

# SYRIA/LEBANON

## AN ALLIANCE BEYOND THE LAW

### Enforced Disappearances in Lebanon

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## **ABOUT THIS REPORT**

This report was written by Virginia N. Sherry, associate director of Human Rights Watch/Middle East. It is based on information that Ms. Sherry obtained during fact-finding missions to Lebanon from August 8-September 4, 1995, and from July 25-August 22, 1996, as well as subsequent research. The report also includes information collected by Houeida Saad, an attorney and consultant to Human Rights Watch, who conducted a fact-finding mission in Lebanon from October 31-November 16, 1996. The report was edited by Eric Goldstein, acting executive director of Human Rights Watch/Middle East, and Michael McClintock, deputy program director of Human Rights Watch. Awali Samara, associate at Human Rights Watch/Middle East, skillfully prepared this report and its appendices for publication.

The author dedicates this report to the "disappeared" who are still alive in Syria and to the families who continue to wait for Syrian government confirmation of their whereabouts. The author also wishes to thank the Lebanese and Palestinians without whose cooperation this report would have been impossible to write. For reasons related to their own security and safety, most of these sources asked to remain anonymous.

With generous support from the J.M. Kaplan Fund, this report will be translated into Arabic.

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## SUMMARY

An unknown number of Lebanese citizens and stateless Palestinians are imprisoned in Syria: some of them "disappeared"<sup>1</sup> in Lebanon as long ago as the 1980s. In two cases documented by Human Rights Watch, Palestinian families have learned only recently, through information brought to them by released prisoners, that their loved ones — "disappeared" in 1984 and 1987, respectively — may still be alive and in Syrian custody. The problem, unfortunately, not only involves past abuses but also extends to current practice. Lebanese citizens and stateless Palestinians continue to "disappear" in Lebanon, taken into custody there by Syrian security forces and then transferred to and detained in Syria, perpetuating a climate of fear. This report includes detailed information about three "disappearances" that occurred in 1997, between January and March, one that took place in July 1996, and another that dates back to September 1992. The report also includes information about "disappearances" of Palestinian residents of Beirut and Tripoli in 1995 and 1996, and testimony from Lebanese and Palestinians who were "disappeared" at various times between the mid-1970s through late 1993.

The seizures of these individuals take place outside the law. As the Beirut Bar Association reported to the U.N. Human Rights Committee in April 1997, "no existing legislation or bilateral treaty allows such conduct." Moreover, victims do not benefit from the protection of the law. There are no effective official government mechanisms — in Lebanon or in Syria — for families to learn of the whereabouts of their relatives and to seek legal remedy. Human Rights Watch has also obtained first-hand testimony indicating that Syrian intelligence forces have detained some Lebanese and held them incommunicado — in Syrian detention facilities in Lebanon, and in Syria — in order to pressure them to collaborate with Syrian intelligence in Lebanon.

Syrian troops first entered Lebanon in large numbers in June 1976, the second year of the country's civil war. The Syrian military presence was formalized pursuant to decisions taken at the Arab League summit that was held in Riyadh, Saudi Arabia, in October 1976. The summit led to the creation of an Arab Deterrent Force (ADF) that was to enforce a ceasefire and separate the warring sides. Although the ADF would include small numbers of troops from other Arab states, the bulk of the forces were Syrian and under Syrian military command. Syria's significant interference with Lebanese civil society, including the press, followed, as we described in a 1991 report:

Late that year, the Syrian army occupied and closed down seven newspapers and one magazine in West Beirut, including Lebanon's most famous newspaper *al-Nahar*, as well as *L'Orient Le Jour*, *al-Safir*, and *al-Muharrir*. Only three pro-Syrian newspapers remained....Syrian forces also arrested several journalists, including *al-Safir* editors Muhammad Mashmushi and Tawfiq Sardawi, both critics of Syrian intervention. They were subsequently imprisoned in Damascus. After a major protest campaign, the Syrians withdrew from the occupied publications, and two months later they released Mashmushi and Sardawi. But *al-Safir* and other newspapers got the message; only rarely since then have they printed items that would seriously displease the Syrian regime.<sup>2</sup>

Twenty-one years later, an estimated 30,000 Syrian troops remain in Lebanon, as well as an undisclosed number of intelligence officers and other operatives. Syrian intelligence forces are known to maintain detention facilities in at least five locations inside Lebanon: in Tripoli in the north; in west Beirut at the headquarters of Syrian intelligence on Sadat Street, near the Beau Rivage Hotel in the Ramlet al-Baida neighborhood, an area also known as Beau Rivage; in Chtoura in the Beqaa' valley; and in 'Anjar, east of the Beirut-Damascus highway, near the Lebanese-Syria border. There is also a detention facility in Hazmiyeh, on the outskirts of Beirut, where a joint Syrian-

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<sup>1</sup> The term appears in quotation marks "to emphasize that the victim has in reality not simply vanished. The victim's whereabouts and fate, concealed from the outside world, are known by someone. Someone decided what would happen to the victim; someone decided to conceal it." Amnesty International, "*Disappearances*" and *Political Killings* (Amsterdam, Amnesty International Dutch Section: 1994), p. 84.

