



## *The Human Rights practices in Lebanon - 2002*

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## **I- Introduction**

### **a) The Lebanese Situation**

Lebanon is a parliamentary republic. The executive power is held by the President (Maronite Christian) and the Council of Ministers headed by a Prime Minister (Sunnite Muslim). The Parliament, headed by a Shiite Muslim, is composed of 128 deputies; half of whom are Christians, the other half is Muslims. The judiciary power is generally submitted to the political authority both on its structural level and functional level.

After the end of the military hostilities in 1990, military operations between the Israeli army and Lebanese military formations persisted only in the south of Lebanon until May 24, 2000, when the Israeli armed forces withdrew from Lebanon. Until this time, 2000 Israeli soldiers and 2000 soldiers of the Israeli auxiliary militia, Southern Lebanon Army (SLA), were controlling the "security zone" in Southern Lebanon, which constituted nearly 10% of the Lebanese territory. After their progressive withdrawal from their positions, which occurred over a few days only, the Israeli army completed its withdrawal on May 24. Several hundred SLA soldiers fled with their families (6000 people in total) to Israel where they were placed in refugee camps. The rest surrendered to different militias (Amal movement politically close to Syria, Hezbollah politically close to Iran and Syria, and the Syrian National Social Party (PSNS), who handed them over to the Lebanese authorities. Approximately 4800 Lebanese citizens have returned from Israel since 2000. A few weeks after the Israeli withdrawal, the Lebanese authorities sent a thousand soldier armed force, composed of soldiers from the "Interior Security Forces - ISF" and the Lebanese Army. The role of this armed force became more important during the second half of 2002, but the security of the liberated region still depends on two local forces: Amal movement and the Hezbollah. These two Shiite militias maintain a military presence uncontrolled by the Lebanese authorities in the Baalbeck region, Beirut Southern suburbs, and the rest of Southern Lebanon. UNIFIL Forces supervise the border region only to make sure that UN Resolution 425 is soundly implemented. Several Palestinian armed factions operate in the Palestinian camps in Southern and Northern Lebanon, but their activities are strictly limited to the camps. Syria used to keep an army of 35,000 to 40,000 soldiers spread throughout the Lebanese territory (except Southern Lebanon) supported by thousands of intelligence agents who intervene in Lebanon's political, social, and judiciary life. On July 2001, March 2002 and February 2003, the Syrian troops redeployed as per the Taef Agreement signed in 1990. The second redeployment included mainly archaeological sites held since 1990. Reliable sources estimate that the current number of Syrian armed forces is around 20,000 soldiers. Intelligence activities have not been affected by the redeployment.

Lebanon has been going through a socio-economic crisis that many independent experts consider as explosive. Although the national currency is relatively stable, the growth rate was negative in 2000 and 1.5% in both 2001 and 2002. According to the UNDP Human Development rating, Lebanon's income per capita is USD 4,308. In one year, Lebanon fell back 10 ranks, from 65<sup>th</sup> to 75<sup>th</sup> in its level of human development. According to a UNDP report on human development published in September 2002, unemployment levels are at 10% of men in Lebanon between 25 and 29 years old - this age range has been the most strongly affected by emigration. The unemployment rate has increased sharply due to an escalating recession. According to a study conducted by Saint-Joseph University, and published in 2002, the unemployment rate is 11.5% among people aged between 15 and 64 years old. It is higher among young people aged between 18 and 35 years old (35%). These young people represent 71% of unemployed population. Male unemployment rate is 9.3% and female unemployment rate has increased from 7.2% in 1997 to 18.2% in 2001.

Between 1989 and 1999, the United States issued 3,450 emigrant visas to Lebanese citizens. Nearly 37% percent of active young people would like to leave the country temporarily. Some 80% would like to emigrate in order to find a job. Since 1975, the number of emigrants has been approximately 600 000 people. At least one member of 42.5% of Lebanese households lives abroad and left the country between 1975 and 2000. In Lebanon, there are about one million (over a total of 4 million inhabitants) of foreign workers. They come mainly from Syria, Egypt, Asia and Africa.

The Constitution guarantees citizens the right to change their government through free, just and regular elections. The last legislative elections took place during the summer of 2000 and were disturbed by several irregularities. These facts were documented and denounced in a report written by "NDH- International" and published in February 2001, as well as by several other organizations, such as the "Lebanese Association for Democratic Elections" and the Foundation for Human and Humanitarian rights- Lebanon. Lebanese authorities later refuted most of the accusations. In June 2002, after Albert Moukheiber (Greek Orthodox deputy of the Metn region) passed away, a partial election was organized to fill the vacant seat. However, after many violations of democratic elections, the executive power cancelled the instatement of the election winner, Gabriel Murr who is an opposition candidate. This occurred after the announcement of the election results and through a judgment of the Constitutional Council, which was criticized by many Lebanese jurists. Instead, the executive power appointed Ghasan Moukheiber without organizing new elections (see below our detailed report of this matter).

#### **b) Evolution of the Human Rights' situation in Lebanon**

Even if it is extremely hard to generalize a comparison between the current situation of Human Rights in Lebanon to its past, we still consider that some few points are comparable. Certain violations reflect the authorities' attitude and the priority that they give to the respect of Human Rights in their agenda. Our report will study, through an empirical approach, both the positive and negative aspects of the respect of Human Rights in Lebanon in 2002. It is, however, useful to highlight our main areas of concern. During 2002, an evident increase of politically associated security incidents and of active and obvious implication of judiciary power in political conflicts occurred. There was a tendency to use judiciary power as an instrument of political power. This came at the expense of elementary principles of law, equity, and justice. It is necessary to add to these alarming tendencies the continuous practice of repression against political opponents, such as intimidation measures against students. The use of violence in political demonstrations significantly increased in 2002 when compared to the situation in 2001, a year of clear improvement. The increasing political instrumentalism of the judiciary power had two bad consequences:

- a) An alarming permissiveness in the repression of freedom of expression, illustrated by two illegal measures, which were unconstitutional and unfairly taken, against two TV stations (MTV and New TV) in less than 4 months.
- b) The cancellation of the opposition candidate Gabriel Murr's election to office by the Constitutional Council itself. This decision, which made Ghasan Moukheiber winner, although he got only 2% of the votes, was justified by "Reason of state" (possibility of regional war) as if a State of Emergency had been declared, although the outcome of this politico-judiciary affair (Metn partial election) directly serves the personal and familial interests of Michel Murr, loyalist deputy and previous Minister.

This non-recent tendency of the judicial power is due to several factors. The year 2001 is notorious for the August 7 incidents in which the judiciary was completely involved as an instrument of repression. Additionally, two surprising statements are worth pointing out: Nasri Lahoud, former President of Superior Council of the Judiciary, declared in November 2002 that the judiciary works as a governmental department and some judges have been able to build "castles." The second not less surprising statement, made by the Prime Minister Rafik

Hariri, who declared on January 2, 2003 that there are political interventions in the judiciary power and that a judiciary reform is necessary.

In the frame of the positive developments, we are glad to notice the large and efficient campaign against substance use and abuse, as well as the permission given to the ICRC to visit all prisons and prisoners, without exception, despite the fact that this decree is not fully implemented.

## **II - Civil and Political Rights**

### **a) Integrity and Personal Safety**

#### **1- Safety: assassinations, terrorism, and physical aggressions**

Although Lebanon generally enjoys stable public security, the year 2002 is characterized by a return of political assassinations, through car bombs - a method used for political elimination during the war - or kidnappings. Several cases were reported during the year reflecting a clear decline in security in Lebanon.

On January 24, 2002, Elie Hobeika, (former minister, deputy and Christian war lord) and three of his bodyguards, Dimitri Ajram, Walid Zein and Farès Soueidan, died after the explosion of a car, a few hundreds meters from Hobeika's building. Nine other people were injured in the incident.

Ramzi Irani, engineer and in charge of the Lebanese Forces (Christian anti-Syrian opposition restricted party) students' section at the Lebanese University, was found dead in the trunk of his car on May 31, 2002, in the Caracas area of Beirut. When found, his body was in an advanced state of decomposition. He had been kidnapped on May 7, 2002 while leaving his office, on Clemenceau Street, Beirut, near where his car had disappeared. His personal belongings, such as his cell phone, have not been found. In the days following his disappearance, police officers confirmed that they conducted investigations to locate him and interrogated residents in the area where he had been kidnapped. Journalists, who conducted similar investigations, stated that the police used routine measures of investigation that fall short in this situation. On May 31<sup>st</sup> 2002, some hours before Irani's body was uncovered after receiving a call indicating its place. Jihad Ahmad Jibril, Popular Front for the Liberation of Palestine official (PFLP - general commandment - pro-Syrian and based in Damascus), died in a car bomb in Beirut. The bomb was placed in the Palestinian leader's car.

In June, Mgr Gregoire Haddad, previous Melkite Archbishop of Beirut, was harassed twice in front of the TV Station "Tele Lumiere." Mgr Haddad was hit in the face by a young man (Carlos Abboud) who disagreed with Haddad's religious thesis that he expressed on TV. Abboud was submitted to the military tribunal, which finally released him.

On June 24, 2002, a car bomb exploded in Saida, at 700 meters from Ain el-Heloue camp. A six-year-old girl was slightly injured.

On July 11, 2002, Badih Wadih Hamade known as Abou Obeida, a Lebanese with close ties to the Islamist movement Esbat el-Ansar, killed three Lebanese army soldiers near the Palestinian refugee camp at Ain el-Heloue (Saida). He found shelter inside the camp, under the protection of the movement Esbat el-Ansar, before the small group handed him over to the Lebanese authorities on July 31, after extensive negotiations between the Lebanese authorities and the different Palestinian factions at Ain el-Heloue.

An explosive device of three hand-made grenades was discovered and defused by the ISF, on July 20, inside al-Qods Mosque in Saida. The explosive was found a few minutes before the evening prayer that Cheikh Maher

Hammoud, the mosque's imam, was going to lead. Three days before this incident, Cheikh Hammoud himself handed Abou Obeida, the three soldiers' murderer, over to the army.

On August 12, a bomb attack killed Maha Akouri, aged 55, and seriously injured her daughter Dolla, aged 32, in Batchay, a suburb in North Beirut area in Baabda region. There was a second person injured in the attack. Three explosive charges exploded successively. The perpetrators of the attack targeted Interior Security Sergeant (ISF), Georges Akouri, who is a guardian at Roumieh Central Prison. Sergeant Akouri is one of the military who have interrogated members of the small Islamist group "al-Takfir wal Hijra," which attacked the Lebanese Army at Deniye, in January 2000.

On August 31, Ahmad Mansour, ex-member of Amal movement, shot eight employees dead of the "Private Schools Teachers' Allowance Fund" in Mazraa, Beirut and injured five other people. Mansour affirmed to the Justice Court (a unique level tribunal composed of 5 judges who only study the cases that the government decides to hand over to them and can issue death sentences) that his reasons were religious motivated.

A crowd of demonstrators led by deputies from Amal, Hezbollah, National Social Syrian Party and Baath Party, beat up the Prime Minister Rafic Hariri's Adviser on regional development, Fady Fawaz, in Ouzai area (Beirut West suburb). Fawaz, who was supposed to participate in a ceremony to put the first stone of a bridge building project in the area, was knocked over, thrown onto the ground, and beaten. After he was evacuated by the police and Ali Hassan Khalil, deputy from Amal movement, Fawaz was encircled by demonstrators, who threw stones, eggs, and diverse objects. In front of television cameras, Ali Ammar, one of Hezbollah deputies, harangued the crowd against him and incited demonstrators to "beat up Fawaz, Hariri's man." Transported to American University Hospital in Beirut, Fawaz was diagnosed with serious contusions. He was kept under medical supervision for 24 hours because doctors feared cerebral complications.

