code does not provide for compensation, rehabilitation and redress for victims of torture.	Lebanese law does not provide access to redress for all victims of torture.
Exclusion of evidence obtained by torture	Article 77 of the Code of Criminal Procedure, which deals with the rights of detainees before a judge, stipulates that a judge must make sure the defendant is speaking without external influence, but does not make any explicit reference to torture.	Lebanese law does not specifically exclude evidence, including secondary evidence, obtained by torture.

INADEQUATE PUNISHMENT FOR TORTURERS

On 19 May 2004, Egyptian citizen Salem Ahmad was arrested in Lebanon on suspicion of involvement in robbery. He was tortured in custody, and soon after his release on 23 May 2004, he was examined by a doctor who reported that his wounds were consistent with the *farruj* torture method, in which the victim is handcuffed from beneath the knees, and a stick or hose is passed between his legs while he is suspended against a desk.

Following the medical report, a case was filed against the officer, who denied the charges. In a judgment handed down on 8 March 2007, the judge found that the officer had used violence to extract a confession, which amounts to a petty crime under Lebanese law. The perpetrator was sentenced to one year's imprisonment. However, the judge reduced the prison sentence to only 15 days, adding a fine of US\$ 200, and an additional US\$ 400 for the damage inflicted on the victim.

A Parliament-endorsed study on torture in 2008 (part of the National Human Rights Action Plan) proposed amending Article 401 to expand the purposes of the perpetrator beyond the extraction of a confession, to incorporate the word torture into the text of the article, as well as to increase penalties.⁶ During the UPR in November 2010, the Lebanese delegation gave a commitment that the definition of torture in Lebanese law would “be brought in line with international standards and sentences for the crime of torture be increased accordingly”.⁷ The delegation further stated its commitment to “eradicate and prevent torture.”⁸ Efforts to reform the Lebanese Penal Code were initiated within the parliament in early 2011. However, in light of the long time period since the initial recommendations, it remains to be seen whether public statements by the government will be backed up by action.

1.2 RECOMMENDATIONS

1. The Lebanese Government should criminalise torture in line with the definition in Article 1 UNCAT, provide for command responsibility where superiors knew or should have known that torture was likely to occur, and repeal any legislation relating to amnesty or limitation periods regarding this crime. Sentences for the crime of torture should reflect the gravity of the offence.
2. The Lebanese Government should ensure that victims of torture receive redress and free access to all necessary psychological, social and medical services for a rehabilitation.

⁶ Lebanese Parliament, UNDP “National Human Rights Action Plan: background study on torture”. Available at: <http://www.lp.gov.lb/Client%20Resources/Download%20Pages/AI%20Ta3theeb.pdf>

⁷ Report of the Working Group on the Universal Periodic Review- Lebanon. 12 January 2011- A/HRC/16/18 – p.11. Available online at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf?OpenElement> (last accessed: 30 June 2011)

⁸ *Ibid*, p.4, para. 12.

2. PREVENTING TORTURE (ARTICLES 2, 10, 11, 16))

2.1 NORMATIVE FRAMEWORK FOR PREVENTION

The Lebanese Code of Criminal Procedure falls short of the requirements of the UNCAT. For example, the law does not specify a time limit within which the detainee must see a doctor.⁹ Furthermore, forensic doctors are appointed and paid on a case-by-case basis from a list established by the Ministry of the Interior, Ministry of Health and General Prosecutor of the *Cour de Cassation*. In informal contacts with forensic doctors, ALEF was informed that doctors who make findings of torture are rarely given further contracts.

LEBANON AND THE OPCAT

The UN Subcommittee on Torture (SPT) visited Lebanon from 24 May to 2 June 2010. Despite lobbying by NGOs including ALEF, the government has yet to make the report public, in line with international best practice. This prevents NGOs from constructively engaging with the government to ensure implementation of the recommendations

2.2 PRISON ADMINISTRATION, ADMINISTRATION OF JUSTICE AND CONDITIONS OF DETENTION

Prisons in Lebanon are still under the authority of the Ministry of the Interior, despite two laws providing for the transfer of this authority to the Ministry of Justice, the earliest of which dates from 1964.¹⁰

