



Alkarama for Human Rights
Geneva

Torture in Lebanon:

Time to break the pattern

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1. Alkarama for Human Rights

*Alkarama (Dignity) for Human Rights*¹ (الكرامة لحقوق الانسان) is a registered Swiss Foundation. It was founded in 2004 by a team of volunteer human rights lawyers and activists working on human rights in the Arab world.

Alkarama for Human Rights (Alkarama) has offices and representatives in Geneva (which is our head office), Lebanon (Beirut), Qatar (Doha) and Yemen (Sana'a). Alkarama participates in the United Nations human rights procedures including submission of communications and reports to the Special Procedures and Treaty Bodies as well as the newly established Universal Periodic Review (UPR).

The aim of Alkarama is to work in a constructive dialogue with all actors – including States, the Office of the High Commissioner for Human Rights, National Human Rights Institutions and all members of civil society – to respect and promote human rights in the Arab world.

Due to the magnitude of work, Alkarama concentrates on the following four violations of human rights in particular: arbitrary detention, torture, extrajudicial executions and enforced disappearance. In 2007, Alkarama submitted 525 cases to the special procedures of the United Nations including 44 to the Special Rapporteur on Torture². In addition, 107 urgent communications were sent to the United Nations Human Rights Council Special Procedures. In 2008 Alkarama submitted over 600 cases of human rights violations to various UN mechanisms: Special Procedures, Treaty Bodies and the High Commissioner for Human Rights. Additionally, Alkarama has prepared reports on the human rights situation in 7 of the 10 Arab states reviewed under the UPR during its initial sessions.

In addition to its core activity of legal work within the UN human rights protection mechanisms, Alkarama engages in complementary work including organising seminars, media work, and campaign work to raise awareness of human rights issues in the Arab world. Cooperation between Alkarama and organisations with similar objectives is something not only desired, but a position that is actively sought. This is reflected in the approach of this report.

2. Executive Summary

Torture in Lebanon: Time to Break the Pattern was originally envisaged due to extensive information gathered and obtained by *Alkarama* during and after the Nahr al Bared crisis in north Lebanon in mid-2007. This information alongside previous cases handled by *Alkarama* for Human Rights, considerable reporting by civil society and complaints considered by the UN Human Rights Council Special Procedures, confirmed the systematic nature of the use of torture and mistreatment by security forces in Lebanon.

Lebanon ratified the Convention against Torture (CAT) in 2000 but has not yet provided an Initial Report to the Committee against Torture (due on 5 October 2001) – an obligation under the CAT. Lebanon has ratified the Optional Protocol to the Convention (OPCAT) in December 2008 - an important step towards prevention and protection against torture. Yet, reports of torture by security forces continue.

The aim of the report is first to provide a comprehensive survey of the problem, using reliable reports of torture to show that regrettably there is an entrenched and recurring pattern of Lebanese security forces having systematic recourse to torture and mistreatment. The second aim of the report is to compile and provide comprehensive recommendations for the Lebanese Government to ensure immediate and systematic action to counter this pattern - including designating a National Preventive Mechanism before 22 December 2009 - in accordance with its international obligations under OPCAT.

Outline of report

This report begins by establishing the context of the present day situation in Lebanon. It then outlines the main sources on which the report is based (section 4a). The background and geographic dimensions of the practice of torture are then explored (sections 5b and 5c), demonstrating the widespread and persistent nature of this practice. The section on the Lebanese security forces implicated in this practice (section d) confirms the extensive nature of torture in Lebanon. Then, an analysis of the strategies behind torture in Lebanon and a concrete explanation of methods and techniques used to achieve these strategies are set out in sections 5e and 5f. The final section analyses the legal status of torture in Lebanese law and the lack of action taken by the Lebanese judiciary to address this problem and safeguard the human rights of detainees and victims of torture.

Recommendations

The 'Recommendations' section of this report presents a list of practical suggestions and recommendations for the Lebanese Government to undertake to remedy the entrenched problem of a systematic practice of torture by Lebanese security forces.

In addition to this, Annex D compiles key recommendations which have been formulated by two local NGOs who have undertaken considerable research into the issue of torture and prepared comprehensive reports (ALEF and SOLIDA) which add much detail to the discussion on torture in Lebanon, and very pertinent requests to specific sectors.

Specifically, *Alkarama* recommends:

1. That the Lebanese government, in the light of Article 12 of CAT, **immediately and systematically initiate independent investigations in proceedings when allegations of torture are raised by defendants.** This will also require enquiries being commenced into cases which have since been closed and consideration being given to retrials where defendants have been convicted, at least in part, on confessions obtained under torture.
2. That the Lebanese Government, in the light of Article 15 of CAT, **urgently ensure that any statement which has been made as a result of torture shall not be invoked as evidence in any proceedings.** This request particularly concerns those arrested in connection with the 2007 Nahr al Bared crisis.
3. That the Lebanese Government, in the light of Article 19 of CAT, **fulfils its reporting obligations to the Committee against Torture by submitting its Initial Report to the CAT.**
4. That the Lebanese Government **establish a national prevention mechanism** in conformity with its obligations under the OPCAT, and before 22 December 2009.

3. Introduction

This report provides reliable information that within Lebanon, torture and mistreatment has been a widespread and systematic practice and continues today. However, Lebanon is the first state party from the Middle East and North Africa to ratify the OPCAT. Concrete action needs to be taken before the end of this year to meet these new obligations.

Since 2001, Lebanon has not provided an Initial Report to the Committee against Torture ("Committee")³

Lebanon signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), New York, 10 December 1984 in 2000. 4 November 2008 marked the eighth anniversary of the entry of the Convention against Torture into force for Lebanon. Under the CAT, State parties are obliged to submit their Initial Report "on the measures they have taken to give effect to their undertakings under this Convention" within one year after the entry into force of the Convention, and thereafter a periodic report every four years.⁴ After eight years, Lebanon has still not provided an Initial Report to the Committee which means the Committee has not yet had an opportunity to review the Lebanese State party.

Lebanese domestic law does not explicitly prohibit torture⁵ and under Lebanese criminal law torture is not a criminal offence.

Under Lebanese criminal law, torture is not mentioned as a criminal offence in its own right, in clear default of provisions of the CAT, Article 4 which states that, "[e]ach State Party shall ensure that all acts of torture are offences under its criminal law."^{6,7}

Between 1993 - 2008, more than 400 cases of torture in Lebanon were reported by credible sources⁸ (Annexes A and C)⁹

In addition to Annex A, which documents 315 cases of torture and mistreatment of individuals who were detained in connection with the 2007 Nahr al Bared Crisis, Annex C is a Table of specifically reported cases of torture by Lebanese security forces between 1993 - 2008 which has been compiled from the reports provided in Annex B and referred to in this report. The Table demonstrates an entrenched, endemic and continuing pattern of torture in Lebanon by Lebanese security forces. It shows that the torture cases are not occurring aberrantly in a particular place or at a particular time, but in fact are "habitual, widespread and deliberate."¹⁰

The Table shows that for over fifteen years, non-governmental organizations (NGOs), the United Nations (UN) Human Rights Committee, the UN Special Rapporteur on Torture¹¹ (SRT), the UN Working Group on Arbitrary Detention, and other reliable sources have been reporting cases and raising concerns regarding the use of torture by Lebanese security forces throughout Lebanon.

As will be discussed later in this report, the practice of torture is used in order to acquire information, force testimonies or confessions, intimidate or discipline the victims and also as punishment, sometimes collective.¹²

Lebanon has ratified the OPCAT on 22 December 2008 and it must designate a National Preventive Mechanism before 22 December 2009

Lebanon ratified the OPCAT on 22 December 2008, and must designate a National Preventive Mechanism before 22 December 2009. *Alkarama* considers this an important and opportune time for Lebanon to take all necessary legislative, administrative, judicial and other measures to prevent torture by its security forces.

4. Context

a. Background¹³ and Present Situation

The Republic of Lebanon was established under the constitution of May 1926, and achieved independence from French rule in the summer of 1943. An unwritten understanding about power-sharing between the different confessional communities, known as the National Pact, was laid out by the newly elected President, Bishara al-Khoury and Prime Minister, Riad al Solh in 1943. In 1948, a massive influx of Palestinian refugees, mainly Sunni Muslims, instilled fear in some communities that the confessional balance could be disturbed. In 1975 tensions overflowed into a fully fledged civil war, ended by Syrian intervention in 1976.

The civil war began anew in late 1976. The Israeli invasion in June 1982 brought armed resistance from one group in particular: the Hezbollah, which grew as, on the one hand, a social welfare system for the Shi'a Muslims of the south and Beirut, and on the other hand an armed resistance movement to the Israeli Forces (IF).

In May 2000, the Israelis withdrew entirely from Lebanon, a move seen as a huge success for Hezbollah. In February 2005, when a massive car bomb killed the very popular Prime Minister Rafik Hariri, blame was laid on Syria and in April 2005 the Syrians withdrew after massive popular protest. In May 2005, the first general elections without the presence of any foreign army on Lebanese soil and with the participation of the Hezbollah as a political party for the first time, brought about a whole new era in Lebanese politics.

In July 2006, militants from the Hezbollah kidnapped two Israeli soldiers and in response the Israeli Defence Forces carried out a large scale bombing campaign followed by a ground invasion of southern Lebanon. This was ended by the implementation of UN Security Council Resolution 1701 which called for an armistice to come into effect on 17 August 2006. Tensions between the Hezbollah and other parties within the government remained high, leading to political stagnation.

In May 2007, the Lebanese military clashed with a militant group called Fatah al-Islam in Tripoli, the conflict progressing to the Palestinian refugee camp of Nahr al-Bared in north Lebanon. The conflict lasted some 14 weeks, causing the displacement of some 30,000 Palestinian refugees to areas around Tripoli. Many Palestinians and others were arrested, detained and sometimes tortured due to alleged links to Fatah al-Islam, but few have yet been convicted. The armed conflict came to an end on 2 September 2007 as the Lebanese army gained complete control of the camp. Annex A is a Table of cases of 315 individuals detained during this Crisis from first-hand information gathered by *Alkarama* working alongside other NGOs colleagues in Lebanon (including the Palestinian Human Rights Organisation (PHRO)) and the Palestinian Association for Human Rights (Witness). As will be considered further on in this report, all those detained have made allegations of being tortured or serious mistreatment.

In the south and in southern Beirut, infrastructure and buildings are still being rebuilt from the 2006 war. In the north, economic life has failed to recover from the 2007 clashes and ongoing tensions between Palestinians and Lebanese as well as Sunni and Alawite groups periodically erupt into violence, and Lebanese military presence remains pervasive. The tens of thousands of Palestinian refugees displaced from Nahr al-Bared camp in 2007 remain, for the most part, in temporary accommodation, and reconstruction has not yet begun in earnest despite the millions of dollars provided by international donors for this cause.