On August 10, supporters of Kataeb Party's current president, Karim Pakradouni (loyalist) intercepted the convoy of Amine Gemayel, who is Lebanon former President and leader of Kataeb Reformist Movement (opposition). Pakradouni's supporters tried to stop Gemayel's delegation, composed of two deputies, Antoine Ghanem and Pierre Gemayel, from continuing their visit. Armed people burned tires in order to prevent Gemayel from meeting with opponents of Kataeb Party's current leadership. Deputy Pierre Gemayel affirmed that Pakradouni's supporters attempted to assault President Gemayel. Pierre Gemayel and Antoine Ghanem lodged a complaint against them but subsequent action was not taken.

The Public prosecutor's office accused Kesrouan ex-deputy, Rouchaid Khazen, of recruiting Joseph Akiki to assassinate the deputy in Kesrouan, Mansour el-Bone. Akiki was arrested on September 2. On September 9, George Azzi was accused of having been hired by Mr. Khazen to assassinate Adel Bou Karam, president of Jounieh Municipal Council. Proceedings were instituted but subsequent action was not taken. According to credible but unconfirmed information sources, Joseph Akiki would have been tortured during his detention in prison.

On November 21, an American evangelist missionary, who was working in a dispensary for pregnant women, was shot dead by three bullets in the head. This assassination started a denigrating campaign against the evangelist community. Saida's Islamist leader, Cheikh Maher Hammoud refused to denounce the crime; he only manifested his "preference for other methods of resistance." The Public prosecutor's office did not take any measure following this call for violence and crime.

On December 6, two Lebanese men from the South, named Ramzi Nohra, 45, and Elie Issa, 28, died in a car bomb attack on the road to Kawkaba-Ibles-Saqi (South Lebanon). Both men were killed immediately, as their car was pulverized after the explosion, which weighted more than 50 kg. Both men are said to be Hezbollah spies.

Several political figures suggested that Israel was responsible but did not bring any evidence to support this accusation.

An Iraqi opponent, Walid Ibrahim Mayahi, who is a member of the Iraqi National Congress, was found dead and tied up in Tyr, in one of the five rooms of the Cultural and Islamic Centre al-Sadr, on December 4<sup>th</sup>. Signs of assault were found on the victim's corpse.

On December 23, an armed man named Khalil Ali Sinno opened fire on the judge for summary procedures, Fady Nachar, in a court, in Beirut's Justice Palace. The judge's chest and neck were hit. The judge, in a critical state, was transported to a hospital, where he survived.

On December 30, an army recruit, Tony Kord, was killed in Rai el-Saleh barracks in Dekwaneh as another recruit, Hussein Khalaf, opened fire. Four recruits were also injured, but army officials did not reveal their identity.

During the whole year, a series of attacks targeted important American fast-food chains - Pizza Hut, McDonald's, Winners and Kentucky Fried Chicken - in different Lebanese regions. During the night of November 11 to 12, three bombs nearly simultaneously exploded in a Winners restaurant (200gr of TNT) and a Pizza Hut (200gr of TNT) in Jounieh-Maameltein and in front of the Pizza Hut (400gr of TNT) in Mina, Tripoli. Explosions caused material damages in these restaurants and neighbouring restaurants, but there were no people injured. On September 23, a less powerful bomb exploded near a McDonald's in Jounieh, without hurting anyone. In June, two Palestinians attempted to burn a Pizza-Hut restaurant in Khalde with gasoline. Proceedings were instituted against them.

On May 9, an explosive attack partially destroyed one restaurant of the Kentucky Fried Chicken chain. The restaurant guard was slightly injured. Attacks caused some material damage.

Several Muslim dignitaries and leftist organizations called for a boycott of American companies and products in Arab countries because of the American military aid and political support to Israel. Several of these organizations denounced these attacks and called for an intensive but pacifist boycott.

A series of explosions and clashes between Palestinian factions (Fatah, PFLP, DFLP, Saika, Esbat el-Ansar, Esbat el-Nour...) occurred throughout 2002 inside Ain el-Heloue camp (near Saida).

Since the Israeli withdrawal from South Lebanon and West Bekaa in May 2000, mines have represented the most serious security danger. The number of antipersonnel mines, installed by the Israeli army and South Lebanon Army (ALS, Israel auxiliary militia), is estimated to be 409,000 by UN experts. According to official figures, mines killed about 30 people and injured more than 203 inhabitants or their guests of liberated villages since May 2000. In January 2002, Israel handed the mine maps to UN officials back for most of the Southern regions, except the Jezzine region. On January 24, two children, Hussein Salam, 11, and Mohammed Issa, 10, were injured in the village of Qleya (South Lebanon) by an Israeli old fragmentation bomb that they had found near their house. On April 23, a 5-year-old child, Abbas Faqih, detonated a mine in South Lebanon. He died immediately. His two brothers, Hussein, 8, and Abdallah, 3, were seriously injured.

At the end of November, a journalist from the daily newspaper *an-Nahar*, Abbas Saleh, was kidnapped in front of the BHV. He was held arbitrarily, beaten and tortured by Hezbollah members, because he refused to park his car somewhere else. The militia members also threatened to murder him. Saleh was taken to an underground parking facility opposite the Marriott hotel in Beirut. The militia supporters kicked and punched him as they took him to a room where to one of the main figures of Hezbollah security services, Ahmad Mcheik. They accused him to have insulted Hezbollah before they beat him up again.

A mixed force composed of 1,000 soldiers from the Lebanese army and the Interior Security Forces was deployed after instances of weakened security occurred over several weeks in 2000, following the Israeli withdrawal. The role of regular forces was increased over the last six months (of 2002). Incidents, often due to disputes between clans or partisans, kept happening, especially between Amal and Hezbollah members. These clashes sometimes degenerated into murderous brawls. On March 25, 70 people were injured in clashes between Amal and Hezbollah supporters in Nabatiye (South Lebanon). Two demonstrations encountered each other in a street in Nabatiye. Both sides fought each other with knives, sticks and empty bottles. Several soldiers from the Interior Security Forces and the Lebanese Army were injured as they attempted to intervene to stop the rioters. On September 23, a dispute occurred between Hezbollah members and Amal scouts following a conflict about portrait posting in the village of Wadi Jilo. Both sides' partisans fought with sticks and stones. The police arrested 14 people.

Because Israel has still not evacuated the "Shebaa farms" area, Hezbollah continues to launch military operations against its soldiers. Israel military responds back.

## 2- Disappearance and prisoners:

The chief of the Lebanese Forces, Samir Geagea, has been held prisoner three levels below ground in the Ministry of Defense since 1994. The conditions of his detention violate the international convention on the standard treatment of prisoners signed by Lebanon. Defense attorneys, different Human Rights NGOs and the Bar Association efforts have been able to slightly improve his conditions of detention. Nevertheless, Mr. Geagea is only authorized to see his wife, his lawyers, or visitors under guards' supervision. The dimensions of his cell are 3m on 2m, including toilets and sinks. Contrary to other legal prisons in Lebanon, it does not include a gym, TV, library, or walking area for prisoners. Political pages of magazines that are brought to him are ripped out. According to information reported by the press and his lawyers, he can only leave his room blindfolded and handcuffed.

Hanna Challita, a member of the Lebanese Forces has also been held prisoner in conditions similar to that of Samir Geagea since 1994 without legal judgment. He is suspected to have participated in Tony Frangie's massacre in 1978. Tony Frangie was the father of the current Minister of Health, Sleiman Frangie. The prisoner was finally released in September without any court judgment or cross-examination after he paid 5 million Lebanese pounds (USD 3300).

The journalist Antoine Bassil, arrested on August 17 2001 and accused of maintaining "Contact with Israel" is still in prison. The military court sentenced him to 4 years' imprisonment but his sentence was reduced to 2 years and 6 months.

A 1990 census indicates that 17,415 people are missing in Lebanon as a result of the war. Uncertainty about the missing people's situation makes the mourning process impossible, especially because it is still possible that some missing people are being held as prisoners. A number of families, who live in materially precarious situations, have met at the Committee of Kidnapped or "Missing People's Parents" in Lebanon. They have asked the Lebanese authorities for an independent investigation into the disappearances. Several Lebanese political figures, who have been in power since 1990, were implicated in the massive events that happened during the war. These events include summary executions and the illegal transfers of prisoners to Syrian prisons. This explains the Lebanese government's attempts to close the missing people's files. These files include those of Lebanese prisoners in Israel, Syria, Iraq, and Libya, and of people kidnapped by militias that went to the Lebanese War.

There are still 12 Lebanese prisoners in Israel, some of whom have been held as prisoners since 1978. They are arbitrarily held and are still waiting to be sentenced by the Israeli courts. The Israeli authorities justify the

"administrative" detention of Abdel Karim Obeid and Moustapha Dirani by stating that they represent a danger for Israeli security. Dozens of freed prisoners have affirmed that they were subjected to torture.

The still undetermined number of Lebanese prisoners in Syrian prisons keeps feeding certain political figures and human rights NGO requests for their liberation. In July 2002, Prime Minister Selim Hoss's government ratified the conclusions of a special committee that was created in January 2002 by the Council of Ministers. The committee being exclusively composed of security agencies representatives, and following military attributions failed to properly perform the assigned job. The report declared anyone who had been disappeared for 4 years to be considered officially deceased. Human Rights NGOs and parents of missing and imprisoned people denounced the committee's conclusions.

In December 2000, 46 Lebanese prisoners and 7 Palestinian prisoners were handed over to the Lebanese authorities. Lebanese authorities still do not exactly know the number of Lebanese prisoners being held in Syria. Syria also published a list of 95 prisoners of accused of having committed ordinary crimes in Syria. Adnane Addoum, the General prosecutor confirmed that the "file was closed" and insisted that each person was no longer presumed to be a "prisoner", but "missing". This is not the opinion of parents who confirm that they have often traveled to Syria to visit their imprisoned children.

Rafic Hariri's government appointed another Commission of Inquiry on missing people in January 2001. The commission was charged to collect parents' complaints. It is no longer composed of security agents and security services officers, but composed of the chiefs of those services and others. It includes Adnan Addoum (the General prosecutor), General Jamil Sayyed (General Director of the Sûreté Générale), General Edouard Mansour (Director of State Security Services), General Marwan Zein (General Director Interior Security Forces), General Raymond Azar (Director of the army intelligence agency), and two members of the Bar Associations of Beirut and North Lebanon. It is presided over by the State Minister of Administrative Reform, Fouad es-Saad. It was supposed to have drawn conclusions after six months of work. This did not occur and its mandate has since been extended three times. SOLIDE (Support to Lebanese Prisoners and Exiled people) and SOLIDA (Support to Arbitrarily Imprisoned Lebanese People) have noted in several reports that "the commissions has operated according to a standard that was taken prior to its formation" and further alluded to district attorney Addoum's words about the definitive closing of files in December 2000.

Indeed, instead of collecting parents' complaints in order to follow the inquiry according to international norms, the commission has requested parents to show irrefutable proof that their relatives are still alive in Syrian prisons. This is a clear violation of Article 13 of the World Declaration for People's Protection against Forced Disappearances, adopted by the UN General Assembly in 1992. According to this article, the state is obliged to follow through with an investigation on the territory where a forced disappearance has occurred. According to the same Declaration, it is a continuous ongoing crime. The commission's mandate officially expired in June 2002 and their report has yet to be published. No explanation has been given as to the delay.

The prisoners' parents requested an appointment with the Syrian Interior Minister in Damascus. The meeting was granted and held on July 22<sup>nd</sup>. During the meeting, the Minister committed to give the parents an answer about the situation of 174 children within 3 months. On October 2, the parents got a new appointment with the Syrian Minister in hopes that they will receive answers. Upon reaching the border, they were informed that the Minister was not in Damascus and would not be able to meet with them and were consequently sent back to Lebanon.