According to The Lebanese Government, efforts to make this transfer began only in 2008, and is due to be completed by 2013, with the support of UNODC.¹¹ A greater concern is the continued existence of “special prisons” managed by intelligence services with little or no oversight by the judiciary or any other independent body. These include the Ministry of Defence prisons and the “information branch” building within the ISF-managed prison of Roumieh, which is apparently under the independent control of the ISF intelligence unit, but is not officially registered as an independent

⁹ ALEF “Lebanon: The Painful Whereabouts of Torture” 2008 p. 40

¹⁰ Decree no. 17315 of 28 August 1964 and Decree No. 151 of 16 September 1983

¹¹ Lebanese Center for Human Rights (CLDH) “Prisons in Lebanon: Humanitarian and Legal Concerns” p.36. More details on this project are available on the UNODC website: <http://www.unodc.org/middleeastandnorthafrica/en/resources/lbns92.html>

prison.¹² NGOs have received regular, consistent and credible allegations of torture at these facilities.¹³

Prisons in Lebanon are overcrowded,¹⁴ with a high staff turnover and a lack of competent prison guards.¹⁵ Deaths of detainees and protests such as hunger strikes are relatively frequent, with a particular severity in 2011 due to the outbreaks of violent riots in Roumieh and other prisons.¹⁶ The Lebanese Parliament recently approved a proposal to allow prisoners to seek reductions of their sentences in response to the problem of overcrowding.¹⁷

The majority of the prison population in Lebanon are pre-trial detainees (66% according to NGO reports), while 13% of detainees remain in prison despite having completed their sentences.¹⁸ This is a particular concern for refugees and migrant workers without documentation papers, and without the means or will to return to their countries after they complete their sentence. Although the Prisons Law No. 14310 contains some provisions on management and the treatment of detainees in line with international standards, including provisions related to inspection (Article 13), medical care (Articles 52-54), separating prisoners according to their sex and criminal record (Article 62), and the availability of food, bedding and clothing (Articles 75-86), these provisions are not respected in many prisons.

The Code of Criminal Procedure does not oblige law enforcement officials to register all relevant information related to each detainee e.g. the state of health of the detainee upon detention and any changes thereto, the time and place of interrogations with the names of all interrogators present, etc. As a result, there is no systematized information about each prisoner's age, criminal record, reason for detention and required medical treatment. Detainees in pre-trial detention are housed with convicted prisoners in all prisons. According to the statistics of the prisons unit of the ISF, revealed during the meeting of the committee on the conditions of prisons on 5 November 2007, Roumieh prison at that time housed

¹² Lebanese Center for Human Rights (CLDH) "Prisons in Lebanon: Humanitarian and Legal Concerns". P. 17

¹³ Lebanese Center for Human Rights (CLDH) "Prisons in Lebanon: Humanitarian and Legal Concerns". P. 42

¹⁴ According to the International Centre for Prison Studies, in 2005, the latest year for which reliable figures are available, occupancy was 121% above maximum levels, and 172% above minimum occupancy levels: http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=180

¹⁵ Lebanese Center for Human Rights (CLDH) "Prisons in Lebanon: Humanitarian and Legal Concerns". P. 36

¹⁶ Meguerditchian, Van-The Daily Star "Recent riot sparks debate over how to solve prison problem" 11 April 2011. Available at: <http://www.dailystar.com.lb/Apr/11/Recent-riot-sparks-debate-over-how-to-solve-prison-problem.ashx#axzz1V2feGw1q>

¹⁷ The Daily Star "Lebanon Approves Further Prison Reforms", 22 September 2011, <http://www.dailystar.com.lb/News/Politics/2011/Sep-22/149427-lebanon-approves-further-prison-reforms.ashx>

¹⁸ Lebanese Center for Human Rights (CLDH) "Prisons in Lebanon: Humanitarian and Legal Concerns". P. 51

3,694 detainees, more than triple its intended capacity of around 1050 prisoners.¹⁹

2.3 ACCOUNTABILITY AND OVERSIGHT MECHANISMS

Despite ratifying the OPCAT on 22 December 2008, Lebanon still lacks an effective, independent monitoring system for places of detention. In terms of governmental mechanisms, a human rights department within the ISF's General Inspectorate was established by Decree No. 755 of 3 January 2008. The department has a mandate to prevent human rights violations by security forces, to raise their awareness of human rights, to document and report progress, and to coordinate with local and international organizations in the field.²⁰ The department is seriously understaffed, and while some consultations are held with local NGOs, this needs to be a more standard practice.