However, the security situation in Lebanon has improved and stabilised considerably since the 2007 conflict. In May 2008, Michel Sleiman was elected president of the Republic of Lebanon diffusing much of the tension between the Hizbullah-led opposition bloc and the government dominated by the March 14 coalition. Despite a recent flaring of tensions between the two blocs caused by a deadlock in the creation of a government following the victory of the March 14 coalition in the 7 June 2009 parliamentary elections, the security situation in Lebanon is more stable than it was during the Nahr al Bared Crisis of 2007, the Israeli war of 2006 or the Syrian occupation between 1976 and 2005.¹⁴ Yet despite this, the use of torture by Lebanese security forces continues.¹⁴ This therefore shows that the use of torture is entrenched and systematically used by security forces in Lebanon.

As set out in the Executive Summary to the comprehensive report by ALEF, "[t]he political crisis through which the country has been passing since 2005 posed a challenge to the implementation of some reforms. The current window of political opportunity should be used to implement legal reforms; [to] prevent and repress torture practices on the ground."¹⁵ Certain members of parliament and the Minister of Interior have recently shown a willingness to engage with civil society on their repeated raised concerns over the practice of torture in Lebanon.¹⁶ As noted in section 8, there has been a history of members of the Lebanese Government (including the President) acknowledging the problem of torture, but a lack of follow-through on practical action to ensure its prevention. However, *Alkarama* supports any and all initiatives by the Lebanese Government to work on the problem and this report has been prepared with the hope the Lebanese Government will cooperate with NGOs and the UN Human Rights Mechanisms to report on and improve its record *vis-a-vis* the practice of torture.

b. Status of Ratification of ICCPR, CAT and OPCAT

Regrettably, Lebanon has a record of not submitting timely reports to United Nations Treaty bodies which could play a role in monitoring Lebanon's obligation to implement measures to prevent torture. However, Lebanon is the first state party from the Middle East and North Africa to ratify the Optional Protocol to the Convention Against Torture (CAT).

The International Covenant on Civil and Political Rights (ICCPR) entered into force for Lebanon on 3 February 1973. Under Article 40 of the ICCPR, the Initial Report to the Human Rights Committee (HRCttee) was due on 22 March 1977 - this was submitted on the 6 April 1983, 6 years late. The first periodic report was due on 21 March 1986 - it was submitted on the 8 June 1996, 10 years late. Concluding Observations were made by the Human Rights Committee including serious concerns regarding well substantiated allegations of torture being used by the Lebanese Government (Annex B, Document 1(I)).¹⁷

The second periodic report to the HRCttee was due on 21 March 2001 - now 8 and a half years overdue the report still has not been submitted.

Lebanon acceded to the CAT on 5 October 2000 and CAT entered into force for Lebanon on 4 November 2000. Lebanon has not recognized the competence of Articles 21 and 22 of the CAT allowing the Committee to receive complaints about Lebanon from other State Parties or from individuals. According to Article 19 of CAT, Lebanon's Initial Report to the Committee on the implementation of the Convention was due on 5 October 2001 and the first periodic report was due on the 5 October 2005. Though now 9 and 4 years overdue, respectively, neither report have been submitted.

Alkarama was actively involved with civil society advocacy to the Lebanese Parliament regarding its ratification of the Optional Protocol. The Optional Protocol to the Convention against Torture¹⁸ (OPCAT) was approved for ratification by Lebanon on 22 December 2008. Domestic law to implement Lebanon's obligations under OPCAT is currently being drafted and Lebanon must designate a National Preventive Mechanism (NPM) before 22 December 2009. In particular, Lebanon must set up an independent NPM to examine the treatment of people in detention, make recommendations to government authorities to strengthen protection against torture and to comment on existing proposed legislation.

5. Trends in the use of torture

a. Sources

This section summarises the main sources of information used to prepare this report. The sources of information clearly demonstrate that acts of torture in Lebanon have been reported over many years by a wide range of organisations.

This report has been prepared using three Annexes which show the systematic use of torture. As set out in the introduction, this report covers only cases of torture by the Lebanese security forces (and not non-Lebanese security forces):

Annex A: Table of cases of 315 in connection with the 2007 Nahr al Bared Crisis prepared by *Alkarama for Human Rights* on the basis of first-hand information.

Annex B: Indexed Compilation of Reports on Torture in Lebanon from 1993 – 2009 (United Nations Human Rights Committee, Special Procedures, NGOs and other).

Annex C: Table of reported torture cases in Lebanon reported by credible sources (1993-2009).

Each Annex will now be considered in turn.

Annex A: Table of 315 cases in connection with the 2007 Nahr al Bared Crisis (*Author, Alkarama for Human Rights*)

Methodology and analysis of information

Annex A is a Table of Cases which documents, using first-hand information, the cases of some 315 individuals who were detained in connection with the 2007 Nahr al Bared Crisis. The Table was prepared by *Alkarama* from information obtained by *Alkarama*. Members of *Alkarama*, along with other civil society colleagues, undertook extensive work in collecting information and contemporaneous testimonies from those detained and their families both during and after the crisis. This information was collected from interviews held over several months with the detainees and their families.

The Table contains the following categorised information: names, date and place of birth of detainees, nationality, the date of arrest, place of arrest, date of release (where applicable), description of arrest, and description of torture (if applicable). Any gaps in the information are a reflection of the difficult conditions under which the information was gathered, but do not affect the credibility of the information that has been provided.

A breakdown of the information in the Table has also been provided according to the categorisations outlined above. It is apparent from the information collected that the detainees gave statements that they were tortured by the Lebanese security forces – with varying degrees of details given. The most frequent techniques of torture were as follows: beaten with cables and rifle butts, religious insults, being suspended using the *Balanco* method, threats of sexual assaults, forced to sit on a glass bottle, deprivation of food, water and sleep. Detainees also claim to have confessed and signed interrogation records while under torture and duress.

Due to Alkarama's concern for the victims included in Annex A, we have not identified them by name and have given each victim a unique identifying number. This is to protect privacy and to minimise risk of adverse consequences to the victims for reporting their cases of torture.

Annex B: Indexed Compilation of Reports on Torture in Lebanon from 1993-2008

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

As set out in the index to Annex B and in this report, the list of organizations, institutions, governments, media and specialists who have highlighted the problem of torture in Lebanon over the past 15 years is considerable.¹⁹ These sources demonstrate considerable consistency in the methods of torture used, the reasons for torture invoked, the authorities implicated in torture, the places where torture occurs and the groups who are being subjected to the practice. These sources also demonstrate the huge effort of many organisations and individuals to bring the widespread practice of torture in Lebanon to an end.

The Special Rapporteur on Torture has communicated over 70 cases of torture to the Lebanese government as outlined in the 1995, 1999, 2000, 2001, 2002, 2003, 2004, 2006 and 2008 reports to the Human Rights Council.²⁰ (Annex B, section 1 (a)-(i)). These reports include details of cases but also special commentaries, for example, on the torture of women detainees and immigrant workers in the 2002 report. Complaints of torture in Lebanon have been considered by the Special Rapporteur on Torture from as early as 1995 (see E/CN.4/1995/34, p.89). The Human Rights Council Working Group on Arbitrary Detention has also considered cases from Lebanon where torture occurred against the person submitting a complaint concerning their arbitrary detention (Annex B, Documents 1(j-k)).

As set out above, the UN Human Rights Committee has also expressed its concern regarding well-substantiated allegations of torture in Lebanon during its consideration of Lebanon's periodic report in 1997 (Annex B, Document 1(l)).

In June 2008, the Lebanese Association for Education and Training (ALEF) launched a comprehensive report entitled "Lebanon: the painful whereabouts of detention" (Annex B, Document 2(a)) which describes contemporary cases of torture, including the 2007 Nahr al Bared Crisis. ALEF describes itself as an "independent non-governmental organization that acts to change attitudes and behaviours to protect, promote and monitor human rights in Lebanon."²¹ Active since 1996, it concentrates on advocacy, both nationally and internationally, on the issue of human rights and monitoring and reporting violations of human rights and training youth and others in the fundamentals of human rights. The report was released within the framework of its Torture Prevention and Monitoring in Lebanon project, funded by the European Union, co-funded by the Dutch Embassy in Lebanon, and implemented in partnership with IKV-Pax Christi Netherlands and Pax-Christi International. Significantly, its concluding sentence in the Executive Summary states, "[t]his reveals a pattern of systematic and gross violation of human rights by the State of Lebanon..."

SOLIDA (Solidarity for Arbitrarily Detained Lebanese), is a Franco-Lebanese NGO which advocates for the rights of people arbitrarily detained, tortured or forcibly disappeared. In October 2006 they produced a significant report entitled "Lebanon: the Ministry of Defense Detention Centre: A Major Obstacle to the Prevention of Torture" concerning reports of torture from 1992 – 2005 (Annex B, 2(b)). This report concentrates on the problem of the use of torture within the Ministry of Defense Detention Centre. It portrays in gruesome detail the torture which several detainees have suffered at the hands of a well-planned out and coordinated strategy of interrogators, prison wardens and judges. This report also highlights the plight of Christians from the Lebanese Forces and of Sunni Islamists connected to the events in Dhinyyah (in 2000).

The Foundation for Human and Humanitarian Rights (Lebanon) (FHHRL) is an independent NGO created in 1989 by concerned judges, professors and intellectuals in Lebanon to monitor elections; educate about and advocate for human rights, examine laws and has prepared a number of reports, "the State of Human Rights in Lebanon" (published in 2002, 2005 and 2007) (the 2007 report has been included in Annex B, Document 2(c)). These reports highlight concerns regarding the use of torture in Lebanon. See especially the 2007 report:

There continued to be credible reports that Lebanese security forces used torture on some detainees. In January 1996 some members of Parliament accused the Internal Security Forces of torturing detainees by beating them, especially during interrogation, and called on the Ministers of Justice and Interior to investigate. At least one prisoner reportedly suffered paralysis as a result of security force violence during interrogation. The authorities charged three policemen, but the case is still pending.

Torture is not restricted to the police. In fact, cases of police torture are less widespread and infinitely lighter than those reported in the places of detention of other security organs such as the Military Intelligence, and the general Security in the case of the foreigners, especially nationals of Africa and Asia. (p.10.)