One prisoner, Mahommed Yehia el-Balchi was included among the list of 174 individuals. He was released in secret by the Syrian authorities in September. Moreover, the Lebanese justice has not released immediately some of the prisoners who were transferred from Syria to Lebanon in December 2000. One of them, Radwan Chakib Ibrahim, died in prison in February 2001. He suffered high blood pressure and was not provided access to the necessary medical treatment.

The Intelligence Services issued a mandate for the investigation into 14 of the prisoners released in December 2000. None of the individuals noted within the mandate have been summoned, and no explanation has been



provided by the authorities. As a consequence, any administrative formality that could have been initiated by the individuals concerned was not available to them. One example is that of Henri Daou. Mr Daou is a Lebanese citizen who fought during the war. In October, he was arrested at the Syrian border by the Syrian authorities while on a business trip to Damascus with a friend. He remained in arbitrary detention for two weeks and released thanks to influential Lebanese figures' intervention in Syria.

In October 2000, Hezbollah captured three soldiers from an Israeli patrol near the disputed Shebaa farms. In addition, they also arrested an Israeli civilian who, reportedly, was an Israeli Secret Services Colonel. Information as to the prisoners' status is contradictory, and thus their status is uncertain. Hezbollah refuses to allow the International Committee of the Red-Cross (ICRC) to visit the prisoners despite several requests to do so, including requests from German mediators. The prisoners' detention conditions violate the Geneva Convention on prisoners of war. Hezbollah insists that the aim of its actions is the liberation of Shebaa farms and the release of Lebanese prisoners from Israeli prisons.

The case of Imam Moussa Sadr, who has been reported missing since a 1978 trip to Libya, is still in question. His sister, Rabad Sadr, claims that she has information to indicate that he is alive and imprisoned in Libya. The Lebanese government contented itself with creating a committee without any specific prerogative or precise mandate. No serious efforts that would be able to reveal Imam Sadr and his two companions' status have been initiated so far.

Twelve Lebanese citizens (students or teachers in Shiite religious schools) have been reported as missing since 1990 in Iraq. (Some were arrested in Kuwait by Iraqi forces). The Lebanese state has only taken rare and limited steps in order to ensure their liberation.

<b>Name</b>	<b><i>Date of birth</i></b>	<b><i>Date of arrest</i></b>
Cheikh Ali Hussein Jaafar	1946	1991
Cheikh Ibrahim Ali Jaafar	1974	1991
Cheikh Taleb al-Khalil	1942	1991
Cheikh Mohammed Mehdi Fakih	1960	1991
Cheikh Mohammed Sadek Fakih	1962	1991
Cheikh Mohammed Hady Fakih	1966	1991
Mohammed Ahmed Khalili	--	1990 (Kuwait)
Sobhi Khalil Haydar	--	1990 (Kuwait)
Hussein Abdel Halim Cheayb	1959	1980
Nassif Ibrahim Dehayni	1959	1980
Jalal Mohammad Al-Hady	1968	1986
Ikkal Khalil Jalloul	--	1986

Lebanese citizens have been reported missing in the Democratic Republic of Congo during the year after the assassination of President Laurent Desire Kabila. Other people have been placed in arbitrary detention in Paraguay. During the Francophone Summit, the Lebanese authorities pleaded their cause to Congolese Officials who in turn promised these people's liberation by the end of the year.

### 3- Physical and Psychological Torture

Although the Lebanese Law forbids all forms of torture, certain provisory detention centers are famous for their torture practices. Victims generally are afraid to make a complaint. When soldiers are found to be guilty of torture, they are generally sentenced to disciplinary penalties. To date, no legal action of torture cases has

ever gone before the court. The police stations "Hbeiche" and "Barbar Khazen" are notorious for their degrading and humiliating torture practices. Torture is a common violation during arbitrary arrest and preliminary detention. No information has ever been reported from prisons that hold prisoners who have already been sentenced. However, some cases of physical violence have been reported in the minors' section of the central prison and of the Sûreté Générale prison for foreigners (illegal immigrants). The authorities in charge of these two prisons are generally receptive to complaints about torture but penalties never exceed disciplinary measures.

The lawyer Ziad Assouad, who was a victim of violent acts carried out by plain clothed intelligence agents during pacifist student demonstrations in front of the Justice Palace on August 9, 2001, still suffers serious complications from a fractured skull. The authorities have never justified the use of violence that day. According to independent sources, the promotion of the officer who was in charge of the squad in question has been postponed for 6 months. In July 2001, the Minister of Justice, Samir Jisr, publicly acknowledged that Lebanon shelters and protects torturers.

According to his lawyer, Badih Hamamde known as Abou Obeida (Islamic fundamentalist who assassinated three Lebanese soldiers at the entrance of Ain el-Heloue Palestinian refugees' camp) was tortured (continuously tied up) during the first eight weeks of his detention in the Ministry of defence.

The case of the prisoners involved in the armed insurrection in Denniye (in 2000) is still mentioned as a case of torture used in prisons supervised by the Ministry of Defence. This year, the lawyer (Hani Sleimane) who defends one of the prisoners (Jamil Hammoud) denounced in front of the Court of Justice the bad treatment that was inflicted on his client but he nevertheless did not manage to initiate an investigation, as stipulated by the United Nations Convention against Torture that Lebanon ratified in 2000.

The Lebanese Forces leader (Toufic Hindi) and journalists Habib Younes and Antoine Bassil who were arrested in a series of raids among the opposition in August 2001 and accused of "contacts with the Israeli enemy" confirmed in front of the military court that they were subjected to various forms of coercive pressure during their interrogations. On February 13, Toufic Hindi denied in front of the military court all the facts that were attributed to him and stated that he was in such a poor physical and moral state during the preliminary investigation that he had only one obsession: to save his life. Hindi mentions the physical and mental pressures to which he was subjected during the first 11 days of his imprisonment. *"I was terrorized for 11 days, and if you wish, I can give you some details"* he affirmed. The previous LF leader stated that he had been threatened several times that he would be *"transferred to Syria."* He added that *"each trip to the bathroom was a terrible humiliation. Prisoners were forced to use the toilets in front of the guardians' mocking looks."* He also remembers many references to his wife.

On February 20, Antoine Bassil told the military court that he had been mistreated and subjected to many pressures during the first days of imprisonment. According to him, one investigator had even told him: *"We don't have anything against you. We want Toufic Hindi. Either you cooperate with us or we will make you confess that you crucified Jesus."* On February 27, Habib Younes also testified in front of the military court as to the various mistreatments he was subjected to during a preliminary interrogation at the Ministry of Defence. When he was freed on November 19, he reported that he had suffered all kinds of physical, moral and psychological pressures. On June 4, the three men affirmed again in front of the Military Court of Appeal that they had been subjected to pressure during their interrogations at the Ministry of Defence.

#### 4-Arbitrary Arrest and Exile

The return to Lebanon of former Prime Minister, General Michel Aoun, who has been in exile in Paris since 1991, is denied each time he attempts to return to his country. The Lebanese authorities up-held the indictments

against him, which include the taking over of power and misappropriation of public funds, each time he asks to return to Lebanon.

The former President of Lebanon, Amine Gemayel, and the President of the Popular Congress, Kamal Chatila, returned to Lebanon in 2000 after many years of exile. They say that their political activities have been severely controlled since their return. President Gemayel also asserted that he received death threats in 2001 and 2002.

Police officers have continued to arbitrarily arrest dozens of Aoun's supporters and members of the Lebanese Forces and the Liberal National Party, all of which are the main opposition movements. In 2002, these arbitrary arrests have been numerous, especially during demonstrations. Most of arrested people are released after few hours' interrogations. Others are referred to the military court, which judge and arbitrarily condemn them. However, the number of cases taken before the military court in 2002 has decreased from earlier years. Some are forced to sign documents that obligate them to cease their political activities. Accusations against them generally include: "defamation against the President," "defamation against a friendly country (Syria)," "formation of an illegal movement," "undermining the state security," and "spreading of an unauthorized party's principles."

On January 14, the Intelligence Services questioned six supporters of the Lebanese Forces in different regions of Lebanon. The supporters were subjected to pressures and threats that sought to deter them from continuing their political activities.

On February 8, the journalist Antoine Saad, who supports the Lebanese Forces, was arrested at the Beirut Airport and held for six hours. He was on his way to Paris. The president of the Journalists Union (Melhem Karam) intervened to settle the issue. He was told that Saad has to refer to the army HQ in order to obtain a travel permit.

In November, Eliano el-Mir, a senior student delegate and supporter of the Lebanese, was arrested without any charge. He was taken to the Ministry of Defense and interrogated about flyers hostile to the Hezbollah and the Syrian Army that he had distributed. He was cleared of this accusation by the Military Court, but was transferred to Saida prison and referred to a civilian court. He was freed in November, but arrested again in December and released a few days later.

On February 6, the Information services summoned two Saint-Joseph University (USJ) students: Julien Courson, who was the previous leader of the Lebanese Forces section on the Social Sciences campus, and Rabih Traboulsi, who leads Aoun's supporters at the Engineering School. Both students received written convocations that asked them to go to the Intelligence Services headquarters for an "interrogation" about their political activities. Julien Courson went to the headquarters, where he was interrogated. During the interrogation, he was handcuffed, his eyes were banded and he was slapped several times. Traboulsi refused to respond to the summons. On the day following this incident, a parliamentary committee for the students' defense was created on the initiative of Saint-Joseph University's rector, Father Selim Abou. This committee is charged with following cases of students who have been arrested or questioned because of their political activities.

In April, three students who support Aoun were questioned in Chekka (North Lebanon). Karim Bou Karim, 25, Charbel Esper, 24, and Fadi Khairallah, 25. They were taken to the Intelligence Services station in Amioun where they were interrogated on their opinions, their membership and political activities. They were released after several hours of detention.

The investigation on the Ehden massacre (June 13<sup>th</sup> 1978), in which the Minister Sleiman Frangie's father (Tony

Frangie) and several members of his family were killed, was reopened this year. This served as a pretext to launch raids against the supporters of the previous President, Amine Gemayel, in the village of Kfar Abida (near Batroun, North Lebanon). Minister Frangie himself denounced this exploitation and accused the General Surete Director (Jamil es-Sayed) to be behind the exploitation. Those who were interrogated about this incident (Nabil Haykal, Hanna Aoun, Tony Youssef, Antoine Feghaly, Antoine Chahine, Tony Assouad) were released after a few hours.

On August 7, Toufic Hindi, who is a Lebanese Forces leader, was arrested under conditions that are contrary to human rights as part of the raids (August 2001) against Aoun's supporters' movement and the Lebanese Forces. He was referred to the military court on the basis that he was in contact with Israeli officials. The prosecutor required the death sentence for Hindi. His trial continued during the first months of 2002. Initially condemned to three years in prison, his sentence was reduced to 15 months. He was freed on November 9.

The journalists Habib Younes and Antoine Bassil were also victims of arbitrary arrests on August 17 and 19, 2002. Younes was sentenced to three years in prison by the military court. His sentence was reduced to 15 months. He was freed on November 19. Antoine Bassil, whose initial sentence of 4 years of prison and later reduced to 2 years, is still imprisoned in Roumie.

On May 27, the Intelligence Services in Zalka (Metn caza) interrogated Edmond Khazen without any charges and held him incommunicado for four days. He is a pro-Aoun student leader. He was released five days later. He reportedly was questioned as a result of distributing pamphlets that favored the election of the opposition candidate, Gabriel Murr, during the Metn partial election.