A more specialized committee on the monitoring and follow-up of torture cases within the ISF has been operational since 2010.²¹

A draft law to create a National Human Rights Institution which would include the National Preventive Mechanism function is currently under consideration by the Ministry of Justice. Upon review of the draft law, ALEF and other international and national NGOs, as well as the OHCHR, recommended amendments to ensure, inter alia, the financial sustainability and independence of the NPM, the independence of its members, the modalities of visits, and the advisory mandate.²²

2.4 TRAINING AND CONDUCT OF LAW ENFORCEMENT OFFICIALS

Despite institutional progress described in the previous section, the EU stated in 2010 that no evidence of progress in promoting reform measures to increase transparency and accountability of security forces could be reported, and that a deadlock in the Council of Command of the ISF hindered progress in reforming that body.²³

The ISF, which includes the ordinary and most of the military police force but not General Security or army intelligence, has elaborated a draft Code of Conduct, which contains several provisions regarding the humane treatment of detainees and the

¹⁹ For details about the condition of prisons see ALEF first report on torture, "*Lebanon: the Painful Whereabouts of Detention*, ALEF, 2008", pp.52-54.

²⁰ Representative of the Minister of Interior. Personal Interview. 24 August 2011

²¹ See footnote 6

²² ALEF "Situation Update on the Occurrences and Trend of Torture in Lebanon (2008-2010)" October 2010

²³ European Commission "Implementation of the European Neighborhood Policy in 2010. Country Report: Lebanon" 25/05/2011. Available at: http://www.dailystar.com.lb/News/Politics/2011/Aug-18/Draft-law-to-allow-reduction-of-prison-life-sentences.ashx#axzz1WQEAKyb5http://eeas.europa.eu/delegations/lebanon/documents/news/20110527_1_en.pdf

prohibition of torture. Article 5(2) of the draft Code prohibits police members from practicing, inciting or disregarding any act of torture or ill-treatment of suspects during investigations, and makes explicit reference to the UNCAT. However, Article 6(1) requires them to obey all superior orders, and the Code does not explicitly state that orders to torture or other illegal orders should be disregarded, and makes no provision for command responsibility. Article 8 provides that arrestees and detainees should be informed promptly of their rights, and have access to their parents, legal representation and medical care, and that police should use scientific techniques during investigation, refraining from inhumane practice, and respect time limits of detention.

Interviews have shown that a series of trainings will accompany the distribution of the code of conduct. In addition to the training program, there is a need to also develop procedural guidelines that can ensure compliance with the code, for example with a link between respect for the code and professional promotion.

2.5 RECOMMENDATIONS

3. The Lebanese Government should consider publishing the report of the visit of the Subcommittee for the Prevention of Torture, and form a committee to follow-up the recommendations, that includes all relevant governmental and non-governmental stakeholders.
4. The Lebanese Government should amend the Code of Criminal Procedure to ensure that arrestees are given prompt and private access to a doctor and that full, detailed records of detention and interrogation are preserved.
5. The Lebanese Government should immediately place all doctors in contact with detainees under the authority of the Ministry of Health, and remove any oversight of their selection or remuneration from authorities responsible for managing places of detention.
6. The Lebanese Government should make arrangements for the systematic videotaping of all interrogations.
7. The Lebanese Government should transfer the management of all prisons and detention centres to the Ministry of Justice, including those currently controlled by the Internal Security Forces and the Ministry of Defence.
8. The Lebanese Government should ensure that the provisions of Prisons Law No. 14310 in regards to accountability and responsibility in each place of detention are respected.

9. The Lebanese Government should establish an independent National Preventive Mechanism in line with its obligations under the Optional Protocol to the Convention against Torture, and provide this body with adequate funding to allow it to fulfil all aspects of its mandate, including the advisory role.
10. The Lebanese Government should ensure that all law enforcement officials are bound by a Code of Conduct in line with international standards and good practices. These officials should be provided with adequate training to carry out their functions in line with the Code of Conduct. The latter's rules and regulations should be respected; this may be achieved through follow-up training and professional development initiatives.

3. THE PRACTICE OF TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT (ART. 1, 3, 12, 16)

3.1 GROUPS AT GREATEST RISK OF TORTURE

Based on information received by ALEF over the past five years, the following groups face an increased risk of torture and other forms of ill-treatment:

1. Non-Lebanese citizens, including Palestinian refugees;
2. LGBTIQ persons;
3. Persons accused or suspected of national security-related offences;
4. Persons undergoing treatment for drug addiction;²⁴
5. Women and children, who are particularly at risk of domestic and community violence.