Several reports from Amnesty International are also provided in Annex B. Amnesty International published on 22 August 2001 a comprehensive report on the torture of women in Lebanon (Annex B, Document 2(d)).²² The description of the humiliation, torture and rape of Lebanese and foreign women and girls in various prisons and detention centres in the period between 1990 and 2001 portrays a disturbing picture of the systematic use of torture on this vulnerable group. Amnesty International's press release: "Lebanon: Amnesty International reiterates its concerns on the situation of refugees and asylum-seekers", 3 May 2002 (MDE 18/005/2002) also records its concern at the numerous reports concerning allegations of torture and ill-treatment of refugees and asylum-seekers while detained by the Lebanese authorities (Annex B, Document 2(e)).

Amnesty International also published on 7 May 2003 a report detailing the treatment of detainees arrested in relation with the Dhinniyyah case (an Islamist group from northern Lebanon accused of preparing terrorist attacks arrested after confrontation with the Army in February and March 2000) (Annex B, Document 2(f))²³. This report contains detailed information from detainees and describes the torture and mistreatment which occurred in several prisons and detention centres in Lebanon. Additionally, on 23 November 2004, Amnesty International published a report covering the pre-trial detention and trial of Samir Gea'gea' and Jirjis al-Khoury²⁴ (Annex B, Document 19). This report highlights the treatment of detainees in the Ministry of Defense (torture, solitary confinement, humiliation, etc) and the actions of the Military Intelligence (i.e. the arrest of al-Khoury's entire family to force him to come forward).

Human Rights Watch (HRW) has also been actively working on the issue of torture in Lebanon. Three recent joint letters and statements from HRW with other NGOs raising concerns about the use of torture in Lebanon have been provided (Annex B, Documents (h-j)). The first is a joint statement with local NGO SOLIDA, dated 11 May 2007 concerning allegations of torture while detainees were held at the Ministry of Defence and the failure of the judiciary to take any steps to investigate the allegations, despite them being raised by victims and lawyers. The second is a joint letter by HRW with FIDH, the Euro-Mediterranean Human Rights Network and OMCT dated 19 February 2008. This joint letter raises *inter alia* the fact that accounts of torture in Lebanon have increased since 2007. The third is an Open Letter to the Lebanese Government From Rights Groups inquiring about Lebanese Prison Conditions, issued by HRW, Restart Centre for Rehabilitation of victims of violence and torture, Association Libanaise pour l'Education et la Formation (ALEF), Alkarama for Human Rights, Centre Libanais des Droits de l'Homme, Khiam Rehabilitation Centre, and Frontiers (Ruwad) dated 7 October 2008 documenting cases of torture and ill-treatment in Lebanese detention facilities and jails.

Excerpts on Lebanon from the publicly available Amnesty International annual reports from 1995 - 2008, illustrate clear cases of torture by Lebanese security forces over many years. Various press releases and urgent appeals also depict different torture methods and places where they are practiced (Annex B, Document 3(a)).

Corroborating Amnesty International's annual reports are the US Department of State Bureau of Democracy, Human Rights and Labor annual reports on human rights practices on all members of the United Nations, including Lebanon²⁵ (Annex B, Document 3(b)). Every annual report from 1999 to 2008 contains reports of torture in Lebanon – consistently over a period of nearly 10 years. The US Department of State annual reports quote extensively from local news sources and NGOs, highlighting special cases such as the admission by the Minister of Justice in July 2001 that "torture in Lebanese prisons is real, and mainly occurs during preliminary investigations".²⁶ The reports also detail many of the methods of torture used (such as the "Farouj" position) and the groups targeted (Sunni Islamists, South Lebanese Army personnel, Syrians, women, suspects in the Hariri trial.)

Annex C: Table of torture cases in Lebanon reported by credible sources from 1993-2008

Annex C is a Table prepared by Alkarama for the purpose of this report to compile the references to tor-

ture cases in Lebanon reported in the documents referred to in Annex B and those others referenced in this report. Annex C merely aims to provide a compilation of specifically reported cases from the sources in Annexes A and B. It is not an exhaustive table of cases of torture in Lebanon as comprehensive statistics are not possible to collect due to obvious problems in obtaining such information. It only includes those reported cases which provide sufficient specific information. Therefore, when a report mentions 'a group,' this information has not been included as it does not provide enough detail.

As this Table is a compilation of cases and information reported in the material cited in this report, there are some gaps in the information. However, this does not detract from the overall effect of the Table which provides a sample of the widespread practice of torture in Lebanon including the scale of the problem, the wide range of places where it is occurring throughout the country and the range of authorities engaging in this practice.

b. A long-term and continuing pattern of torture

The information collected is presented in Annexes A and B and shows a pattern of consistent techniques of torture being used against diverse groups by the Lebanese Government which has occurred for over 15 years – displaying a systematic pattern and use of torture.

The aim of this report is to focus on the current situation in Lebanon regarding the use of torture. We wish for there to be immediate and specific action taken to prevent the continuation of torture in Lebanon. However, we consider it necessary to review the historical use of torture given that it still continues and similar patterns and techniques are being used consistently. This demonstrates that there is an entrenched and systematic use of torture in Lebanon. Although it is accepted that in the past torture has been used by non-Lebanese security forces in Lebanon, the information makes plain that the Lebanese security forces also have been responsible for using torture for many years.

The sources listed in Annexes A, B and C enumerate and describe in detail more than 400 cases of torture by Lebanese security forces over the past 15 years. It is readily apparent that the recommendations by the Human Rights Committee 10 years ago were not heeded, and that the widespread practice of torture continues under the present Lebanese Government as it did under previous governments.

As set out in the above section, the Special Rapporteur on Torture has been transmitting cases of complaints of torture to the Lebanese Government at least since 1995. The most recent report from the Special Rapporteur on Torture concerning complaints submitted against the Lebanese State is the 2007 report published on 19 February 2008.²⁷ It contains five submissions against the Lebanon government filed in 2007 denouncing no less than 20 cases of torture in 3 different locations within Lebanon.

In its review of Lebanon's Second Periodic Report on the implementation of the ICCPR in 1997, the Human Rights Committee noted its:

Concern over well substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, the Lebanese security forces and non-Lebanese security forces operating within the state party's territory."²⁸

It went on to urge Lebanon "to investigate the credible allegations of instances of ill-treatment and torture"²⁹. This recommendation was made more than ten years ago in the Human Rights Committee Concluding Observations. No follow-up report or any further periodic report has been provided to the Human Rights Committee by the Lebanese government.

The US Department of State Bureau of Democracy, Human Rights and Labor begins its "torture, and other cruel, inhumane or degrading action" section of their 1999 report on Lebanon as follows:

Torture is not banned specifically by the constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice."³⁰

Every report in between (nearly 10 years of reports) opens with this same paragraph. The most recent report (25 February 2009) opens with:

The law does not specifically prohibit torture. Security forces abused detainees and in some instances used torture. Human rights groups, including Amnesty International (AI) and Human Rights Watch (HRW), reported that torture was common.³¹

Publicly available Amnesty International Annual Reports on Lebanon from 1995-2009 reflect a similar theme. The 1995 Annual report relevantly states:

Complaints about torture were ignored by officials or inadequately investigated. For instance, the Lebanese authorities did not respond to 'Ubad Zwayn's allegations of torture in 1993 by Syrian personnel stationed in Lebanon (see Amnesty International Report 1994). In April the Minister of Justice denied that Georges Haddad and others had been tortured, but gave no details of any

investigation. (emphasis added)

Each year, including in their latest report, Amnesty has continually documented cases of torture in Lebanon by the security forces. The 2008 Amnesty annual report relevantly states:

[t]here were increased reports of torture and other ill-treatment, particularly of Palestinians, Sunni security suspects and individuals suspected of involvement with Fatah al-Islam. At least two men died in custody, possibly as a result of ill-treatment. (emphasis added)

Amnesty International's 2009 report states, "[a]llegations of torture and other ill-treatment in custody were not independently investigated, and "confessions" allegedly given under torture were used in trials as evidence. On 7 October, a group of human rights organizations listed 27 deaths in custody since 2007, 15 of them in 2008."

Throughout the period covered by these reports, three major parties can be named as directly responsible for the practice of torture in Lebanon up until 2005. As set out in the SOLIDA report they are, "[t]he Israeli forces up to their May 25, 2000 withdrawal; the Syrian forces up to their April 30, 2005 withdrawal, and various security services which are still active today and which report directly to the Lebanese State."³²

The material provided show that certain 'excuses' are often relied upon for Lebanese government inaction in preventing and/or addressing the practice of torture. Namely, the 14-year Lebanese civil war which ended in 1991, the occupation of Southern Lebanon by the Israeli Forces until 2000 and the occupation of the rest of Lebanon by Syria until 2005 (i.e. it is claimed there was no effective State control)³³. However, for a number of reasons this argument cannot be seriously maintained in order to exempt the Lebanese government from accountability for the problem historically or to deny that there exists a widespread and entrenched culture of torture today.

First, the Lebanese State participated in the UN Human Rights Committee examination of its periodic report regarding its obligations under ICCPR, including Article 7 – the key article concerning torture. For convenience we set out in full the Concluding Observations of the Human Rights Committee on Lebanon in 1997, where the Committee expressed its concerns over allegations of torture in Lebanon by the Lebanese government (as well as by non-Lebanese security forces):

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

Despite these Concluding Observations in 1997, the Lebanese government has not taken sufficient measures to protect detainees against torture and ill-treatment. The law in Lebanon was not amended to specifically prohibit torture and furthermore the Lebanese authorities continued to refuse to allow the ICRC unfettered access to all prisons, especially those operated by the Ministry of Defence where civilians are held. This was despite a presidential decree in 2002 granting the ICRC such access.³⁴ Access was finally granted in 2007. Cases have continued to be submitted to the Special Rapporteur on Torture by or on behalf of victims of torture in Lebanon and communicated to the Lebanese State from 1997 up until the current day. Numerous credible reports continue to be made by civil society on the widespread problem of torture in Lebanon (as demonstrated by Annexes A - C).

Second, in a statement in October 2002, Elias Murr, the Lebanese Minister of Interior, admitted to arbitrarily detaining hundreds of Islamists³⁵; earlier, in July 2001, the then Minister of Justice, Samir Jisr, publicly acknowledged that "some people under arrest are tortured"³⁶:

The Minister of Justice, Samir Jisr, admitted at a seminar in July that torture does occur: "We say it honestly, some people under arrest are tortured, but it's difficult to prove because those who violate the UN Charter on Human Rights know how to escape prosecution through loopholes." He also said that legislative, administrative and judicial procedures would be introduced in order to implement the Anti-Torture Agreement.

The Lebanese Government therefore previously acknowledged the problem and made pledges stating it would introduce measures in order to combat the problem of torture in Lebanon – such measures however were never taken.