In the evening of Thursday August 29, the night before the President's visit to Metn, the Intelligence Services interrogated three students who are close to the Aounist movement. The students, Fady Hache, 18, Gino Aoun, 18, and Victor Medlej, 15, were taken to Noura army position in Sin el-Fil, where they remained in arbitrary detention for three days. Victor Medlej was not interrogated in presence of social counsel or of his parents, although he is minor. On Tuesday, Medlej was released. Arrest warrants were issued against Gino Aoun, 18, and Fady Hache, 18, for "*defaming the President.*" They were referred to a civil court. They were held prisoners at "Serail de Baabda" (Baabda city hall). The students were arrested because they tore down the President's portraits.

On the same occasion, an engineer spent 10 days at the Ministry of Defense and then at Roumie prison because he tore down a portrait of the President during the night, which was posted on his house's door, as he was coming home from a trip. He was allowed to call a relative only two days after being arrested. A pregnant woman and her husband were arrested by the police because the woman, suffering from serious nausea, threw up in front of portraits of the President.

About twenty of Aoun's supporters were interrogated and quickly released in front of Saint-Georges Cathedral on October 13. They were attending a mass for the victims who died during October 13, 1990 events following General Michel Aoun's ousting by the Syrian army. On October 16, seven students, whose names are Edouard Chamoun (President of the NLP student section), Rabih Khalifé (NLP), Charbel Khalil, Elie Chamoun (NLP), Paul Bassil (CPL), Youssef Sadek and Richard Younan (FL), were interrogated as they attempted to leave the Saint-Joseph University campus to join the demonstration against the Syrian presence in Lebanon, for the francophone summit occasion. Injured, Younan was interrogated by the police while he was transported by the Red-Cross to the hospital. On October 31, the police interrogated about 30 students of the opposition who were trying to demonstrate against the Syrian presence in front of the Lebanese University Sciences campus in Fanar. On November 21, the police interrogated about 15 students who were trying to protest against the Syrian presence in front of the National Museum and in front of the Lebanese University's Art School and of Saint-Joseph University's Medical School, near the museum. The demonstrators were demanding the withdrawal

of Syrian forces on Independence Day.

Intelligence Services' officers interrogated Fadi Chamati, who is a Lebanese Forces student leader at his office in the water company *Tannourine*, on December 16. He was released on December 20. His house was illegally searched. According to judiciary sources, Chamati was interrogated because he held papers that contained specific state security undermining information that required an investigation.

On December 20 and 21, Aoun movement activists were interrogated in the Intelligence Services station in Jbeil. Ragheb Abi Akl was interrogated on Friday, 20; the next day, Siham Younes, Marwan Saliba and Bassam Youssef were interrogated about their political activities for several hours. On December 24, another Aoun's movement activist, named Nour Merheb, was arrested in front of Saint Maron Church in Dora and released on December 27. He was handing out pamphlets criticizing Syrian workers in Lebanon.

## 5-Prisons

The situation of Lebanese prisons does not comply with international norms. Although a prison department exists within the Ministry of Justice, the Ministry of Interior Affairs effectively manages the 18 Lebanese prisons. There are roughly 7,000 prisoners in the Lebanese prisons that have a capacity for 2,200 inmates. On October 17, the government's official Journal published a decree that authorized International Committee for the Red Cross (ICRC) delegates to choose prisoners they wanted to visit and to hold free discussions with the prisoners without any supervision or time limit. They are also allowed to record the names of the prisoners they visited. Moreover, ICRC medical delegates are allowed to choose the prisoners they want to meet and to administer medical exam. The decree indicates that a room will be set up for these exams.

Prisoners lack heating facilities, hygienic services, medical care, and other necessities. There is almost no rehabilitation program, except for a few initiatives taken by NGOs. Regional prisons are completely dilapidated.

The budget granted to prisons is decreasing: it was reduced from 3.100.000.000 LL (\$ 2.067.00) in 2001 to 2.740.000.000 LL (\$1.827.000) in 2002 (1100 LL or \$0.75 per prisoner per day). According to September 2002 UNDP report on human development; in 1999 Lebanese prisons counted 6,623 prisoners, only 40% of whom had been convicted.

Abou Obeida, who was accused of the assassination of three soldiers near Ain el-Heloue Palestinian camp in Saida, indicated in front of the military court that his detention location (during the first period of time at the Ministry of Defense) did not permit him to practice his religion like he should and to pray as many times as he was supposed to do.

## 6- Death Penalty

Under Prime Minister Hoss's administration (until September 2000), no death sentences were executed. Death penalties are not to be executed without the Prime Minister's signature. Upon returning to cabinet, Prime Minister, Rafic Hariri announced that he was ready to sign several death sentences on the basis that "*Lebanese society is not yet ready to abolish the death penalty*". Technically speaking, Prime Minister Hariri needs President Emile Lahoud's counter signature to issue a death sentence execution decree. President Lahoud has not expressed any reservations on capital punishment to this day, and although approximately twenty people have been sentenced to death to date, no execution has been carried out since Hariri's return to office. This moratorium against the death penalty is still in force today especially because of the pressure of the European Union.

## b. Judicial power

### 1) Integrity of the Judicial Power and fair trials

The Lebanese Constitution stipulates the independence of the judicial power and gives the Constitutional Court the duty to verify the constitutionality of the laws and decrees. The military court, however, continues to use the unconditional vast powers that it received in 1967 (when the military court attributions were extended to cover civilian cases).

The Judicial Council is another example of dependence. Five jurists are assigned to study cases the government decides to transfer to them only. Sentences, including death sentences, issued by this court cannot be appealed. Judges are not elected by the judicial body, but rather named by the Minister of Justice.

We can consider that the Lebanese Forces' leader (Samir Geagea)'s trial was unfair. According to confessions given by state officials, his trial was a political issue. According to the previous President, Elias Hraoui, in a TV interview on the Arabic channel (*al-Jazira*), Samir Geagea refused to be part of the government in 1994 or to leave the country despite the advice Hraoui gave him. According to Hraoui, this is why Geagea remains in prison.

Hanna Challita, who used to be an LF soldier, was imprisoned at the Ministry of Justice without trial for 7 years. He was released in September. His case represents an unhappy precedent in the history of justice in Lebanon. When he left prison, Challita contented himself to thank the prison guards "*for teaching him the sense of discipline.*" Challita, who was 17 years old at that time, was accused of the murder of Tony Frangieh (son of the former President Sleiman Frangieh) and several members of his family during the first year of the war.

On April 2002, a grenade exploded at the Beirut Engineering Superior School (ESIB). It killed two first-year math students, David Ajaltouny and Alain Khalife, and injured five others. The accident shocked the public opinion. The investigation has been drawn out and has yet to produce any results. According to the official version, Ajaltouny had brought a grenade to class. Thinking the pin was disengaged, he was handling it when it exploded. Efforts have been made to hide his classmates' version that the grenade had been in class for several days and was hidden in a mug wrapped with gift paper as a game. The authorities denied this version of the event. In a press conference in November 2001, the Minister of the Interior (Elias Murr) affirmed that Ajaltouny had the grenade with him on campus. This statement made by the Minister infringes on the judicial domain as the investigation is still not closed.

There are three other cases of investigations that have not given any results and that suggest judicial interference: Sister Antoinette Zeidane's rape and murder (January 2002), four judges' murder in Saida in 1999 (although the authorities suspected the group Esbat el-Ansar's lead by Ahmad Abdel Karim Al Saadi known as Abou Mahjan, in the Palestinian camp of Ain el-Heloue near Saida) and the Nathalie Debbas's case who reportedly died of a heart attack after being raped several times. Her father was first accused but he was released after intervention from certain political parties. The case has been quieted since. In the matter of the four Saida judges, a Lebanese of Palestinian origin, Toufic Mohammed Mahmoud Diab, was arrested in April and was referred to the General Prosecutor.

Noticeably, the investigation on the attack that was perpetrated on the Notre-Dame de la Deliverance Church in Zouk Mosbeh (Kesrouan) after which Samir Geagea (the Lebanese Forces leader) had been arrested (but then found innocent) did not get any result. Geagea was found guilty in February 2001 for murdering Dr Elie Zayek (January 1990) and was sentenced to life imprisonment. The President, Elias Hraoui, used the fact that there was still an open file involving Geagea to argue that Geagea cannot benefit of presidential grace. Only prisoners who have been judged can benefit from presidential grace. The Lebanese Forces denounced "the state's

partiality" after this case and affirmed "*Elias Abdallah, the Prosecution counsellor, denounced in a report dated on February 3, 1998 the fact that the Beirut penal court neglected to take statements from certain witnesses of the defence.*"

The investigation on the identity of the journalist Paul Khalife's assailants in 1999 has not led to any result. Khalife was physically assaulted during the night by unknown people in front of his house. The day preceding his assault, he had attacked the political regime in an article.

No investigation on the death of Barakat el-Amil, Gerges Seaid and Abdel Meneem Karout in prison (former members of the SLA militia) has been initiated to this day.

The investigation into the assassination of the former Minister Elie Hobeika has not led to any conclusion. Judge Nasri Lahoud, who was military district attorney at that time, went to the scene of the attack and accused Israel right away.

Similarly, the investigation of the LF engineer Ramzi Irani's kidnapping and assassination has not produced any result.

The trial of several political opponents, including Toufic Hindi (FL officer and Samir Geagea's former advisor), Habib Younes (journalist for the daily newspaper *al-Hayat*), and Antoine Bassil (journalist for MBC TV station), the leader of the Aounist movement Nadim Lteif and of the Lebanese Forces Selmane Samaha and Antoine Keyrouz, the journalist Claude Hajjar and several LF and Aoun's activists, took place before the military court during the first months of 2002. The first three (Hindy, Younes and Bassil) were accused of collaboration with Israel, which is the most serious accusation in Lebanon. Yet, two of them ended up being sentenced to 15 months in prison and released in November. The third was sentenced to two and a half years in prison. Several journalists noticed the discrepancy between the initial sentences and the terms actually served. As to the others who were arrested, they were released. Moreover, Habib Younes was not authorized to attend his dad's funerals during his detention. In contrast, Toufic Hindi was authorized to attend his mother's funerals.

The Minister for Administrative Development (Fouad es-Saad) announced a new bill in June to establish a Mediator of the Republic, or Ombudsman. In early June, Saad organized an international congress to debate the bill with jurists, political figures, officials of the main organisms of state control, and a number of ambassadors in Lebanon. While the initiative to create an Ombudsman is positive, certain concerns to the text of bill are worth noting:

- According to the bill, the Ombudsman is appointed to a term of four years through a decree of the Council of Ministers. He is chosen among a list of 5 candidates who are proposed by the Parliament. The Ombudsman's nomination should not be made by the Executive power.
- The effective creation of an Ombudsman's office can only happen if the justice department is totally independent from the political powers. Conversely, this measure could be used to hide politicisation of the judiciary.

## 2) The Executive power's hold over the Judicial power

A new legal code was voted on, revised and voted on a second time during a two week period in August 2001. The revision and second vote was triggered by modifications requested by President General Emile Lahoud. According to an article in L'Orient-Le Jour dated August 14 2001, the President wanted an amendment "*that would facilitate the intervention of Intelligence Services in judicial affairs*".

The legal code which was promulgated on August 7, 2001 (before the modification and second vote on August 13) reduced the duration of police detainment and arrests for the needs of investigations. It acknowledged that the presence of a lawyer during interrogations was mandatory. The judicial police and district attorney's powers were reduced and the Ministry of Justice no longer controls the district attorney, as was the case under the former law. Several regulations against torture had been introduced. However, the modifications that were suggested by the President and approved by the Parliament on August 13 made the Intelligence agencies part of the judicial police. The judicial police are permitted to conduct interrogations without the presence of a defence lawyer. The power to directly investigate the crime location increases the district attorney's authority. He is allowed to put an end to any dispute between the Public Ministry at the Supreme Court of Appeal and the military court district attorney about a non-judicial permit to initiate legal proceedings. Another modification increased the duration of detention to 10 days in police custody and 6 months for an investigation. This is a flagrant contradiction to the presumption of innocence. These new powers that have been given to the district attorney increase the risk of arbitrary arrests.