TORTURE OF SUSPECTED DRUG ADDICTS AND LGBTIQ PERSONS: THE CASE OF A

Police originally came looking for A's brother, but arrested A without a warrant when they did not find him. He was then taken to Hobeich's drug unit, where he was beaten with fists and thick electric cables by officers who wanted him to confess to dealing drugs. They broke his nose. He underwent a drug test, which was negative. The officers found text messages A had sent to his boyfriend, and accused him of homosexuality. He was transferred to the Moral Repression Bureau, where he was subjected to an anal examination. The doctor concluded that he had not been penetrated. Police then accused him of being an "active" partner. He was forced to sign a police report stating that he was gay. He was explicitly threatened that he would suffer the consequences if he reported the beating, before being released without charge after two nights in Hobeich. A was told by another detainee that she overheard the police saying they had to keep him for an extra night to reduce the swelling on his face.

²⁴ The Drug Repression Bureau, under the ISF, is notorious for brutal interrogations, in particular in Hobeich in western Beirut, with a consistent pattern of torture and ill-treatment for the purposes of individual and collective intimidation, extraction of a confession, or soliciting names and information on drug-related crimes. ALEF "Lebanon: The Painful Whereabouts of Detention" 2008.

VIOLENCE AGAINST WOMEN AND CHILDREN

Corporal punishment of children is still explicitly permitted under Lebanese law (Article 186(1) of the Penal Code). Despite a ministerial memorandum issued in 2001 banning the use of corporal and degrading punishment by teachers, violence against children remains widespread both in schools and in the home. A 2010 study found that 46% of children interviewed experienced physical violence in schools.¹

UNICEF pointed out in 2007 that “incidents of domestic violence, interpersonal intolerance, and child abuse and neglect are on the rise, with as few as 5 per cent of cases referred to shelters, police, or public facilities.”² Despite a 2008 recommendation from CEDAW that The Lebanese Government enact legislation on domestic violence without delay, this is still not prohibited in Lebanon, and the current draft law is facing fierce opposition from religious groups, without the government mounting a public counter-campaign to ensure its passage.³

¹ Newell, Peter- “Briefing for the Human Rights Council, Universal Periodic Review- 9th session”, 2010- Global Initiative to End All Corporal Punishment of Children

² UNICEF “The Situation of Women and Children in Lebanon- Short duration country programme document”- 2007 E/ICEF/2007/P/L.26 2

³ Concluding comments of the Committee on the Elimination of Discrimination against Women: Lebanon, UN Doc. CEDAW/C/LBN/CO/3, paragraph 27; Human Rights Watch, Lebanon: Enact Family Violence Bill to Protect Women, 6 July 2011, <http://www.hrw.org/news/2011/07/06/lebanon-enact-family-violence-bill-protect-women>

Human rights defenders working on the issue of torture have experienced increasing harassment from government authorities. Saadeddine Shatila, the Alkarama Foundation’s representative in Lebanon, is waiting on a decision as to whether he will be charged for “publishing information which damages the reputation of the military” for documented human rights violations, including torture, by the security services and military intelligence. In March 2011, the general prosecutor opened a criminal investigation against the Lebanese Center for Human Rights (known by its French initials, CLDH) after the political party AMAL filed a criminal complaint against CLDH for alleging in a report that some detainees were tortured by persons affiliated with AMAL prior to being transferred to state authorities.

The Palestinian Human Rights Organization (PHRO) has been forced to close its office in Nahr al-Bared due to repeated harassment by military intelligence. The General Director of PHRO was interrogated in October 2010. In November 2010, the coordinator of PHRO’s activities in Nahr al-Bared was detained for three days, and subjected to ill-treatment including forced nudity, sleep deprivation and food deprivation, with only one meal provided in the custody period.

3.2 TORTURE DURING EMERGENCIES: NAHR AL-BARED CONFLICT

The conflict between the Lebanese Armed Forces (LAF) and members of the Islamist Group Fatah Al Islam broke out in the Palestinian camp of Nahr al-Bared in Northern Lebanon, from May 20 to September 2, 2007. On May 20, 2007, the police raided a building in the city of Tripoli to arrest suspects of a bank robbery, who were apparently militants of Fatah al Islam, but the suspects resisted arrest, and violence spread in the neighbourhoods. This episode was followed by attacks on Lebanese army posts in the northern part of the country, including the posts at the entrance of the camp. Violent clashes erupted between the militants inside the camp and the LAF until the latter was able to enter the camp and re-establish its presence there on September 2, 2007.