Third, there have been rare instances during this period where officers accused of torture were investigated (see section 8), thereby showing that such measures are possible if the State is willing to undertake them. However, as section 8 outlines, to date, the Lebanese State has only taken an exceptional interest in investigating the practice of torture in Lebanon and has failed to show a real and meaningful commitment in stopping the practice.

Finally, it has now been more than four years since the last Syrian troops left Lebanon, and the practice of torture continues to be reported in Lebanon's detention centres and prisons³⁷. The 2007 Nahr al Bared Crisis has brought to light an alarming rate of torture by government forces in Lebanon. As previously outlined, Annex A is a Table of cases in connection with the 2007 Nahr al Bared crisis, and documents the cases of some 315 persons who were detained in connection with the Crisis. The Table shows that all those detained reported mistreatment or torture.

Furthermore, the information provided in Annex B shows that, in fact, accounts of torture in Lebanon are ongoing. As set out above, since 2007, three joint statements/letters have been issued by Human Rights Watch and NGOs concerning the issue. On 11 May 2007, Human Rights Watch and the Lebanese Centre for Human Rights (SOLIDA) issued a joint statement: "Lebanon: Investigate Torture Allegations at the Ministry of Defense", concerning allegations of torture while detainees were held at the Ministry of Defence and the failure of the judiciary to take any steps to investigate the allegations, despite them being raised.

A joint letter by HRW with FIDH, Euro-Mediterranean Human Rights Network and OMCT dated 19 February 2008 raises *inter alia* the fact that accounts of torture in Lebanon have increased since 2007. It relevantly states:

Testimonies gathered by human rights groups have shown that the Military Intelligence unit at the Ministry of Defense, the Information Branch of the Internal Security Forces, and the police engage in torture and ill-treatment of certain detainees, especially those suspected of security related offenses. Accounts of torture have increased since 2007. In particular, the Lebanese army and internal security forces arbitrarily detained and physically and psychologically abused some Palestinian men fleeing the fighting in Nahr al-Bared. Lebanon has ratified the Convention against Torture (CAT) and Lebanese law prohibits torture, **but accountability for ill-treatment and torture remains elusive as the authorities rarely pursue investigations into allegations of torture.** (emphasis added)

A joint letter by seven human rights organizations was also sent to the Minister of Interior on 7 October 2008. It refers *inter alia* to torture and ill-treatment in detention facilities and prisons, as follows³⁸:

Torture and ill-treatment in detention facilities and prisons

Torture and ill-treatment remain a serious problem in Lebanese detention facilities and jails. While Article 401 of the Lebanese Penal Code criminalizes the use of violence to extract confessions, the enforcement of this provision has been almost non-existent.

Human rights groups in Lebanon have gathered testimonies from a number of detainees who reported being beaten and tortured during interrogation in a number of detention facilities. For example, detainees belonging to the so-called "Group of 13" accused of links to al-Qaeda, have stated that they were tortured by the Information Branch of the Internal Security Forces. A person who saw them during their detention at the Information Branch headquarters in Beirut reported seeing evidence of physical beatings on their body.

A number of other detainees reported being beaten by the Drug Repression Bureau (DRB) in the Hobeish police station in Hamra, Beirut and in the DRB offices in the Zahle Justice Palace. Neighbors of the Hobeish police station have told us that they frequently hear screams coming out of the police station at night.

Migrant workers have also reported being ill-treated in detention. A migrant domestic worker from the Philippines reported being beaten in the Jal al-Dib police station.

Your Excellency, a clear message needs to be sent to members of the security forces that torture and ill-treatment will not be tolerated, including in drug and security-related cases. Accordingly, we call on you to:

- Issue clear and public instructions to all members of the security forces that torture will not be tolerated and that violators will be punished in accordance with the law;
- Initiate prompt and impartial investigations into all credible reports of torture or deaths of detainees.
- Discipline or prosecute as appropriate all individuals, regardless of rank, found responsible for the torture of detainees. This includes individuals who carried out such abuse or ordered such abuses.

The Amnesty International Annual Report for 2008 records "[t]here were increased reports of torture and other ill-treatment, particularly of Palestinians, Sunni security suspects and individuals suspected of involvement with Fatah al-Islam. At least two men died in custody, possibly as a result of ill-treatment." (emphasis added)

Therefore, despite the relatively recent stability in Lebanon, well-substantiated allegations of torture continue (and are increasing) thereby reflecting the entrenched and systematic nature of the use of torture in Lebanon by the security forces.

c. Locations

This section describes the main detention and interrogation centres identified in Annexes A - C as places where torture occurs, though it is assumed that torture also occurs in other lesser well known places.

Annex C has been provided to show the practice of torture occurs throughout Lebanon. Detention centres and police stations are the most common places where torture and ill-treatment are practiced in Lebanon. Such centres are widespread in the capital, Beirut, northern Lebanon and the Bekaa valley³⁹. The main centres are set out in more detail below, but in summary Annexes A -C include reported cases in *inter alia* Tyre (Sour), Anjar, Beirut (Ba'abda and Hobeish), Zgharta and Tripoli Bekaa valley, and under the jurisdiction of *inter alia* the Judicial Police (Dabita al Adliyya), State Security (Amn al-Dawlah), the police, and Military Intelligence (Mukhabarat al-Askariyya).



Map 1. Location of main detention and interrogation centres where torture occurs

1. Ministry of Defence Detention Centre, Al Yarze, Beirut

Located in the south-eastern Baabda suburb of Beirut, some 3 km from the Lebanese Presidential Palace, this detention centre is infamous as being the principal location of torture in Lebanon at present. This basement of the Ministry of Defence has been used as a detention centre for many years; it was officially granted legal status as a "detention centre" in 1995 by the Lebanese Government.⁴⁰ Many of these sources, but especially the reports by the Special Rapporteur on Torture,⁴¹ Amnesty International⁴² and SOLIDA⁴³ clearly pinpoint the Ministry of Defence as the hub of the practice of torture in Lebanon.

The second reason motivating SOLIDA's decision to shed light on the situation at the Ministry of Defence in particular is the gravity – and the systematic and chronic nature – of the violations identified in this place. The gravity of the acts of torture and the mistreatment perpetrated against the prisoners are beyond imagination. Hundreds of people have been detained there in secret and have been detained arbitrarily and/or interrogated under torture. SOLIDA has documented cases of torture and cruel treatment perpetrated at the Lebanese Ministry of Defence from 1992 to 2005, which does not entirely exclude serious violations having probably taken place before 1992 and during 2005. The alleged perpetrators of these acts of torture enjoy total impunity and some are still active in intimidating, and even persecuting their victims with the goal of preventing them from publicly denouncing their practices.

The basements of the Ministry of Defence serve as an interrogation centre and a secret detention location since 1992 at least according to the earlier testimonies we were able to obtain." (p.3) (emphasis added)

The 2006 SOLIDA report gives a description of the condition of prisoners and the process which they go through upon arrival (referred to in section 5f. Methods of Torture of this report). SOLIDA's earlier November 1997 report (provided as an annex to their 2006 report) includes a diagram of the layout of cells and the detention centre itself. In May 2007, HRW and the Lebanese Centre for Human Rights released a joint statement calling for an investigation of allegations of torture at the Ministry of Defence. One of the victims explained to HRW that "armed guards hit him with a thick wooden stick on his back and later tortured him by placing him on an electric chair... [they also] threatened to harm his wife."⁴⁴

2. Roumieh Central Prison, Beirut

Roumieh Prison lies to the east of Beirut in the Matn district. It is the largest prison in Lebanon, holding some 5,342 prisoners.⁴⁵ The 2003 Amnesty International report on the Dhinniyyah detainees explains that many of the detainees at Roumieh were tortured and beaten, even on the way to court, and that others were beaten for "showing solidarity with the Dhinniyyah detainees."⁴⁶ The Special Rapporteur on Torture's 2002 and 2003 reports confirm these allegations.⁴⁷ Prisoners during the Nahr al-Bared Crisis of 2007 also allege to have been tortured at Roumieh.⁴⁸ For example, Case 169/315/NBC/AK/2008, a 35 year-old Lebanese citizen reports that he was savagely beaten by police and 242/315/NBC/AC/2008 was beaten until he lost consciousness.⁴⁹ Amnesty International again refers to Roumieh in its 2007 annual report as the location of the torture of 13 people arrested between 30 December 2005 and 4 January 2006. They were apparently beaten with sticks and metal bars as well as threatened with rape until they "confessed" to the crimes of which they were being accused.⁵⁰

3. Al Qubba Detention Centre

The military intelligence detention centre at al-Qubba, in Tripoli was the first stop for many of the 315 detainees from the Nahr al-Bared Crisis listed in Alkarama's information obtained via prison visits (Annex A). Many of them claim to have been beaten, electrocuted and that some detainees even died under torture.⁵¹ Cases included in Annex C range from 1999-2007: see for example Cases 29-33 (August 2002), where it is reported the individuals were arrested by Military Intelligence and taken to Al Qubba Detention Centre where they were blindfolded, beaten and detained incommunicado. Annex A also records over 25 cases of torture while detained in this centre in 2007.⁵²

4. Hobeish Detention Centre, Western Beirut

Many reports mention the Hobeish Detention Centre as a place of torture, specifically covering the torture of drug users and dealers. ALEF states that "hoses, sticks and electrical wires have been used to beat or bind the victim... "Farouj" is widely practiced essentially to cause physical collapse of the detainee and extract information or a confession by force."⁵³ According to ALEF, the Hobeish detention centre in Beirut is particularly well known for torture and ill-treatment of drug addicts. Beating by sticks, hosing down suspects, and hoisting the suspect to a stick until he collapses are amongst the methods reported there. Such practices reportedly also take place in Zahle prison (see below).⁵⁴

5. Palais de Justice, Zahle

The Palais de Justice, Zahle detention centre have also apparently been the scene of torture, again mainly of drug users and dealers. ALEF reports that similar treatment that takes place here as in Hobeish.⁵⁵

d. The Lebanese Security Forces implicated in the use of torture

This section outlines the Lebanese security forces mentioned in the reports as practicing torture. As outlined earlier, it is likely that the reported cases reflect only a fraction of the total cases which have occurred over previous years.