President, General Emile Lahoud, exempted penalties from being imposed against Intelligence Services officers who were responsible for August 2001 raids against the opposition and for beating up students in front of the Justice Palace. The President stressed that sanctions would be taken within the military institution. No one was able to confirm if serious penalties have been taken against offenders; or for example the information about the six-month delay of the promotion of the officer who was in charge of the squad in front of the Justice Palace on August 9, 2001.

The General Prosecutor, Adnane Addoum, threatened to bring legal proceedings against opposition leaders, including former President Amine Gemayel, former Prime Minister General Michel Aoun and the Liberal National Party leader Dory Chamoun because "*they led an anti-Syrian campaign and claimed Lebanon sovereignty*." During a press conference in November, the General Prosecutor stated that he would sue all those who "*claim Lebanon sovereignty*." He resurrected the "Puma" files and attempted-in vain-to accuse the former President Amine Gemayel of misappropriating funds. The Public Prosecutor's office also mentioned the possibility of suing General Aoun for "*rebellion*" and "*misappropriation of funds*." Both files are old and are brought up every time that his return from exile is mentioned.

In December 2002, the Parliament's police force, whose jurisdiction is limited to the protection of Chamber of Deputies' buildings, used force to close eight pubs and restaurants that are located near the Parliament building. This was carried out without the possession of any order from the judicial authorities or the Ministry of Tourism. The restaurants were reopened two weeks later. There has been no follow up or investigation into this matter.

### 3) Military court

Given its composition and haste in "due process", the military court's jurisdiction over civilians is a violation of international norms for fair trial. Proceedings before the military court are hasty and undermining the fairness of trial procedures. In 2002, the military court received 11309 complaints, 10422 of which were processed and ended; which means an average of 40 cases per working day. The court usually holds sessions three days a week. More than 100 cases are sometimes dealt with in one day. This happened, for example, for the trials of South



Lebanon officers and soldiers; in such conditions, trials are hardly fair. Moreover, based on the current composition of the court, four of the five judges are military officers and not necessarily judges or lawyers. The fifth member is a civilian judge. A court composed of four military officers and one civilian judge can hardly ensure objective conditions of fairness.

The trials of SLA militia members that took place in 2002 were not fair. The prisoners on trial did not have access to defence in accordance with international norms.

The trials of several opponents, including the journalists Habib Younes, Antoine Bassil, and the LF leader Toufic Hindi took place before the military court. In June 2002, the military Supreme Court of Appeal condemned them for "*contacts with Israel.*"

### c. Freedoms

In his government's speech to the parliament in December 2000, Prime Minister Rafic Hariri acknowledged that freedoms were violated in Lebanon. He committed himself to enforcing the respect and protection of freedoms during his office.

The power that the Intelligence and Security agencies have is a hotly debated issue in Lebanon. The President and the Prime Minister in 1969, respectively Fouad Chehab and Rachid Karame cosigned a law dated December 16 1969 that mentions the attributions of the General Surete. "*Article 5 of this law entrusts this organization with such large powers that all aspects of the Lebanese political, economical and social life are a matter for its concern*" according to the journalist Emile Khoury (L'Orient-Le Jour, Monday June 11, 2001). In addition to the counter-espionage mission and the fight against subversion, banned parties, secret or banned organizations, the General Sureté has the right to obtain information about activities related to familial, non-profit, religious, sports, cultural, scouts, labour union, and employers associations, and to supervise authorized or unauthorized meetings.

#### 1) Religion and freedom of worship

The Constitution gives civil rights to all the citizens from the 18 communities recognized by the state. Any person who does not belong to one of the 18 communities does not have civil rights or personal status, cannot get married, apply for public offices, run for elections etc. In Lebanon, no law authorizes civil marriages (even optional). Religious institutions (both Christian and Muslim) continuously criticize and thwart the idea of allowing civil marriages. The 18 communities' own religious courts to examine divorce and parental authority affairs. Contrary to Christians, Muslims' inheritance affairs are also dealt by religious courts (*Shari'a*).

If a group wants to be recognized, it must set forth its doctrine and principles to the government to ensure that they do not contradict the Constitution or public values. The group must also have a certain number of members to be recognized as a community. It must also ensure its continuity.

The government requires that the religious affiliation be coded on the new identity card.

In 2002, there was a strong resurgence of sectarian speeches in political circles, especially in the context of criticizing religious communities.

In an interview on Future TV channel in March, Prime Minister Rafic Hariri alleged that the Maronite community had a negative effect on Lebanon and said it was responsible for the economic crisis.

MP Bassem Yammout and Nasser Kandil initiated a campaign calling for confessional hatred against what they

called "*Judeo - Christianity*," that is, protestant and evangelist communities.

After the murder of an American evangelist missionary, Bonnie Penner-Witherall, in Saida on November 21, the Saida Islamic leader, Sheikh Maher Hammoud, refused to condemn the act and accused the American woman of "*trying to convert Muslim children*." Hammoud said the murder was "*a response to the United States' criminal behaviour*" and he expressed "*the Muslim condemnation of American policies*." On the other hand, Saida Greek-Orthodox Bishop George Kouayter said that Bonnie Penner-Witherall "*did not have the right to preach because there are only four legal Christian communities in Lebanon*" and "*one who does not belong to one of these communities cannot preach the word of God*."

The day before Fitr Day (A Muslim holyday on December 4<sup>th</sup>), an explosive charge (50kg) completely destroyed a Sunnite Muslim pilgrimage site in Majdel Anjar (East of Bekaa). The explosion did not kill anyone but it destroyed Nabil Aziz el-Jalil's, or Nabi Zaarour, (a Sunnite figure) 800 years old tomb. Muslim and Christian communities interpreted this act as "*a will to sow confessional discord*" and unanimously condemned the attack.

A bill on the institution of optional civil marriage was presented on March 18 as an initiative of 75 NGOs, several political parties and 10 MPs.

Several religious groups or sects, such as the Jehovah's Witnesses, are still legally banned despite the fact that there is no physical and moral danger proven by their activities. As part of the campaign led by the Ministry of the Interior against satanic sects, whose activities have been increasing, several abuses against young people with long hair or wearing T-shirts with hard-rock singers' portraits have been recorded.

## 2) Freedom of expression, thought, and opinion.

The Constitution acknowledges freedom of expression, but the government limits the number of political publications. Since newspapers and the media cannot freely express their ideas, they practice self-censorship. The General Sureté also exercise censure over foreign publications and films that contain violent and sexual scenes, scenes that attack certain communities, scenes that have something to do with Israel (they are totally deleted), music (especially "hard rock" music because it is considered as satanic music and singers who are Jewish, Israeli or who have a Jewish name). This measure is arbitrarily practiced.

In 2002, the General Sureté sued and exercised censorship over several newspapers. On Thursday January 3 2002, the daily newspaper "*Asharq el-Answat*," which is based in London and simultaneously published in several capitals, was subjected to prior censure (this prerogative is supposed to be the Minister of the Information's responsibility). The General Sureté claimed that it was "a foreign publication" and retained it for several hours before its delivery. Three days earlier, the daily newspapers' front cover revealed an attempt to assassinate the President Emile Lahoud on December 28 in Monte-Carlo. In addition to receiving a delivery permit from the General Sureté, the newspaper used to automatically receive an export permit. Permits began to be given on a day-to day basis. The daily newspaper's Saudi Editor in Chief Rahman Hamad Abdallah el-Rached was sued. He was arrested in Beirut airport and banned from leaving Lebanon. However, the case was settled the next day and the man got on the plane. Finally, on January 10, the General Sureté lifted the ban and indicated that the newspaper was Lebanese and as a result it could not be subjected to prior censorship.

On January 8, legal proceedings were initiated against the head of the daily newspaper ad-Diyar Youssef Hoyek because he published a former MP's (Yahya Chammas) complaint against Beirut's examining magistrate Sakr Sakr and "damaged the reputation of the justice and of this judge."

On January 28, Beirut's investigating judge called for a sentence of one month to three years against Mr.

Mohammed Walid Zaki, the head of the magazine named *al-Watan el-Arabi*. He also initiated an investigation of Said Kaiss' complete identity. Said Kaiss wrote an article that mentioned the presence of several thousands of Syrian soldiers in the Lebanese Army and at the head of some Lebanese military units. The accusation says that "the article presents false information, damages the Lebanese and Syrian soldier's dignity, morale and reputation, and incites confessional dissensions."

Legal proceedings were initiated against Saada Aalao, who is a journalist for the daily newspaper *as-Safir*, because she denounced the slowness and ill functioning of the judicial system. She was referred to the printings' court on April 8, 2002.

At the beginning of January 2002, the General Sureté organized police raids in *Virgin Megastore*, Beirut. They seized DVDs and CDs under the pretext that they "offended religious sentiments, customs and the regulations of the boycott against Israel." Among the seized movies, there were "*My Fair Lady*," "*Ben-Hur*," and "*Jesus of Nazareth*." These movies are regularly played on Lebanese TV channels (and TV programs are controlled by the General Sureté). The reasons for seizing the movies are the following ones: either names of actors, directors, producers, who have been banned for their "pro-Zionism" by the Office of Boycott against Israel, appear in the naming of these movies - among them, figure Stanley Kubrick, Paul Newman, Elisabeth Taylor, Jerry Lewis, Edward Robinson (Ben-Hur producer), and Merrish Corporation (which used to make movies with MGM but does not exist anymore); either some scenes are related to Israel's Jewish community, Hezbollah and Christian or Muslim rituals (*Keeping the Faith*, by Edward Norton, Strip-Tease with Demi Moore, because Burt Reynolds wears a Jewish yarmulke in one scene, *The Insider*, in which Al Pacino interviews a Hezbollah cheikh in Beirut...); either comprise erotic scenes (*Sense Empires*, by Nagisa Oshima). The CDs that have been seized were rock CDs (for more information on this issue, see our report on censorship in Lebanon).

Censorship at the municipal level appeared this year for the first time in Lebanon. On January 28, the president of the town council of Kornet Chehwane, Ain Aar and Beit el-Kikko (Metn) decided to ban the broadcasting of pornographic movies on cable TV channels in his local administrative area. It should be noted that his prerogatives do not give him this power and an official censure already exists.

The Nahar daily newspaper CEO, Gebrane Tueni, member of the opposition group Kornet Shehwane, was banned from a local talk show on LBC TV station in November. The programme was cancelled and other speakers were invited to replace Mr. Tueni.

Legal proceedings were initiated against the opposition TV stations (LCBI and MTV). They were accused of "inciting confessional discord" the day following Maazra massacre at the "Fund for private school teachers' benefits" on August 31.

On September 4, MTV station *Radio Mont-Liban* and Jabal Loubnane radio stations (they all belong to Gabriel Murr, who is the opposition candidate at Metn partial elections) were closed by the Printings' Court because they were accused of electoral propaganda during Metn partial elections. The Supreme Court of Appeal confirmed this act in December. The police (ISF) expelled by force all the TV station personnel. Several employees were interrogated for a few minutes. Some employees, like Michel Aache, were beaten and trampled. The interior security soldiers did not have the authorization to close the TV station when it happened.