Interviews conducted by ALEF's field researchers with released Palestinians and families of detainees revealed allegations of physical and mental torture by the army. Forms of torture documented included: forcing the detainee to drink urine, sexual harassment, rape, hitting of sexual organs or weak and/or injured areas of the body, threatening, shaming, and cursing. These methods were used by investigators to extract information about the Fateh al Islam group and some detainees were compelled to sign reports without being informed of their content.²⁵

So far, according to available information, no independent or internal investigation has been carried out.

3.3 RECOMMENDATIONS

11. The Lebanese Government should establish an independent complaints system for cases of torture and ill-treatment at the national level, and ensure that secure, anonymous complaints boxes are available in all places of detention.
12. The Lebanese Government should repeal all laws that unreasonably suppress freedom of speech by human rights defenders, or affect their ability to operate freely without fear of arrest for investigating or drawing attention to cases of torture and ill-treatment.
13. The Lebanese Government should launch a full, public investigation into cases of torture or ill-treatment during the Nahr al-Bared conflict, and ensure that perpetrators are charged and victims have adequate access to redress and rehabilitation.

²⁵ ALEF, Lebanon: The Painful Whereabouts of Detention, 2008..

4. EDUCATION AND DISSEMINATION OF INFORMATION (ARTICLE 10)

4.1 CURRENT SITUATION

Lack of training of law enforcement officials on community policing, witness support, forensic science and appropriate interrogation techniques contributes to a culture of confession-based investigations in Lebanon.²⁶

Some ISF officers have received trainings from international stakeholders. The U.S. Drug Enforcement Administration (DEA), for example, provided training on counter narcotics enforcement,²⁷ which included sessions on human rights, the prohibition of torture, democratic policing and ethics.²⁸ While useful for exchange of international expertise, such trainings do not represent a sustainable approach. A special unit for trainings has been established within ISF, although geographical differences and resources for follow-up training remain a challenge.²⁹ To be truly effective at changing the confession-based culture of the ISF, adequate training must be provided at entry, with follow-up training on a regular basis.

4.2 RECOMMENDATIONS

14. The Lebanese Government should design and implement a comprehensive training programme for all law enforcement officials, including community policing, witness support, forensic science and appropriate methods of questioning suspects and possible witnesses. Adequate funds for such training should be included in the government budget, and the curriculum developed through an inclusive process including all stakeholders.

²⁶ ALEF, Lebanon: The Painful Whereabouts of Detention, 2008.

²⁷ 40 ISF Officers Complete Counternarcotic Training with U.S. Experts – 7 May 2010
http://lebanon.usembassy.gov/latest_embassy_news/press-releases2/pr050713.html

²⁸ According to an interview by ALEF on 24 May 2010 with the International Law Enforcement Program at the U.S. Embassy in Beirut, “in the basic cadet courses, the program included as well trainings on the UN Universal Declaration of Human Rights and in particular Article 5 which deals with subjecting people to torture, cruel or inhumane treatment. However, no specific course on Interrogation for the ISF Cadets was offered, but rather a basic interview guide that includes interviewing of suspects. These lessons describe the steps used in the interview and interrogation of suspects and the interview of victims/witnesses

²⁹ ISF Representative. Personal Interview. 24 August 2011

5. RESPONDING TO TORTURE (ARTICLE 12, 13, 14, 15)

5.1 CURRENT SITUATION

The Committee on Monitoring and Follow-up of Torture Cases (“the Committee on Monitoring”) within the ISF has the mandate to receive and investigate complaints of torture against ISF officers, and receives complaints from victims, their representatives and NGOs, as well as investigating based on media and NGO reports. However, its working methodologies and degree of oversight are not clear. For example, the General Director of the ISF is mandated to follow up on recommendations of the Committee on Monitoring, and communications from the target of recommendations are included in reports, but it is not clear what measures may be taken in case of non-implementation of recommendations, or how the Committee on Monitoring follows up with the General Director in this regard.³⁰ Some judicial investigations have been conducted, but these are also not transparent in terms of process and outcomes.³¹

In a media statement given in July 2011, the head of the Committee on Monitoring in the ISF declared that “since the April riots in Roumieh prison, reported cases of torture have dropped 70 percent as a result of new policies adopted by the ISF”.³² As these statistics are not published, it is not possible to independently verify either this information or the causal link with policy changes.