The documents compiled and referred to in this report demonstrate the widespread nature and regular practice of torture by the security forces as a means of achieving particular goals - (see following section "e. strategies of torture"). Below is a brief summary of forces most often mentioned as practicing torture:

1. Lebanese Military Intelligence (Mukhabarat al-Askariyya)

The Lebanese Military Intelligence is responsible for most of the interrogations of armed groups and those suspected of involvement in any military or violent action in Lebanon. Often, political dissidents and opponents of the government are accused of "political offences" such as participation in "acts of violence or terrorism" or "links to violent or terrorist groups" e.g. Christian forces accused of "links to Israel", Islamist forces accused of "links to al-Qaeda," etc. The Intelligence Forces are responsible for the Ministry of Defence detention centre at al-Yarze, Beirut which is referred to by victims in more than 260 of the reported cases in Annex A, as the location of their torture and mistreatment.⁵⁶ As reported by Amnesty International, the Military Intelligence service is accused of the death of Fawzi al Rasi in 1994 after intense torture.⁵⁷

Many of the reports in Annex B refer to methods of torture which include the Balanco, beating with wires, sticks, fists and feet, and many of the other methods explained in section e. In Alkarama's view, the Lebanese Military Intelligence is clearly the force most actively practicing torture in Lebanon and in need of serious investigation and reform.

2. State Security (Amn al-Dawla)

The State Security is responsible for internal security, surveillance of foreigners, counter-espionage, preliminary investigations of matters relating to state security, protection of certain VIPs and reporting to the Supreme Council of Defense on security-related matters.⁵⁸

The State Security has reportedly tortured women (Fatima Yunes, 1998)⁵⁹, the disabled (Ibrahim (Abraham) Hussein Al-Weis, 2007)⁶⁰ and others particularly during the 2007 Nahr al Bared Crisis.⁶¹ Torture methods used includes use of the "Faruj" method, electrocution, beatings with sticks and wire, and threats of rape and harm to family members of the victim.

3. General Security (al-Amn al-'Amm)

The General Security forces have a very similar mission to the State Security, but in effect are more involved in the control of foreigners (especially migrant workers, illegal immigrants, etc) and the preparation of papers for travel (visas, passports, travel permits, etc).⁶² According to reliable sources, the General Security have been involved in several cases of serious torture including Farhoud Fakadu an Ethiopian who was beaten until she signed a document which she could not understand (see Annex C, Case 13).⁶³

4. Judicial Police (Dabita al Adliyya)

The Judicial Police are a branch of the Ministry of the Interior. Judicial Police officers are responsible for the investigation of crimes (financial, terrorism, tourist-related, and drugs), the carrying out of scientific investigations and dealing with explosives.⁶⁴ According to many of the reports referred to in this report, the Judicial Police act in near total immunity in police stations and detention centres. Amnesty International explain that "during the time the detainee is in the hands of the Dabita al-'adliyya he or she is almost completely without access to the outside world, without the right to see a lawyer, family or a medical doctor."⁶⁵ The Special Rapporteur on Torture describes how, when members of the Judicial Police tried to rape Heba Ma'sarani, and they were stopped by their superior, they simply waited until he left, then raped her. They also hung her in the "Farruj" and "Dullab" positions.⁶⁶

5. Drug Repression Bureau (DRB)

The Drug Repression Bureau (DRB) is a branch of the judicial police. It is responsible for tracking and investigating drug related crimes.⁶⁷ ALEF conducted interviews in September and October 2007 with victims who had been under DRB jurisdiction and who "revealed brutal treatment by the DRB detectives". This treatment is especially prevalent in two centres – the Hobeish and Zahle detention centres.⁶⁸ According to the sources, the DRB tends to torture drug users in order to obtain the name of their dealers.⁶⁹

e. Use of Torture

This section examines the use of torture in Lebanon.

The sources agree that torture is mainly practiced during the early stages of detention: the interrogation stage. As noted earlier in this report, the Lebanese Minister of Justice, Samir Jisr, stated in July 2001 that "torture in Lebanese prisons is real, and mainly occurs during preliminary investigations".⁷⁰

The aim of torture can be one of several, and is often a mix of the following:⁷¹

- To obtain information
- To force a confession to a predetermined story
- To force self-incrimination or the incrimination of others
- Force the signing of documents often without the victim understanding them, being allowed to read them or being informed of their contents
- Collective punishment
- To ensure victims do not talk of their torture

During the 2007 Nahr al-Bared Crisis, many allegations concerning the use of torture to obtain information were recorded by *Alkarama* and other NGOs interviewing those arrested, detained and tortured. According to the reports gathered, the Military Intelligence would arrest many Palestinians and Lebanese nationals from the area around the camp and interrogate them. Between Amnesty International and *Alkarama* there are reported cases of some 200 plus Palestinians and others being arrested, detained and allegedly tortured during this Crisis.⁷² Jihad Sleiman, an officer at the Ghodras headquarters of the Lebanese Forces, was arrested by the Military Intelligence and tortured to allegedly obtain information about the members of the Lebanese Forces.⁷³

The sources used for this report point to the fact that very quickly after the "information gathering" stage, the torturers force the victim to confess to a certain story. Jihad Sleiman explains: "their end target was to formulate a scenario and extort all its predetermined elements through degrees of torture little by little until the victims learn the lesson and follows neatly their plan". After months of torture he says "from then on I agreed to everything: that I killed the President... Prime Minister... Monsignor Khoreish... Dany Chamoun..."⁷⁴ *Alkarama* submitted thirteen cases involving individuals arrested during or in connection with the 2007 Nahr al Bared Crisis cases of torture to the Special Rapporteur on Torture by letter dated 15 October 2008 (see Annex B). The communication records on the final page that *inter alia* these individuals informed the Investigating Judge at their first appearance that they had been subjected to torture and mistreatment during their detention by the Lebanese security forces. However their statements were neither taken into account, nor any investigation ordered into the allegations of torture. Further, despite these statements to the Investigating Judge, many were convicted solely on the basis of confessions extracted under torture.

For many of the migrant women mentioned in the Special Rapporteur on Torture's report of 2002 and Amnesty International's 2001 report, the aim of the torture was simply as punishment for having complained about their mistreatment by their employers.⁷⁵ Nahr al Bared residents were also beaten and tortured by military personnel, partly as punishment for the deaths of the Lebanese soldiers in the war – their anger and disrespect for the Palestinians is confirmed by the cases of Palestinians being forced to lick soldiers' boots and by the faeces spread around the houses and blasphemous and anti-Palestinian graffiti left in the camp.⁷⁶

Many victims who were to face tribunals or judges were further tortured to ensure their silence, one such victim of the Dhinniya detainees stated "I was told that I must not deny or change the statement I signed, otherwise the torture would be repeated."⁷⁷

f. Methods of Torture

This section depicts the different methods of torture used to achieve the strategies described above. These methods are described with great consistency throughout the testimonies of victims from the past 15 years collected for this report, showing a widespread and systematic use of these practices - the evidence shows that the use of torture is no random occurrence by rogue officers.

The report by SOLIDA explains that there is a clear methodology established in the Ministry of Defense as to how the methods of torture can best affect the victims. In the first stage the prisoner is told to write his story down by a first group of interrogators: the "active" group. He is beaten, insulted and tortured if he doesn't tell the truth; then made to stand blindfolded and hands tied behind his back for up to 5 days, until exhaustion. He is then taken charge of by a second group of interrogators, the "passive group" who, without any brutality, ask him to agree to a certain set of facts. If he doesn't, he goes back to the "active" interrogators. Until he agrees to these facts, he goes back and forth between the two groups.⁷⁸

According to this same report⁷⁹, the Military Intelligence interrogators use names for each other – all were called "Atieh", but some also use nicknames like "Hitler", "Romel" or "the butcher," the latter clearly intended both to breed fear into the victim and to create a sort of identity or role play for the torturers.

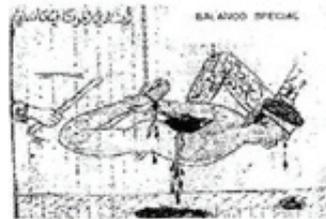
Techniques⁸⁰



The Balanco

The **Balanco** is probably the technique most often referred to in the reported cases. The victim has their "wrists... handcuffed behind his back, and a rope... tied to the handcuffs and passed over a raised beam, so that soldiers could pull on the rope and lift him off the ground"⁸¹ The victim is then "swung" back and forth⁸², and often beaten with sticks, electrocuted with tasers or left hanging in this position for hours.

The Special Rapporteur on Torture in his 2003 report⁸³ describes an alternative method where the victim has a wooden bar under their arms which is used to lift him off the ground.



The Special Balanco

The **Special Balanco** is a version of the Balanco used to increase the pain felt by the victim. In this method, both the legs and arms are tied together behind the victim's back, and they are then hung in this position. Pressure is put on their back or they are beaten as they spin around.

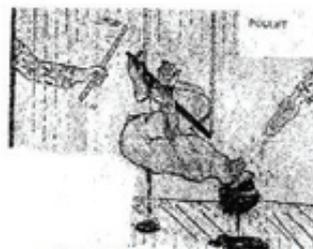


The Chair

The **chair**, as its name suggests, is when a chair is used to stretch the back of the victim. The victim has their hands tied behind their back and legs bound; a chair is then put under their armpits and used to leverage against their backbone.

An alternative to this is the "german chair" which consists of "a metal chair with moving parts, which stretches the spine and causes severe pressure on the victim's neck and legs."⁸⁴

The **Chicken** (or "Faruj" in Arabic) is when a victim is "hand-cuffed with their hands at their ankles in a hunched over position"⁸⁵; often they are then hung by their wrists or by a stick (as shown on the right).



The Chicken "Faruj"

For example, Bassima Huriya, a 16 year-old girl, arrested in March 1997 and held at Ba'abda Police station by the Judicial Police was tortured using this method.⁸⁶

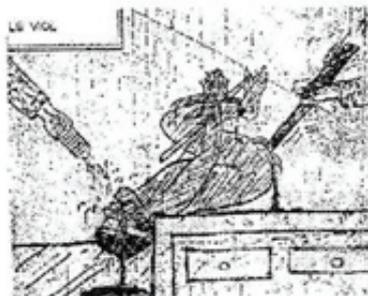


The Electric Chair

The "**Electric Chair**" refers to the use of electrocution whilst the victim is sitting on a chair, often with their feet in water to worsen the effect. Often the electrodes will be attached to the victims' genitals.

As the Alkarama communication to the Special Rapporteur on Torture, dated 12 September 2007, states: "Ghassan Sulayman al Sulaiby claims he was tortured using electricity, the electrodes attached to his genitals...these torture sessions took place in the presence of his son."⁸⁷

The **Rape** refers to the insertion of objects into various orifices of the victim. Women victims are also raped by male jailors through forced sexual intercourse, for example in 1997, Heba Ma'sarani was raped by members of the Judicial police in the Bab al-Ramla police station.