Demonstrators who protested against the closing of the station were knocked over by ISF soldiers and Intelligence agents in plain clothes. Tony Orian, who is one of the demonstrators, was hit on the head and was transported to the hospital. The Minister of Information Ghazi Aridi said it was a political decision. The Printings' Court built its decision upon Article 68 of the electoral code. This article allows the court to immediately close any media that violate electoral law. MTV was accused of broadcasting clips in favour of

Gabriel Murr during Metn partial elections three months earlier. The court that reached this decision was on judicial vacation when the file was transmitted. It brought in an arbitrary verdict without the presence of the lawyers for the TV station, thus depriving the station of its defence rights. The matter was referred to the Printings court, on mere administrative transmission from the Prosecutor although the latter did not initiate public action and no complaints had been lodged against the station. This violates the penal procedure code and makes the judgment "inexistent" according to several Lebanese lawyers. This judicial theory indicates that a judicial act of which one element is missing is considered as inexistent, despite the fact that no text says this and that no court is needed to investigate (in this case, the absence of complaint and the disrespect of the defence's right). Moreover, the article of the legal code, which forbids electoral propaganda from the date of convocation of voters through the result proclamation, was specifically created for the electoral period, in order to assure elections' good unfolding. Therefore, this text is only applicable during the electoral period, which ends with the results' proclamation. Once the elections are over, the court does not have any reason to apply this article. Since this measure is preventive, it cannot be introduced three months after the end of the elections. However, the formulation of Article 68 is ambiguous and could allow any media's arbitrary closing. It is therefore necessary to amend this article in order to avoid any interpretation that could lead to an arbitrary decision. Finally, Justice Ghada Aoun, who is one of the three members of the Printings' Court, said the clips that MTV broadcasted during the elections were aimed at promoting the electoral process and encouraging people to vote, without advocating one specific candidate. The closing of MTV station created a real social and economic issue by throwing 453 families out on the streets.

In December, the Supreme Court of Appeal rejected the appeal called by the defence lawyers. The measure was motivated by the fact that the initial appeal (in front of the Printings' Court) did not take into consideration that the first decision was gracious. During the whole procedure, the station's lawyers were not able to equitably defend the channel. They only were able to discuss the form of the file and no court has ever examined its substance.

Legal proceedings directed at New TV station satellite transmission were initiated in late December. After the channel advertised a program on Saudi Arabia (which was supposed to be broadcast live), the Prime Minister himself interceded with the General Prosecutor in order to stop the program satellite broadcast, without any judicial proceedings. The General Prosecutor said his decision was "preventive" because the program was intending to insult the Saudi Arabian royal family and, consequently, it could jeopardize the relations between Lebanon and Saudi Arabia and he could not wait for the end of the broadcast to initiate proceedings. After being stopped for 4 days, New TV satellite broadcast was re-established at the beginning of January (2003) by the Ministry for Telecommunications without any judicial proceedings. According to the (contested) law on television and radio, such a decision falls within the competence of the Council of Ministers. The Prime Minister Hariri justified his "personal and preventive" decision by the urgency of the affair (consequences on the relations between Lebanon and Saudi Arabia).

On November 15, the director of the Law and Political Sciences Faculty at the Lebanese University (Section II) prevented some LF students from demonstrating inside the university to call for one of their friends' liberation.

A presenter of a cultural program, W.S., which is broadcasted on local TV (NBN), was suspended until the end of the year because he denounced the police behaviour towards USJ students who demonstrated during the French-speaking world Summit. His program was suspended until the end of the year.

On July 2, a sentence of one to three years of prison was requested against two figures of the opposition: Rafi Madayan and Joseph Nasr, the head of the daily newspaper an-Nahar. Both men were referred to Beirut's Court of printings. On August 9 2001, An-Nahar published a Rafi Madayan's article, which "undermined the army's reputation." More than one journalist was subjected to pressure from the Intelligence Services or from some of the regime figures because of their articles.

In December 2002, the Minister of Information Mr. Ghazi Aridi banned the broadcast of a program about Muslims' daily life in the United States, which had been prepared by an American Association (Council for American Muslim Understanding - CAMU), because of the "American political propaganda conveyed in the film." Despite Aridi's decision, the Future Television station broadcasted the program and received a "warning" by Aridi. The following day, the Minister justified his position by saying that "the United States are at war with Muslims and Arabs and that his decision was similar to the Egyptian authorities' and that it was previously confirmed by the President of the Republic and by the Prime Minister" (who yet owns Future Television channel). Aridi's justification was restricted to political motives and did not refer to any valid motives to ban a TV broadcast.

### 3) Right to peaceful meetings and demonstrations

Since 2002, any group that wants to organize a demonstration is required to obtain the authorization from the Ministry of Interior Affairs. The Ministry of Interior Affairs grants its authorization infrequently and only according to the situation. A series of conditions must be fulfilled in order to get authorization. The demonstration coordinators must give 10% of the protestors' names, addresses, and telephone number ten days in advance. These people will be held responsible in case of material damage or human assault. Even when these conditions are fulfilled, the Ministry of the Interior reserves the right to grant or refuse the permit. The Ministry often refers to "State reason" or to "the precarious regional situation" in order to ban a demonstration. At least twice in 2002, the Ministry of the Interior used these pretexts to ban demonstrations.

A similar Ministry's agreement is necessary in order to create an association or organization. This provision is even contrary to the Lebanese legislation (dated 1909), which requires from people who want to create an association to inform (or to notify) the Ministry and which only gives the administration the right to take note of their desire to create an association. The Ministry of the Interior transformed in practice this notification (Ilm wa Khabar) into a prior authorization and this is contrary to the laws in force, namely the law dated 1909.

Noticeably, the Council of Ministers published a decree in January 2002 on Youth and Sports associations. The new decree confirmed the principle of the Ministry's prior authorization and the annual control over every association's entire correspondence.

Lebanese authorities took security measures that are similar to the measures taken in situations of a siege (massive deployment of army, police and Intelligence services officers in plain clothes), as a mean to prevent opposition students from demonstrating. The police used excessive force (using their gun barrels) to repress and break up peaceful demonstrations several times in 2002. They used Civil Defence trucks' water jets and injured several protesters by directing the jets at them. As compared to previous years, demonstrations in 2002 were more violent with stone throwing between students and the police becoming more frequent. According to many, the military personnel's impunity after the events of August 9, 2001 (when the Intelligence agents in plain clothes knocked over students) legitimated the use of force against the protestors.

On February 4, police officers hit leftist students with sticks in the Parliament district when they were trying to go through the security cordon in order to demonstrate in front of the Parliament.

On April 3 and 12, tear-gas grenades, which were directly shot on leftist demonstrators in front of the US embassy in Awkar, injured several students. A tear-gas grenade hit the eye of a leftist activist, member of "Democrat Young People Union." Another activist was hit in his arm by a tear-gas grenade that was shot at point-blank range. Her medical condition required surgery. The police also used water jets, sticks, and gun grips to put down demonstrators. The latter threw stones at police agents and injured some of them, according to the ISF.

On Thursday August 29, the Council of Ministers decided to dissolve the Mohammed el-Amine Association, which is in charge of building a Mosque next to Saint-Georges Cathedral. This dissolution, which was decided by the executive authority and not by the judiciary, was not officially justified. The press reported a conflict between the Sunnite mufti and the Prime Minister on one hand, and the Sheikh in charge of this association on the other. No judicial proceedings were initiated against the association.

On October 13, Intelligence agents burst in the conference centre where a meeting of International Assembly for French-speaking institutes and networks for the defence of Human Rights, Democracy, and Peace was taking place in Beirut. This session was happening under the aegis of the Order of Lawyers. The Intelligence agents asked all documents related to the congress, as well as the participants and coordinators' names.

Students who protested for MTV's reopening were knocked over in the centre of Beirut on September 7. Civil Defence's trucks tried to disperse protesters with water jets, which were directed at blank-point range on students. The anti-riot brigade also hit protesters with sticks. Seven people were injured. Two of them, Tony Orian and Michel Hajj (from the pro-Aoun movement) spent the night at the hospital. Hajj had to undergo forehead surgery. On the same evening, ISF soldiers broke up a sit-in that had lasted for three days in front of the MTV offices in Achrafieh, by threatening protesters that they would use force.

On October 16, during the Francophone Summit, the police quelled students with gun grips and sticks because they were trying to leave Saint-Joseph campus (on Huvelin Street) in order to demonstrate in front of the campus against Syrian presence in Lebanon. Four students were injured during the clash. Cynthia Zaraziri (aged 19) got her shoulder dislocated and her back prostrated. She was beaten on the back, neck, shoulders and ears with a gun grip. The wounds due to a surgery that she had gotten a few days earlier reopened because of the blows.

On October 31, the police suppressed pro-Aoun students, who wanted to demonstrate in front of Lebanese University's Faculty of Science, Fanar, with gun grips and Billy clubs. About fifteen students who had managed to get out of campus were pinned to the ground by water jets that were thrown at clank-point range from a Civil Defence truck. At least five students got injured. On the same day, the police set up checkpoints in Achrafieh in order to stop protesters.

On November 21, ISF soldiers severely repressed opposition students with gun grips in front of the National Museum. USJ students were also beaten up with gun grips as they were trying to get out of the Faculty of Medicine (on Damascus Street). Alain Bejjani, who is a student representative at USJ, was hit in the head. The Red Cross evacuated him, as his head was in a collar and his forehead was bleeding. ISF soldiers confiscated journalists' cameras in front of the National Museum. Journalists were not allowed to walk in the Art campus, which is close to the Museum.

On November 15, the head of the Faculty of Law and Political Science (Lebanese University's Section II) forbid the LF students to hold a sit-in inside the university.

#### 4) Freedom of movement

This freedom is ensured by the Constitution. However, in practice, trips to Israel are forbidden. Young people between 18 and 20 years old are not allowed to leave Lebanon because of compulsory military service. Otherwise, they must get a special permit. Palestinian refugees can only leave camps after they have been searched at army checkpoints at camps' entrances and exits.

The Lebanese army set up check points around Beirut city centre in order to stop pro-Aoun militants from attending a mass in commemoration of General Michel Aoun's expulsion and Syrian army forces' entrance in Eastern regions on October 13, 1990. The military searched activists' cars. The police put Saint-Georges Cathedral -where the mass took place - under tight surveillance.

#### d - Participation in Public life

##### 1) Elections

The constitution guarantees citizens the right to change the government through periodic, free, and equitable elections. Yet the lack of governmental control over the different regions, as well as the wide Syrian influence caps this right.

Legislative elections take place every four years, and the Parliament elects the President for a six-year mandate. The President, after mandatory consultation of the Parliament, nominates the Prime Minister who in turn forms his cabinet. Since the Taëf accord (1989), Parliament is divided equally between Christians and Moslems.

The 1992 and 1996 legislative elections were marred by a number of breaches in the democratic process, as well as its impartiality; those of 2000 did not fare much better. Several times, the government intervened in areas ranging from electoral law to the actual proceedings on Election Day. Furthermore, the Lebanese and Syrian intelligence agencies intervened directly more than once in electoral coalitions' formation.

Emile Lahoud, commander in chief of the armed forces (1989-1998), was elected President by virtue of an amendment to the Constitution by the Parliament. This enabled him to bypass the two-year delay usually required before re-election. The electoral procedure was heavily influenced by Syria. The last municipal elections took place in 1998, after a 35-year gap. The next municipal elections will take place in 2004.