The ISF Committee on Monitoring and its human rights department do not have jurisdiction beyond the ISF, and so the General Security (GS) and army intelligence are left without a complaints and oversight mechanism. Similarly, the ISF Code of Conduct, discussed above, does not apply to these bodies, although the ISF human rights department does have some degree of coordination with the GS on human rights issues.³³ The ISF has publicly discussed the possibility of forming a joint committee with the GS for the monitoring and follow up of cases of torture and ill-treatment.³⁴ Such a move should be accompanied by greater guarantees of independence, as the Committee is currently under the authority of the ISF’s General

³⁰ ALEF notes during workshop on the Optional Protocol to the UNCAT organized by Restart in partnership with the EU and IRCT. Beirut 29 March 2011

³¹ Lebanon Debate “Launching of Committee to follow up on torture in prisons” [translated from Arabic by the author] available at: <http://www.lebanondebate.com/details.aspx?id=41737>

³² Meguerditchian, Van- The Daily Star. «NGO program improves prisoner treatment» 8 July 2011. Available at: <http://www.dailystar.com.lb/News/Local-News/2011/Jul-08/NGO-program-improves-prisoner-treatment.ashx#axzz1VjOOMBjD>

³³ ISF Representative. Personal Interview. 24 August 2011

³⁴ ALEF notes during workshop on the Optional Protocol to the UNCAT organized by Restart in partnership with the EU and IRCT. Beirut 29 March 2011

Director, who voluntarily refrains from interference.³⁵ Finally, the government has reported that the Ministry of Justice is also in the process of establishing a human rights department and a prison management department,³⁶ and army officials have unofficially stated that similar monitoring structures are planned within the army.³⁷ None of the existing or planned structures provide a fully independent complaints and investigative mechanism.

5.2 RECOMMENDATIONS

15. The Lebanese Government should conduct public awareness-raising on the available complaints mechanisms for cases of torture and ill-treatment, and their precise mandates. The government should further ensure that such mechanisms are accessible by all groups at particular risk of torture.
16. The Lebanese Government should ensure that the rights of detainees are displayed in all places of detention, along with details of how to contact relevant complaints mechanisms.
17. The Lebanese Government should ensure that all law enforcement officials and agencies fall within the mandate of an independent complaints, monitoring and investigative body with powers to summon witnesses and access documents and other information, and that such bodies have sufficient resources, including human resources, to function effectively.
18. The Lebanese Government should systematically collect data on cases of torture and ill-treatment, as well as numbers of complaints, deaths or injuries in custody, and inter-detainee violence. These data should be made public in an aggregated, anonymised form at least annually.

³⁵ALEF notes during workshop on the Optional Protocol to the UNCAT organized by Restart in partnership with the EU and IRCT. Beirut 29 March 2011

³⁶National UPR report submitted by The Lebanese Government on 23 August 2010. Available at: http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/LB/A_HRC_WG.6_9_LBN_1_E_Lebanon-eng.pdf. A/HRC/WG/6/9/LBN/1

³⁷ALEF notes during workshop on the Optional Protocol to the UNCAT organized by Restart in partnership with the EU and IRCT. Beirut 29 March 2011

6. CONCLUSION

This report aims to give an objective and reliable summary of Lebanon's progress towards the implementation of its international obligations under the UNCAT.

Lebanon is 10 years overdue in submitting its initial report to the Committee against Torture, a fact that is of a grave concern for ALEF-Act for Human Rights, as it reflects a wider lack of political will to engage on this issue. Although during the last three years, The Lebanese Government has made a number of public commitments to the eradication of torture, notably ratification of the OPCAT, acceptance of recommendations issued by the SPT and those of the UPR, these commitments have not yet been translated into action. The initiatives that have been taken have been delayed or reversed by political deadlock, changes in government and internal clashes.

ALEF-Act for Human Rights appeals to the Committee against Torture to set a date for consideration of Lebanon even in the absence of a State report to allow for independent, international oversight of policy and practice against torture in Lebanon.