The Rape



The Pepsi

An alternative version of the **Rape** is the **Pepsi** where the jailors insert a bottle into the anus of the victim. Jihad Sleiman describes how his jailor "asks me to undress completely and wash then orders me to bend forwards in order to introduce a bottle in my back passage...[later] they brought the bottle and put it under me and ordered me to sit on it."⁸⁸

Another oft-mentioned technique is the **Dullab** which consists of "hanging the victim from a suspended tire and beating"⁸⁹.

Other techniques of torture include:⁹⁰

- Beating on different parts of the body
 - Crushing of toes
 - Pulling out of hair
 - Exposure to the screams of other detainees being tortured
 - Being forced to remain for prolonged periods in fixed positions
 - Having one's religious beliefs denigrated
 - Prolonged suspension in contorted positions while being beaten with sticks and cables on the feet
 - Denial of access to the toilet
 - Deprivation of sleep, food, drink and medicine
 - Being exposed naked/stripped
 - Burning with cigarettes
 - Threatening to rape, arrest or torture relatives
- Particular to women:
- Rape and gang rape
 - Use of sexually abusive language
 - Forcibly stripping and exposing of female body to male guards

g. Groups targeted

There are certain groups in Lebanon that are more prone to be subjected to torture – this section explores the identity of these groups and some of the reasons they are more often targeted.

Despite the framework of legal obligations Lebanon is part of, according to reports, torture is practiced by the security forces against the majority of arrested persons, including but not limited to illegal migrants, drug addicts, sex workers, suspects of crimes against national security and against dozens of Palestinian refugees during and after the conflict in Nahr al Bared in 2007.⁹¹

Probably the single most targeted group, as heterogeneous a group as it may be, are **political opponents** of the Lebanese government, or people accused of "political offences".⁹² Victims are not confined to any particular confessional group. They include Muslims accused of "Islamic terrorism" or "allegiance with Al-Qaeda" as well as Christians or others accused of "collaboration with Israel". For example, the Fatah el-Islam detainees and the residents of Nahr al Bared camp detained during the Crisis in 2007 were held on charges of "political offences". Other groups affected as political opponents include those arrested in 2006 in connection with Ghassan Sulaiby⁹³ and the detainees from the clashes in late 1999 between Islamist groups and the Lebanese military in Dhinniyyah.⁹⁴ Those accused of "collaboration with Israel" have also reported being subjected to torture, for example, in March 2001, a 29-year-old Christian woman, Huyam 'Ali 'Alyan, was arrested in March 2001, accused of "collaboration with Israel," and "beaten on many parts of her body including her back, abdomen and around the labia, resulting in.... a prolapse (slipping) of the uterus."⁹⁵

The 2001 Amnesty International report, "Lebanon: Torture and ill treatment of **women** in pre-trial detention: a culture of acquiescence" 22 August 2001 (MDE18/009/2001)⁹⁶ explains that women are also "particularly vulnerable to torture," as the "police stations are staffed by male personnel and there are no women interrogators...women are more likely to be deserted by their families when they are accused of criminal offences... female migrant workers... do not understand Arabic and are held separately from Lebanese women, who might be able to offer them some help."

The Committee on the Rights of the Child reviewed Lebanon in March 2002 and noted that it "is concerned at allegations that **children** as young as 15 have been subjected to torture and ill treatment during incommunicado detention."⁹⁷ Children or very young adults are indeed at great risk of being mistreated and tortured as they are generally physically weaker and more easily intimidated than adult detainees by the male guards, jailors and interrogators.

The ALEF report on torture also highlights the problem of **drug users and dealers** being tortured by the Drug Repression Bureau: "interrogators at Hobeish have allegedly tortured and mistreated detainees to intimidate them, to extract information or a confession of drug crimes, or to force them to reveal identities of drug dealers." Interviewees state guards would tell them: "you are taking drugs, eh; you will see what we will do with you," demonstrating a desire to discipline or punish what is seen as morally reprehensible behaviour.⁹⁸

Finally, as recorded earlier, the Amnesty International report entitled, "Lebanon: Amnesty International reiterates its concerns on the situation of **refugees and asylum-seekers**", 3 May 2002 (MDE 18/005/2002) records its concern at the numerous reports concerning allegations of torture and ill-treatment of refugees and asylum-seekers while detained by the Lebanese authorities.

6. Lebanese Law

Despite Lebanon having signed relevant international treaties, Lebanese domestic laws fail to prohibit torture and its legal and judicial infrastructure do not combat the phenomenon of torture.

Article 4 of the Convention Against Torture clearly states that State Parties shall ensure all acts of torture are offences under criminal law:

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

As succinctly set out in the Pax Christi International written statement to the UN Human Rights Council (25 August 2008) neither the Lebanese Constitution, nor the Criminal Procedures Law, nor Criminal Law reflects the international definition of torture. Other laws, such as drug-related laws and laws regulating prisons and detention centres also fall short of explicitly prohibiting torture.⁹⁹

The 2008 ALEF report¹⁰⁰ carefully analyses Lebanese domestic law as it relates to international standards on torture. It concludes, "according to the above mentioned laws...provisions against torture are not explicitly stipulated, and when there is a reference to torture, however vague, it is not criminalised."¹⁰¹

There is also an entrenched problem affecting the utility of potential legal safeguards, due to the role of the judiciary in Lebanon. There are two related key concerns; first the judiciary is failing to ensure an independent investigation occurs when allegations of torture are raised and second, evidence obtained under torture in criminal trials is not being excluded.

Article 15 of CAT relevantly states, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made." However, as the ALEF report relevantly states:

[s]o rare are the inquiries launched by the judiciary that they are almost non-existent. The total absence of legal provisions on torture and ill-treatment in domestic laws have resulted in the spread of impunity and the practice of torture and ill-treatment by the very hands of state officials. State weakness and the lack of political monopoly on the control of State's institutions fuels the spread of these crimes and undermine the efforts made by State's committees and civil organizations for the eradication of torture.¹⁰² (emphasis added)

As previously outlined, Alkarama is aware of numerous cases where defendants have been convicted and sentenced in connection with the Nahr al Bared crisis following an unfair trial in which the only evidence used by the Military Court was their confessions extracted under torture (see Appendix B, Document 4(c-d), Alkarama communications to the SRT dated 15 October 2008 and 16 October 2008).¹⁰³ Alkarama's communication of 16 October 2008 sets out the relevant circumstances for nine cases submitted to the Special Rapporteur on Torture on this date (website communiqués available in Annex B, 4(c)):

The Military Court has indeed categorically refused to consider allegations of torture of defendants, or their lawyers' assertions, who did not fail to formally raise, in vain, the invalidity of the preliminary investigation on the ground of duress.

Thus Maitre Maha Fatha pleaded invalidity of the prosecution against his clients, Ghassan Sulayman al Sulaiby, Siradj Eddine Mounir, Issam Ahmed Rachid, Safy Ibrahim Al Arab, Youcef Mounir Koubrouly and Khaled Ali Amin (page 3, lines 5-6 of the decision), describing the torture they suffered during the preliminary inquiry.

Maitre Fatha also raised the incompetence of the military court to hear the case, by demonstrating the contradictions which emerged between the investigations conducted by the Ministry of Defence and the magistrate.

Maitre Jad Taamah also, for his part, denounced the torture suffered by his clients, and flagrant abuses which accompanied Ibrahim and Sulayman Al Sulaiby's presentation before the court without the witness magistrate reacting. He affirmed having spotted blood on the pants of one of the co-defendants, Zied Yamout, at a previous meeting of the court and that he later learned that the latter had been beaten in prison.

The judge who heard the defendants and noted in person the tortures to which they had been victim, and the state in which they found themselves at the time of their presentation, had clear grounds to believe that torture had indeed been committed; he nevertheless never took measures to either investigate the facts of torture and ill-treatment nor

took any steps to protect them in prison, where they continued to be subjected to this practice. (emphasis added)

Annex A clearly documents numerous cases of individuals alleging they were forced to sign confessions extracted under torture or to being forced to sign interrogations records they were unable to read under torture. Lebanese judicial institutions should be ensuring that any confessions believed to have been obtained by torture should be excluded from judicial proceedings as required by CAT – however this is not occurring. As noted above, often the evidence obtained under torture is the only evidence available and used against the convicted defendant.

In cases brought before the Judicial Council for example, a serious flaw is that the Judicial Council has no jurisdiction over pre-trial detention procedures including interrogation, and this may be one of the reasons it does not investigate claims of torture and other abuses during pre-trial detention.¹⁰⁴

On the very rare occasions that the judiciary does take action, sentences are either very limited or are not respected by relevant government officials. Such was the case of Elya Harb in 1996. In this case, the State Prosecutor, contrary to the Criminal Court's instruction to initiate judicial proceedings against officials - whom it had concluded had tortured Elya Harb, being held on drug charges and causing him permanent paralysis - concluded that there was no evidence of torture in the case.¹⁰⁵ In the (rare) case of a successful prosecution of a private in the Interior Security Forces, for having tortured an Egyptian worker in May 2004 - he was sentenced to 15 days of detention (a clearly inappropriately light sentence).¹⁰⁶

Moreover, in the past, calls by members of the Executive or human rights groups for investigation into cases of torture have had little effect. An example of this is the Amnesty International call in 2001 for an investigation into the torture of detainees on which President Lahoud immediately took action and contacted the relevant authorities instructing them to look into the matter. However, despite Presidential attention, there was no serious investigation and in December 2002, Amnesty International's concerns were criticised by the Public Prosecutor as "baseless and fabricated allegations."¹⁰⁷

Thus, there is the possibility of condemnation and prosecution of the practice of torture in Lebanon, but this, unlike the practice of torture during interrogation, is not systematic and, in fact, rare. Effectively, the trend is for there to be no judicial oversight or intervention to protect the rights of detainees and no judicial exclusion of evidence obtained under torture. Therefore, the legal and judicial infrastructure in Lebanon is unable to combat the phenomenon of torture in an effective way.

7. Conclusion

This report has been written as an attempt to document the problem of the systematic use of torture in Lebanon, bringing together detailed research from Alkarama and relevant reports from within the United Nations and civil society – both at an international and local level. This work was prompted by extensive information gathered and obtained by Alkarama during and after the Nahr al-Bared crisis in north Lebanon in mid-2007. This report is part of the significant efforts of organisations and individuals working to accompany the Lebanese government down the path of bringing an end to the practice of torture in Lebanon.