The electoral process behind the partial elections instituted to fill Late Greek orthodox deputy Albert Moukheiber's chair, has been marred by a number of irregularities; the details thereof are listed below:

- Before the elections :

The partial elections were carried out under the same electoral laws as in 2000. In our previous report on the 2000 legislative elections, we had brought to light various problems, including the poor representativity resulting from the electoral repartition, as well as the injustices and general chaos associated with the campaigns and the information that was associated with them. On his May 30 television appearance, the Minister of Interior affairs made threats against members of the opposition, based solely on classified information, and outside any legal proceeding. Several media sources reported that intimidation and bribes in exchange for votes were common practices for more than one contestant. No legal measures were taken to stop these illegal activities. At least one member of the opposition was threatened by telephone, and instructed not to take part in the upcoming elections. Other such incidents were reported but we have not been able to confirm them. On the eve of the elections, the Interior Minister published a circular asking that polling station managers tolerate that votes be cast outside of the polling booth, a document that flies in the face not only of Lebanese law, but also of the country's international engagements. It must be noted that the polling booth guarantees confidentiality and thereby assures the voter's security; to make its use optional, as was enforced by the Minister, effectively negates its very *raison d'être* and turns it into an instrument of pressure and intimidation, rather than the guarantor of the vote's integrity. The scandal involving the Armenian community and the newly naturalized Lebanese was exploited in a very humiliating fashion by the loyalist parties, and also in a

discriminatory manner by certain members of the opposing parties. According to the information that we have accessed direct and indirect pressures were exerted upon groups of naturalized individuals, in order to have votes cast in favour of Mme Myrna Murr Aboucharaf (loyalist candidate). Furthermore, a number of racist statements were pronounced, sometimes in the media. The authors of these statements have never been prosecuted.

- During the elections :

The polling booth was not systematically used. Thus, various candidates' delegates therefore, were able to note the elector's choice. It has been reported that security personnel were illegally present inside a number of polling stations. In the village of "Mar Boutros", Lebanese citizens were assaulted and brutalized by individuals supporting Mme Myrna Murr Aboucharaf. Nobody was prosecuted despite the fact that the events were caught on film by journalists. MTV reporters (belonging to the television station owned by opposition candidate M. Gabriel el-Murr) were barred from covering the Interior Minister's press conference, despite the fact that they had obtained official permission by the Ministry through due process. The electoral lists in the various polling stations contained several errors. Tens of citizens complained that their voting cards had been delayed (and sometimes never even delivered) by the ministry of Interior Affairs.

- After the elections :

The Ministry of Interior Affairs did not publish the official election results, and, after a 48-hours delay, announced only the scores of the candidates without officially pronouncing a winner. This violation occurred in the context of the general confusion that reigned around the ballot counts, the process of which was relatively opaque. Supporters of Mme Myrna Murr Aboucharaf assaulted opposing candidate Gabriel Murr's motorcade. Despite the fact that several people were arrested, none of them were referred to the appropriate tribunals. Three days after the election, a sound bomb exploded in front of M. Ghassan Achkar's home, a Metn (Syrian National Social Party) loyalist deputy. Those responsible for this violent act have not yet been identified. Opposing candidate Gabriel Murr, who won the elections before its invalidation, mentioned several times to the press that seven ballot boxes had been exchanged, and that there were in fact 1500 votes distancing him from Mme Myrna Murr Aboucharaf (three votes according to the official results. The third candidate, Ghassan Moukheiber, gained only 2% of the vote. Two days after his daughter's defeat, Mme Myrna Murr Aboucharaf's father, former Interior Minister Michel Murr, announced to the press that she was "*retreating*" from the electoral process. Only then was Gabriel's Murr's victory announced. Mme Myrna Murr Aboucharaf subsequently brought an invalidation case to the Constitutional Court. On November 4, the Court invalidated M. Gabriel Murr's deputation under the pretext that he "*made use of electoral propaganda*". It must be noted that, following M. Gabriel Murr's invalidation, the Constitutional Court did not find it necessary that new elections take place. "The electoral dispute can be analysed as a dispute of plain jurisdiction and not as a dispute of mere cancellation" therefore, "*nothing is stopping the Court from proclaiming the election of a different candidate, which makes another partial election superfluous.*" Ghassan Moukheiber was then proclaimed as winner of the partial elections with only 2% of the vote. Regarding this, the Court established that the number of the votes was not relevant, as "*the legislation does not fix the limit to a majority (...) and takes the violations that have occurred into account.*" What is most surprising is the justification offered by the Council as to why new elections were never organized: the "*delicate period through which this region [Middle East] is going through*" as well as the fact that new elections "*could undermine the Lebanese community*". The Court therefore invoked the State reason in order to invalidate new elections, thereby destroying the democratic principle of election by the people of their representatives in government.

In an October interview published in the daily newspaper, *as-Safir*, Interior Minister Elias Murr asserted that deputy Farès Souheid "*had slept over at the Intelligence agents in 2000 so as to win his deputation.*" In addition



to the fact that this revelation is a political attack on an opposition deputy, it constitutes an acknowledgement - by the minister who is personally responsible for overseeing proper democratic processes - that these agents were interfering during the elections.

Speaking to the Parliament in February, deputy Boutros Harb denounced General Jamil es-Sayed, General Director of the General Sureté, as having made explicit threats according to which "*if ever his name was mentioned over the course of parliamentary sessions (accused of something), he would claim that, during the previous electoral campaign, I had begged him so that he might intervene in order for my name to figure on the electoral list.*" (L'Orient-Le Jour 1-02-2002).

In June 2002, a law proposal to set the legal voting age at 18 was not adopted by the Parliament.

## 2- Corruption

On September 13 2001, the government approved a document about the strategy of the administrative reform that was presented by the Minister for Administrative Reforms, Fouad as-Saad. The document called "The Citizen's Charter," aims at improving the state's relationship to citizens and modifying the administration's traditional way in dealing with them. This Charter is the first official document that establishes citizens' rights and duties vis-à-vis the administration. It comprises the following themes: "Formalities: easiness and rapidity - The Public Function's Ethics - The Citizenship's Ethics - The right to information: transparency and struggle against corruption - Responsibility, Participation, and penalization." The Ministry's practical steps to struggle against corruption are still awaited.

The Ministry of Interior affairs published "the municipal citizen's guide" in collaboration with New York Albany University and thanks to funding from the United States Agency for International Development (USAID). This guide informs citizens about all the documents they need for municipal formalities. The guide is available in all municipalities.

In 2002, several telephone numbers were put at the citizens' disposal in order to facilitate their access to administrative formalities. No global reform, however, has commenced to date. Furthermore, no judicial proceeding has been initiated after many accusations against deputies, politicians or journalists for funds' misappropriation.

## e) Private Life

### 1) Searches

The Law requires police officers to have an arrest warrant in order to search someone's residence, except in case of armed chases or attacks.

Unknown people broke into MP Mansour el-Bone's house at the beginning of April. MP Mansour el-Bone is a member of the opposition movement Kornet Chehwane. No theft was reported but the house was ransacked. Mr Bone alerted the authorities but refused to lodge a complaint, saying that it was a "*political incident.*"

### 2) Phone- tapping

According to parliamentary sources, phone lines have always been taped. This practice is a serious violation since

security organs and not an independent judicial authority perform phone taping. When Prime Minister Hariri returned to power in December 2000, he expressed to Parliament that he wanted to put an end to phone taping. He reported that a phone conversation with the Chamber President Nabih Berry had been spied upon. Phone taping involves both the regular phone network and the cell phone network. Several MP launched an investigation against this practice but in vain. The law allowing phone taping has not been changed.

### III - Economic and Social Rights

#### a) Labour

All employees, except government employees, have the right to create labour unions and to strike. In Lebanon, there are about 900,000 workers. Among them, 42% are members of 160 unions labour unions and/or and labour associations. The General Confederation of Lebanese Labour (GCTL) represents twenty-two of these syndicates. The GCTL has about 200,000 workers as members. In general, the government does not control union organizational activity. However, some figures of the political regime, like the supporters of Speaker Nabih Berry, interfered in the elections of the GCTL's leaders. GCTL's President, Elias Abou Rizk, was forced to resign and a loyalist, Ghassan Ghosn, replaced him. Several GCTL members considered the elections that led to Ghosn's victory to be illegal. They said the organization of the elections was irregular. Unions are free to organize themselves in federations or confederations in order to collaborate. They can negotiate with employers and bosses on behalf of the workers.

A lack of state control engendered the disrespect of the working code's provisions concerning Child's labour. Additionally, some children, foreign workers, and maids suffer the consequences of forced labour, which is not forbidden by the law. Working conditions are generally acceptable. The minimal salary is 300,000 L.L. (about \$200) per month, but this sum is not always sufficient for a worker and his family to maintain a good standard of living: 6 working days, 48 hours a week, and 24 hours of rest.

Maids, who are mostly foreigners from Sri-Lanka, Philippines, Togo...etc, work according to a contract between the employer and an agency. They do not, however, participate in the contract. Employers confiscate their passports and do not follow labour legislation. They work about 18 hours a day and generally do not have vacations. Their salary is about \$100 per month. On April 30th 2001, the International Organization for Migrations (IOM) spokesman confirmed that several Ethiopian women had been subjected to violent acts that they suffered while working in Lebanon. According to IOM, some were burnt with acid and others were violently beaten.

A series of socially protest movements against the government's management of public affairs occurred in 2002. These movements were led by Lebanon Electricity Company's employees, Beirut port's personnel's union, Lebanese University (public university) professors and public school teachers, the GCTL, hospital sector personnel, or Social Security National Fund's employees.

At the beginning of the year, the introduction of Value Added Tax (VAT) aroused a reprobation campaign because of its timing (socio-economic crisis). During the first few weeks of the campaign, several irregularities happened, such as the lack of efficient price control over merchants. Several economic and financial experts denounced these irregularities. There was no control done by consumers' protection department. As soon as the VAT was launched, certain merchants increased the selling prices of food products. Although this is contrary to the Ministry of Finances' instructions, they argued that raw materials used to make these products were imported from abroad. The GCTL asserted, "*Workers represent the population group that is the most affected by this new tax.*" They criticized "*the rapidity with which the VAT was imposed*" and specified that "*the moment is not appropriate and that citizens are not ready to bear new fiscal charges.*"

## **b) Social Security**

The Law compels employers to ensure their employees the right to medical care and social security. Theoretically, the Ministry of Labour must ensure that this right is respected. However, this is not the case in practice. A high percentage of employees are not covered due to the high rate of deduction, 23%, of the monthly salary. Professional workers do not benefit from social or medical coverage, except through private insurance. Governmental hospitals have very small budgets and, consequently, offer low quality services. People who are over 60 do not benefit from any social plan. A bill on social coverage for people older than 60, drawn up by the Hoss government, was withdrawn by the current government for revision. The Social Security National Fund created (optional) social and medical coverage for professional workers, but it is still not operational. According to the September 2002 UNDP report on human development, 40% of the Lebanese population do not benefit from social coverage.

In October, the President of the Social Security National Fund (CNSS), Mohammed Karaki, decided that mothers, who contribute to the Fund, could no longer extend benefits to their children unless the father also subscribes. Mr Karaki justified his decision claiming that the law concerning the Fund mentions the "beneficiary," which only refers to males. On October 31, The Council of Ministers cancelled this decision and clarified that the term "beneficiary" referred to both sexes.

In January 2002, political motives delayed the CNSS General director's nomination. This endangered CNSS beneficiaries' safety. According to the press, several files, including cases of open-heart surgeries, were frozen during the administrative moratorium period.

## **c) Discrimination**

### **1) Women**

Women are often victims of violent behaviour and physical aggression. The press frequently reports rapes, although rape is still considered taboo within the Lebanese society. Few women report being raped. The same happens with domestic violence. Experts think that women who demand medical assistance are rare. NGOs for women's rights have been active and have worked to improve women's situations and reduce violence against them. But no efficient governmental programs for women's protection against rape, illegal prostitution, and domestic violence exist up to date. Moreover, the lack of judicial and economic support fosters young victims.

Honour crimes represent a punishment that is still in force in certain parts of Lebanon. Committers of honour crimes benefit from mitigating circumstances. Only men can benefit from them. But judgments of honour crimes are increasingly severe.