As explained in section 5(e) of this report, “Use of torture”, one of the most common aims of using torture is to force self-incrimination or the incrimination of others; “confessions” to predetermined stories, and/or the signing of documents. These statements obtained using the horrific methods described in section 5(f) “Methods of torture” are then often used in court as evidence against the victim, often leading to very heavy sentences. This practice is specifically banned according to Article 15 of the CAT: “any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings”.¹⁰⁸

Section 6 “Lebanese Law” explains that, though there have been some efforts to sentence people accused of torture, these efforts by the judiciary, far from being systematic, are very rare and often lead nowhere. This report clearly shows the need for the government to ensure that independent investigations are immediately and systematically initiated when allegations of torture are brought up in court or anywhere else.

Lebanon has been a State Party to CAT since 2000 and has not yet submitted its Initial Report to the Committee. However, Lebanon has ratified the OPCAT and work is underway to implementing its provisions domestically. We consider that this is now an opportune time to consider Lebanon’s obligations under CAT and for positive progress to be achieved.

There are winds of change in Lebanon. Since the withdrawal of the last Syrian troops in 2005 and the election of a new President in 2008 and a new parliament in 2009, there are some observations of an increased willingness on behalf of the Government to acknowledge the problem of torture and to consider changes to be made, particularly with the ratification of OPCAT. However, such a process will not be simple or easy given the nature of the problem and the apparent entrenched role of torture within the Lebanese security forces.

Alkarama hopes this report will play a useful role by collating the information and calls for there to be effective legislative, administrative, judicial and other measures implemented in Lebanon to prevent torture from occurring in the future.

8. Recommendations¹⁰⁹

In summary, Alkarama (Dignity) for Human Rights calls upon the Lebanese government to do the following:

1. That the Lebanese government, in the light of Article 12 of CAT, **immediately and systematically initiate independent investigations in proceedings when allegations of torture are raised by defendants**. This will also require enquiries being commenced into cases which have since been closed and consideration being given to retrials where defendants have been convicted, at least in part, on confessions obtained under torture.
2. That the Lebanese Government, in the light of Article 15 of CAT, **urgently ensure that any statement which has been made as a result of torture shall not be invoked as evidence in any proceedings**. This request particularly concerns those arrested in connection with the 2007 Nahr al Bared crisis.
3. That the Lebanese Government, in the light of Article 19 of CAT, **fulfils its reporting obligations to the Committee against Torture by submitting its Initial Report to the CAT**.
4. **Incorporates CAT provisions in the domestic law**.
5. Accepts article 22 of the CAT **allowing for individual complaints to be brought up before the CAT**.
6. **Establish a national prevention mechanism** in conformity with its obligations under the OPCAT, and before 22 December 2009.

Finally and in summary, *Alkarama for Human Rights* refers and relies upon the United Nations "Basic Principles and Guidelines on the Right to a Remedy and Full Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" adopted and proclaimed by UN General Assembly resolution 60/147 of 16 December 2005 (Annex D). In particular, we refer to the following principles in this important document (emphasis added):

II Scope of the obligation

3. The **obligation to** respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

- (a) **Take appropriate legislative and administrative and other appropriate measures to prevent violations;**
- (b) **Investigate violations effectively, promptly, thoroughly and impartially** and, where appropriate, **take action against those allegedly responsible** in accordance with domestic and international law;
- (c) **Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice**, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and
- (d) **Provide effective remedies to victims**, including reparation...

The above principles embody the framework of action which needs to be undertaken by the Lebanese Government to remedy the entrenched problem of a systematic practice of torture by Lebanese security forces existing in Lebanon.

10. End Notes

¹ See Alkarama (Dignity) for Human Rights website, www.alkarama.org (available in Arabic, English and French).

² See Alkarama for Human Rights Annual Report 2008 and 2007, Alkarama, Geneva, available in Arabic, English and French on www.alkarama.org.

³ Report of the Committee Against Torture, (2006 – 2007), A/62/44, Annex V, p.54.

⁴ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984; Article 19, paragraph 1.

⁵ For the purpose of this report the term “torture” is defined according to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984, Article 1.1 as: “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

⁶ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984, Article 4(1).

⁷ L'Association Libanaise pour l'Education et la Formation (ALEF), “Lebanon : The Painful Whereabouts of Detention” (February 2008) p. 41.

⁸ Please refer to Section 2(a). for more detail on the credibility of the sources relied upon.

⁹ See Annex C (List of reported torture cases in Lebanon 1993-2008).

¹⁰ United Nations Committee Against Torture, “Activities of the Committee Against Torture pursuant to Article 20 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Egypt,” 1996, paras. 180-122 (A/51/44), (Inquiry under Article 20), para. 214.

¹¹ United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (SRT).

¹² SOLIDA refers to “the systematic and chronic nature of the violations” SOLIDA, Lebanese Center for Human Rights, “Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners”, Paris, France, 5 October 2006, p.4.

¹³ The Near East since the First World War Yapp, M.E., Pearson Education, 1996; pp. 265 – 279 and Histoire du Liban: des origin au XXe siècle Ed. Dib, B., Edition Philippe Rey, 2006; pp 859-966, see also United Nations General Assembly, Human Rights council, Joint Report of the Special Rapporteurs on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health; the Representative of the Secretary General on human rights of internally displaced persons; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mission to Lebanon and Israel (7-14 September 2006), 2 October 2006 (A/HRC/2/7).

¹⁴ http://www.dailystar.com.lb/article.asp?edition_ID=1&article_ID=1&categ_id=2&a, Hariri resignation sparks fears of instability in divided country, Agence France Presse, 12 September 2009.

¹⁵ L'Association Libanaise pour l'Education et la Formation (ALEF), “Lebanon : The Painful Whereabouts of Detention” (February 2008), Executive Summary, para. 5.

¹⁶ We also acknowledge that the Lebanese Parliamentary Commission on Human Rights held a two-day workshop in the Gefinor Hotel in Beirut in October 2008. The workshop discussed the “harmonisation of internal law” with international standards prohibiting abuse, torture and degrading treatment of prisoners and temporary detainees (this was not widely reported by the media - see NOW, www.nowlebanon.com, “Torture in Lebanon”, 17 October 2008, Daniel Newell, NOW staff).

¹⁷ Human Rights Committee, 79th session, Concluding Observations of the Human Rights Committee: Lebanon, 5 May 1997 (CCPR/C/79/Add.78) para 16.

¹⁸ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment New York, 18 December 2002.

¹⁹ See Annex C for Indexed Compilation of Reports on Torture in Lebanon from 1993-2008.

²⁰ Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak – Addendum – Summary of information, including individual cases, transmitted to governments and replies received (1995, 1999, 2000, 2001, 2002, 2003, 2004, 2006, 2008).

²¹ see www.alefiiban.org

²² Amnesty International, "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of acquiescence" 22 August 2001, (MDE18/009/2001).

²³ Amnesty International, "Lebanon: Torture and unfair trial of the Dhinniyyah detainees", May 2003, (MDE 18/005/2003).

²⁴ Amnesty International, "Lebanon: Samir Gea'Gea' and Jirjis al-Khour: Torture and unfair trial", 23 November 2004 (MDE 18/003/2004).

²⁵ US Department of State, "Country reports on Human Rights Practices" released by the Bureau of Democracy, Human Rights, and Labor.

²⁶ US Department of State, Bureau of Democracy, Human Rights, and Labor "Country reports on Human Rights Practices, Lebanon (2001)," 4 March 2002.

²⁷ Human Rights Council, 7th Session, Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, "Summary of the cases transmitted to Governments and replies received", 19 February 2008 (E/HRC/7/3/Add.1) - relevant excerpts: pp. 129-133.

²⁸ United Nations, Human Rights Committee, Concluding Observations of the Human Rights Committee: Lebanon, 1 April 1997, (CCPR/C/79/Add.78).

²⁹ United Nations, Human Rights Committee, Concluding Observations of the Human Rights Committee: Lebanon, 1 April 1997, (CCPR/C/79/Add.78), para 16.

³⁰ US Department of State, "Lebanon. Country reports on Human Rights Practices. (1999 and 2000)", 23 February 2000 and 2001, released by the Bureau of Democracy, Human Rights, and Labor.

³¹ US Department of State, Bureau of Democracy, Human Rights, and Labor "Lebanon. Country reports on Human Rights Practices, Lebanon (2007), 11 March 2008.

³² SOLIDA, Lebanese Center for Human Rights, "Lebanon: The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.3.

³³ See for example, Working Group on Arbitrary Detention, Human Rights Council 7th session, Opinions adopted by the Working Group on Arbitrary Detention, 16 January 2008, (A/HRC/7/4/Add.1) - relevant excerpts: pgs. 1-2, 81-84) and Working Group on Arbitrary Detention, Human Rights Council, 4th session, Opinions adopted by the Working Group on Arbitrary Detention, 2 February 2007, (A/HRC/4/40/Add.1), - relevant excerpts: pgs. 1-3, 82-86).

³⁴ See for example, Amnesty International Annual Report for Lebanon (2006) and SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.2.

³⁵ Lebanon: Torture and unfair trial of the Dhinniyyah detainees Amnesty International, 7 May 2003, MDE 18/005/2003, p.7.

³⁶ Annual Report on Human Rights Practices in Lebanon, 2002; ALEF; NORDANSKOG, also cited in Magnus Nordanskog, The Legal System of Lebanon, From French Influence to Globalisation and European Community Law, Masters Thesis, Faculty of Law, University of Lund, Fall 2001; p.62. See also US Department of State, Bureau of Democracy, Human Rights, and Labor "Country reports on Human Rights Practices, Lebanon (2001)," 4 March 2002.

³⁷ Daunay argues that despite this image of a "return to democracy", torture continues in Lebanon: SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.3.

³⁸ It is noted the Minister of Interior responded by letter dated 7 October 2008 thanking the NGOs for their correspondence and advising there was a request to the General Inspection of the Internal Security Forces to further investigate the problem. However, this is not the first time members of the Executive have announced such investigations into the use of torture in Lebanon, and to date they have been ineffective (see also section 8). Furthermore, the nature of the problem requires an independent investigation, not one by the Security Forces directly implicated with the problem.

³⁹ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008) p.20.

⁴⁰ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.4.

⁴¹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment – Addendum – Summary of information, including individual cases, transmitted to governments and replies received (2002; 2003; 2004; 2006; 2008), (E/CN.4/2002/76/Add.1; E/CN.4/2003/68/Add.1; E/CN.4/2004/56/Add.1; E/CN.4/2006/Add.1; E/HRC/7/3/Add.1).

⁴² Amnesty International, "Lebanon: Amnesty International calls for inquiry into reports of looting and abuses at Nahr al Bared Palestinian refugee camp", 31 October 2007 (MDE 18/015/2007); see also Amnesty International, "Lebanon: Torture and unfair trial of the Dhinniyyah detainees", May 2003 (MDE 18/005/2003).

⁴³ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006.

⁴⁴ Human Rights Watch, Lebanese Centre for Human Rights, joint statement: "Lebanon: Investigate Torture Allegations at the Ministry of Defense", Beirut, 11 May 2007.

⁴⁵ United Nations Programme Network Institutes, Technical Assistance Workshop; Vienna, Austria – 10 May 2001; "World Prison Population: Facts, Trends and Solutions".

⁴⁶ Amnesty International, "Lebanon: Torture and unfair trial of the Dhinniyyah detainees", May 2003 (MDE 18/005/2003), p.17.

⁴⁷ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eighth session – Addendum – Summary of information, including individual cases, transmitted to governments and replies received, 27 February 2003 (E/CN.4/2003/68/Add.1), para 792; and see also Report of 23 March 2004 to the Commission on Human Rights at its sixtieth session (E.CN.4/2004/56/Add.1), paras. 926-932).

⁴⁸ See Annex A –Table of cases of 315 individuals detained in connection with the 2007 Nahr al Bared Crisis, prepared by Alkarama for Human Rights.

⁴⁹ See Annex A –Table of cases of 315 individuals detained in connection with the 2007 Nahr al Bared Crisis, prepared by Alkarama for Human Rights, (Case 242/315/NBC/AC/2008).

⁵⁰ Amnesty International, "Annual Report 2007," p.68.

⁵¹ See Annex A –Table of cases of 315 individuals detained in connection with the 2007 Nahr al Bared Crisis, prepared by Alkarama for Human Rights. (Case number 273/315/NBC/AK/2008).

⁵² Annex A, Cases 8/315/NBC/AK/2008, 10/315/NBC/AK/2008, 18/315/NBC/AK/2008, 31/315/NBC/AK/2008, 35/315/NBC/AK/2008, 37/315/NBC/AK/2008, 60/315/NBC/AK/2008, 71/315/NBC/AK/2008, 95/315/NBC/AK/2008, 112/315/NBC/AK/2008, 130/315/NBC/AK/2008, 133/315/NBC/AK/2008, 137/315/NBC/AK/2008, 154/315/NBC/AK/2008, 167/315/NBC/AK/2008, 174/315/NBC/AK/2008, 240/315/NBC/AK/2008, 241/315/NBC/AK/2008, 248/315/NBC/AK/2008, 250/315/NBC/AK/2008, 253/315/NBC/AK/2008, 254/315/NBC/AK/2008, 255/315/NBC/AK/2008, 257/315/NBC/AK/2008, 261/315/NBC/AK/2008, 273/315/NBC/AK/2008, 295/315/NBC/AK/2008, 304/315/NBC/AK/2008.

⁵³ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008) p. 49.

⁵⁴ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008) Executive Summary, p.13, para. 3.

⁵⁵ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008) pp. 49-50.

⁵⁶ See Annex C, Table of reported torture cases in Lebanon reported by credible sources (1993-2008) and section "c. Locations."

⁵⁷ Jihad Sleiman states having heard al-Rassi die in a neighbouring cell - AI report (MDE18/003/2004 and MDE 18/19/97); SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, pp. 9-14.

⁵⁸ <http://www.state-security.gov.lb/gdmaham0eng.htm>

⁵⁹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its 58th session, "Summary of the cases transmitted to Governments and replies received", 14 March 2002 (E/CN.4/2002/76/Add.1); Amnesty International report

"Lebanon: Torture and ill treatment of women in pre-trial detention" (MDE18/009/2001).

⁶⁰ See Annex C, Case number 92.

⁶¹ For example, Annex A, 209/315/NBC/AK/2008, was beaten so much that he now has back and neck problems.

⁶² See General Security website, <http://www.general-security.gov.lb/English/History/GSFunction/>, accessed 5 October 2009.

⁶³ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eighth session, "Summary of the cases transmitted to Governments and replies received", 14 March 2002 (E/CN.4/2002/76/Add.1) - relevant excerpts: pp. 168; Amnesty International, "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of acquiescence" 22 August 2001 (MDE18/009/2001); Annex C, Case 13.

⁶⁴ <http://www.isf.gov.lb/English/LeftMenu/General+Info/Organization/>; L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008), p.48.

⁶⁵ Amnesty International report "Lebanon: Torture and ill treatment of women in pre-trial detention" 22 August 2001, (MDE18/009/2001), p.10.

⁶⁶ Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eight session, "Summary of the cases transmitted to Governments and replies received", 14 March 2002 (E/CN.4/2002/76/Add.1), para. 900.

⁶⁷ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008), p.49.

⁶⁸ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008), p.49.

⁶⁹ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008), p.49.

⁷⁰ US Department of State, Bureau of Democracy, Human Rights, and Labour "Lebanon. Country reports on Human Rights Practices, 2001" 4 March 2002.

⁷¹ Information taken from all the sources listed in Annex A and B and referenced in report.

⁷² Amnesty International, "Lebanon: Amnesty International calls for inquiry into reports of looting and abuses at Nahr al-Bared Palestinian refugee camp" 31 October 2007 (MDE 18/015/2007); Alkarama for Human Rights, List of Cases in connection with 2007 Nahr al Bared Crisis - Annex A of present report.

⁷³ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, pp.9-14.

⁷⁴ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.11.

⁷⁵ Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eight session, "Summary of the cases transmitted to Governments and replies received", 14 March 2002 (E/CN.4/2002/76/Add.1), paras 905-909; see also Amnesty International report "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of a acquiescence" 22 August 2001 (MDE18/009/2001), pp. 20-21.

⁷⁶ Amnesty International, "Lebanon: Amnesty International calls for inquiry into reports of looting and abuses at Nahr al-Bared Palestinian refugee camp" 31.10.07 (MDE 18/015/2007); Alkarama for Human Rights, List of Cases in connection with 2007 Nahr al Bared Crisis Annex A of present report.

⁷⁷ Lebanon: Torture and unfair trial of the Dhinniyyah detainees Amnesty International, 7 May 2003, (MDE 18/005/2003), p.12.

⁷⁸ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.11.

⁷⁹ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.11.

⁸⁰ All drawings are by George Alam, taken from SOLIDA annual report (1997) annexed to SOLIDA, Leba-

nese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.5-9.

⁸¹ Amnesty International, "Further information on Urgent Appeal 233/01", 26 September 2001, (MDE 18/021/2001).

⁸² L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008), p.31.

⁸³ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eight session, "Summary of the cases transmitted to Governments and replies received", 27 February 2003 (E/CN.4/2003/68/Add.1).

⁸⁴ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eight session, "Summary of the cases transmitted to Governments and replies received", 14 March 2002 (E/CN.4/2002/76/Add.1); Amnesty International, "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of acquiescence" 22 August 2001 (MDE18/009/2001).

⁸⁵ US Department of State, Bureau of Democracy, Human Rights, and Labour "Lebanon. Country reports on Human Rights Practices, (2003)", 25 February 2004 (relevant excerpt: Respect for human rights, (c) Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment).

⁸⁶ Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eight session, "Summary of the cases transmitted to Governments and replies received", 14 March 2002, (E/CN.4/2002/76/Add.1); Amnesty International, "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of a acquiescence" 22 August 2001 (MDE18/009/2001).

⁸⁷ Alkarama for Human Rights, Letter to the Special Rapporteur on Torture, Liban: Torture, mauvais traitement et poursuites pénales de civils devant des juridictions militaires, 12 September 2007.

⁸⁸ SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.11.

⁸⁹ Amnesty International report "Lebanon: Torture and ill treatment of women in pre-trial detention" (MDE18/009/2001)

⁹⁰ See for example Amnesty International, "Lebanon: Samir Gea'Gea' and Jirjis al-Khour: Torture and unfair trial", (2004) (MDE 18/003/2004), p.6; SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, pp. 5-15; Amnesty International report "Lebanon: Torture and ill treatment of women in pre-trial detention" (MDE18/009/2001) pp. 5-7; L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (Feb 2008) pp. 12-13.

⁹¹ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon: The Painful Whereabouts of Detention" (February 2008), Executive Summary, p.2, para. 2).

⁹² SOLIDA, Lebanese Center for Human Rights, "Lebanon. The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture. Forgotten victims, unpunished executioners", Paris, France, 5 October 2006, p.5.

⁹³ Alkarama for Human Rights, Letter to the Special Rapporteur on Torture, Liban: Torture, mauvais traitement et poursuites pénales de civils devant des juridictions militaires, 12 September 2007.

⁹⁴ Amnesty International, "Lebanon: Torture and unfair trial of the Dhinniyyah detainees", 7 May 2003 (MDE 18/005/2003).

⁹⁵ Amnesty International, "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of acquiescence" 22 August 2001, (MDE18/009/2001) pp. 17-18.

⁹⁶ Amnesty International, "Lebanon: Torture and ill treatment of women in pre-trial detention: a culture of a acquiescence" 22 August 2001 (MDE18/009/2001), p.2.

⁹⁷ Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment to the Commission on Human Rights at its fifty-eight session, "Summary of the cases transmitted to Governments and replies received", 23 March 2004 (E/CN.4/2004/56/Add.1) para 937.

⁹⁸ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention" (February 2008) p.49.

⁹⁹ Pax Christi International, "Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organisation in special consultative status," to the UN Human Rights Council, "On Torture in Lebanon, " 25 August 2008, (A/HRC/9/NGO/54).(Annex B, 2(I)).

¹⁰⁰ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention", February 2008, p.39.

¹⁰¹ L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention", February 2008, p.45.

¹⁰² L'Association Libanaise pour l'Education et la Formation (ALEF), "Lebanon : The Painful Whereabouts of Detention", February 2008, p.20.

¹⁰³ See also Human Rights Watch and Lebanese Centre for Human Rights (SOLIDA), joint statement: "Lebanon: Investigate Torture Allegations at the Ministry of Defense", Beirut, 11 May 2007.

¹⁰⁴ See Alkarama correspondence to the SRT, Index B, see also, Amnesty International, "Lebanon: Torture and unfair trial of the Dhinniyyah detainees", May 2003, (MDE 18/005/2003), p.18.

¹⁰⁵ Amnesty International, Lebanon: Human Rights Developments and Violations, October 1997, (MDE 18/19/97), p.23. see also p.32 for an example of the judiciary failing to make a proper investigation into torture allegations in the case of Jirjis Khoury.

¹⁰⁶ Amnesty International, "Annual report 2008" – Lebanon section: Torture and Other Mistreatment.

¹⁰⁷ Amnesty International, "Lebanon: Torture and unfair trial of the Dhinniyyah detainees", 7 May 2003, (MDE 18/005/2003) p.2.

¹⁰⁸ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984; Article 15

¹⁰⁹ See Annex D – Compilation of specific recommendations from key NGO reports.