The idea that a woman holds a career is not acceptable in certain communities, especially where men still have an important cultural influence over a woman within the family. According to a USJ report published in 2002, men's activity rate is superior to women's (75.7% against 24.3%), but women are increasingly working or looking for a job (21.7% in 1997). In 1994, the Parliament abolished a law that required women to receive their husband's permission in order to start a commercial company. A man, however, is still able to stop his wife from travelling.

Lebanese nationality is passed on to children only through the father, not through the mother. Laws on civil status are specific to each religion and differ from one sector to another. Therefore, a woman's status can differ from one religion to another. Introducing a civil law is the only way to establish total equality between men and women in front of the law.

## 2) Children

The government has acknowledged the complexity and importance of children's problems, but it has not allocated the necessary funding to deal with the problem. Education is not mandatory and illiteracy rate is 37.5%. It is only 2% among children below 12 years of age. Many children, especially in rural areas, begin working at an early age in order to help their parents support their family. Boys have priority over girls in obtaining an education. The problem is increasingly serious with the progressive rise of school fees and the lack of seats available in public schools. According to UNICEF's latest statistics (2000), 20% of working children are below 13 years of age and 75% are paid less than two-thirds of the minimal salary. According to the same report, there were 31,949 children working in 2000. This trend is mainly due to the lack of governmental programs for children's well being. The inefficient and precarious control over mandatory education (a law that is not in effect yet) creates a phenomenon of street children, which has been spreading throughout Lebanon. An undetermined number of children are abandoned and thus fall victims of all kinds of abuse. They are exploited and even sold to adoption agency. Many of them become street beggars. The failure rate is very high because of the lack of an efficient program to follow up with children's situations. Juvenile delinquency rate is also increasing. The Superior Council on Childhood, which was founded in 1993, works with the private and public sectors in order to improve the situation as well as the legislation. Its activities, however, are strongly impeded by financial and administrative difficulties.

A few years ago, the UN International Centre for Crime Prevention launched a program in the juvenile section of Roumieh central prison, in partnership with some local NGO. This program noticeably improved the situation of minors who had committed illegal acts. However, juvenile rehabilitation programs are limited due to a lack of human and financial resources. This also has a negative effect on minors' interactions within this program. The mechanism of reporting an abuse is not very efficient and depends mainly on the prison (military) commander's good will and cooperation. In 2002, "Terre des Hommes" Foundation, in partnership with NDH-Lebanon, launched innovative training sessions on citizenship and human rights in the minors section of the prison.

The law on minors' protection, which was co-prepared by the UN International Centre for Crime Prevention and the Ministry of Justice, spurred criticism from the civil society and UNICEF. Opponents of the law claim that it legally sets forth a principle of "*prisons for teenagers*" and not "*closed centres for rehabilitation*" and, further, for maintaining the legal age of 7 instead of 14 years as it should be. They also protest against the Ministry of Justice's role and right of inspection at the expense of civil society. This said, however, the law does comprise some positive elements. This includes a reduction of the period to contact a social assistant from 24 to 6 hours and the limitation of imprisoned minors to 50 (the current average is about 170).

## 3) Disabled People

During the civil war, the number of disabled people reached 100 000. Their families often assumed responsibility for the disabled persons. Organizations that work for these people deploy multiple actions as they have little funding to help these people. The law on constructions does not demand adequate access for disabled people but several municipalities, private institutes and "Solidere" (project of reconstruction of Beirut city centre) have launched projects to ensure accessibility for disabled. Under the initiative of "Arc-en-Ciel" (a Lebanese NGO), a bill, which was co-elaborated with the Ministry for Social Affairs (Access and Rights Program) was adopted in 2000. This law establishes a social and medical coverage for all disabled people and quality standards for services and equipment. It further requires that private companies and public offices recruit 3% to 6% of their employees among disabled people. Not all decrees necessary for the proper application of this law have been promulgated up to this day.

#### 4) Refugees and Asylum seekers

According to the United Nations, there are 370,000 Palestinian refugees, although informal reports say that there are between 200,000 and 580,000 of them. This margin of error is due to the lack of official statistics and to the uncontrolled emigration and immigration flux since 1948. Palestinian refugees live in overcrowded and unorganised camps in very bad conditions. In 1991, the government abolished the interdiction to deliver work permit to refugees. Few have received permits since then. Due to political issues, Palestinians and Kurds are not equally treated as other foreign people. They do not receive medical care from the state, but from UNRWA (for Palestinians only) and this aid decreases every year. Some 18% of street children are said to be Palestinian. Diverse Palestinian factions' armed militias keep order in the camps.

The second paragraph of the first article of the law on real estate owned by foreigners (voted by the Parliament in April 2001) forbids Palestinians (without specifically naming them) to own land in Lebanon. The law stipulates: "*Any person whose nationality is not internally recognized cannot own real estate if it contradicts the Constitution's clauses on resettlement.*" This term refers to Palestinian refugees in Lebanon. The law distinguishes between one group of people and another because of their nationality or because of the juridical and political state of their country.

A controversy over refugees and asylum seekers' situation occurred between the General Sureté and the United Nations' High Commission for Refugees (HCR) in March 2001. The HCR admitted that its services were not coordinated with Lebanon's General Sureté for the deportation of immigrants and asylum seekers. This situation changed in 2002 and better coordination now exists between the HCR and the General Sureté. The HCR stated that it was not informed of the expulsion of asylum seekers although such a measure is included within its humanitarian mandate. This affects several Sudanese and Iraqis who are expelled from Lebanon. The death of at least one Sudanese citizen in the General Sureté detention centre was reported during the last few years.

#### 5) Drug addiction

The number of drug addicts in Lebanon increases every day. Mainly young people, especially students and pupils, are affected. Hard drugs, which are imported from South America, are very cheap. The government and the Ministry of Interior affairs announced that 2002 would be devoted to fighting illegal opium plantations and drug dealing. The ISF removed hashish plants from several kilometres of land in Bekaa. Deaths of several young people due to an overdose are reported every year. It is possible that the number of overdoses is higher as victims' families prefer to hide the real cause of death as a result of social taboos. While no recent official statistics have been produced, the police estimates that 17% of young people use drugs, 6% of whom are girls. According to an investigation jointly conducted by IDRAC (research institute) and the United Nations Office for Drug Control and Crime Prevention (ODCCP) in May 2002, young people start taking drugs at 15 years of age, some children even start at the age of 10. Some 30% of those currently undergoing treatment for drug addiction have been arrested in the past. Additionally, 30% of the people who are serving a prison sentence for drug possession have already undergone, in vain, such treatment. In Lebanon, drug consumption have noticeably increased over the past 10 years among young people, especially students. Those who undergo treatment for drug addiction formerly abused heroine (65%) and cocaine (17%). Reportedly, 2.8% of high school students have done ecstasy, then cocaine and finally heroine. 85% of drug addicts who have tried treatment discontinued it before completion. One third of drug addicts injected heroine with a syringe. One third of them used a syringe that had been used before. 25% had unsafe sexual intercourse under the impact of drugs. The Ministry of Interior Affairs has had a harsh campaign against drug addiction, which perturbed drug-dealing networks. During an interview on TV in December 2002, the Ministry of Interior Affairs accused international and local mafias to back up drug trafficking.

## 6) Homosexuality

In Lebanon, homosexuality is a crime. Homosexuals are not allowed to create an association and they are hunted down and attacked by the Morals brigade.

M. Kamal el-Batal, head of the Human Rights NGO MIRSAD, was sued by the military court for defamation because he criticized the Morals brigade's aggression against the Internet Company "Destination". He took his case to the Supreme Court of Appeal 2002 and was given back the fine he paid in 2001, when the military court condemned him to pay 300 000 L.L. (\$200).

## 7) Exploitation and Human traffic

Lebanon appears on a "United States of America" list of 19 countries involved in human traffic, a report that was published on June 5th by the State Department. Washington's report mentions that most of the victims are from Ethiopia, Sri Lanka, or the Philippines. The State Department added that the Lebanese government "*does not completely respect the minimal required measures to eliminate this traffic.*" Most of the victims arrive in the country looking for a job and some of them are treated like slaves or are sexually exploited. Lebanon is in the third category of countries according to an American NGO's international report on human trafficking published in July 2002. This third category regroups countries that have not displayed any will to improve the situation. According to the report, "*the Lebanese government does not have the basic criterion to struggle against human traffic and does not make sufficient effort to face this problem.*" The report specifies that in Lebanon there is no law that punishes human trafficking. The report states that rare efforts are made by the authorities, such as NGO's free access to the detention centre for foreigners, the closing of 10 maid-recruiting agencies that violated the laws, and warnings to private clubs for adults. As far as the protection of a victim is concerned, the report reveals that Lebanon continues to deport foreign workers in irregular situations and does not offer any social, legal or psychological aid to victims.

## IV - Ecology

Laws and regulations on urbanization and territorial development are adopted without any environmental assessment or impact considerations. No efficient measures are taken to prevent fires, which burn hectares of pine forest every year. People who set fires enjoy complete impunity. The Ministry of the Environment has promised to find a solution to this problem.

Natural or tourist sites are not always protected. An example includes the Deir-el Qalaa site in Beit-Méry where the Syrian army settled until March 2002. The Umayyad site of Anjar is a Syrian military zone. In an interview to *L'Orient-Le Jour* dated May 3 2002, Mounir Bouchnaki (UNESCO General Director Assistant) states, "*He was shocked to see Syrian soldiers playing soccer in Umayyad Palace courtyard.*" The arbitrary restoration of an archaeological site in Hasbaya (South Lebanon), named Souk el-Khan, seriously damaged the building's edifice, which was built in the fourteenth century. Urban expansion problems also damage Lebanese sites that are classified as World Heritage sites.

Air pollution is a real problem, especially in cities. Diesel engines have been finally forbidden. However, this prohibition has been practiced very selectively since it only applies to taxis and minivans, although the sources of pollution are trucks, buses, army vehicles and industrial plants. Therefore, the problem concerns the quality of imported diesel rather than its use by taxis and minivans. The government did not justify this selective measure and did not explain the reason for continuing to import low quality oil.

Toxic odours continue to emanate from Dora waste incinerator and causing health problems for the inhabitants of the area. Several insecticides, which are banned in other countries, are still allowed in Lebanon. According to an unpublished official study conducted by Dar el-Handasah in 1997, there was 18,000 tons of industrial solid waste in 1994 in Lebanon. This amount is expected to increase to 64,000 tons in 2020. Over the same period, the volume of liquid waste is supposed to increase from 61,000 to 200,000 cubic meters per day. The lack of national policy on rural regions' waste stocking in unequipped sites represents a real danger of ground water pollution. According to the Minister of the Environment who mentioned a study on the environment in Lebanon published in 2001, the annual hospital costs resulting from water pollution are more than \$ 7.3 million and Lebanese people spend \$7.5 million per year on bottled water. On May 3, toxic barrels containing dangerous chemical products were discovered in the village of Bchaali, caza of Jbeil, near Blatt. On October 6, barrels containing styrene, which is a carcinogenic product used for making polystyrene, grounded in a small creek in Halate-sur-mer (Kesrouan). Styrene is carcinogenic when it is inhaled and does not have any direct effect on the fauna and flora.

There are more and more quarries in the mountains. This makes the landscape ugly and damages the environment. Some illegally operating quarries however have been closed according to a decision of the Ministry in effect since October 2002. A new project has been put in place to preserve landscapes disfigured by the brutal exploitation of quarries. A restriction now puts the number of quarries' zones to 3 in the anti-Lebanon chain of mountains. Contractors have underlined the fact that these sites are not technically appropriate for quarries. Contractors had to handle a staggering increase in prices of gravel and asphalt due to the hasty application of the new decree, which has not anticipated alternative measures for the transitory period due to the lack of control over the price of imported gravel.

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