<sup>2</sup> Middle East Watch (now Human Rights Watch/Middle East), *Syria Unmasked: The Suppression of Human Rights by the Assad Regime* (New Haven and London, Human Rights Watch Books, Yale University Press: 1991), pp. 119-120.

Lebanese intelligence force reportedly is based. This report includes information about and testimony from Lebanese and stateless Palestinians who have been detained at these facilities.

Close Syrian-Lebanese bilateral relations were formally cemented by the May 1991 Treaty of Fraternity, Cooperation and Coordination, which established joint councils to coordinate decision-making and activities related to foreign affairs, economic and social affairs, and defense and security affairs. The Defense and Security Affairs Committee created pursuant to the treaty is composed of the defense and interior ministers of both countries. According to the terms of the treaty, the committee is responsible for “studying the adequate measures needed to safeguard the two countries’ security and for suggesting joint measures to confront any aggression or threat endangering their national security or any unrest that may disturb their internal security.” For Lebanese Muslims and Christians alike, the phenomenon of “disappearances” is one manifestation of what many of them view as *de facto* Syrian control — or “annexation” or “occupation,” as they variously describe it — of their country. A prominent Shi’i lawyer, who requested anonymity, put it this way in an interview with Human Rights Watch in August 1995:

No one in Lebanon will talk about the reality. Our government is not a government. Syrian intelligence forces are controlling this country. We are moving toward a police state. Here in Lebanon, there are masters and servants. Lebanese government officials are the servants of Syria.

Indeed, public discussion of “disappearances” is largely taboo in Lebanon, and efforts to address the problem generally, or individual cases specifically, are not undertaken. Families of the “disappeared” typically are afraid to come forward with information for fear of worsening the situation for their loved ones or putting themselves at risk of harassment or reprisal. They have been unable to secure assistance from Lebanese government officials or Lebanese nongovernmental organizations to obtain information about, access to, or the release of their relatives. The son of one Lebanese who was seized and “disappeared” in the early 1990s, and is believed to be held in Syria, told Human Rights Watch in 1997 that no one in Lebanon, including former colleagues of his father who now serve in high-level government positions, would talk to him about the case. The son said that he met privately with President Elias Hrawi in 1992, who told him “there is nothing that we can do.”

Human Rights Watch has written to Lebanese and Syrian government officials four times to express concern, to request information, and to recommend steps to remedy the problem of the continuing “disappearances.” These letters — to Lebanese Prime Minister Rafiq Hariri in October 1996 and March 1997, and to Syrian President Hafez al-Asad in November 1996 and March 1997 — have gone unanswered, and persons continue to be detained and “disappeared” on Lebanese soil. Families continue to wait for news, and official confirmation, that their relatives are dead or alive. To end this agony for the families, Human Rights Watch urged President Asad in November 1996 to disclose fully the names and other information about non-Syrians held in Syrian custody in Lebanon and Syria. We received no reply to our letter.

The Lebanese government clearly has ceded certain police powers to Syrian intelligence forces inside Lebanon — in practice if not also by secret agreement. By providing an effective guarantee of impunity for human rights abuses under this arrangement, Lebanese authorities must bear a measure of direct responsibility for these abuses. Lebanese complicity in abuses by Syrian forces sometimes goes beyond official acquiescence and becomes direct collaboration with Syrian forces in carrying out reported “disappearances.” To end complicity in torture, “disappearance,” and other abuses by Syrian forces in Lebanon, it is incumbent upon Lebanese authorities to establish enforceable procedures under which Syrian forces present and operating in Lebanon can be held fully accountable for their actions under both Lebanese and international law. Lebanese authorities should begin to address this problem by ending immediately their silence concerning abuses being committed by Syrian forces on Lebanese territory, and by carrying out independent and effective investigations of “disappearances” in such a manner as to bring the perpetrators to justice.

This report focuses only on “disappearances” in Lebanon at the hands of Syrian intelligence forces and their Lebanese accomplices. It does not address the issue of Lebanese citizens who have been seized in Lebanon and transported to Israel, which occupies approximately 10 percent of south Lebanon (850 square kilometers) in a zone that

is home to some 150,000 Lebanese. Lebanese citizens imprisoned inside Israel, along with other Arabs and Iranians, is the subject of a separate inquiry by Human Rights Watch/Middle East and a report that we will publish later in 1997. In March 1997, Human Rights Watch presented a written statement to the U.N. Commission on Human Rights which was meeting in its fifty-third session in Geneva. Our statement addressed the problem of “disappearances” of Lebanese citizens and stateless Palestinians in Lebanon by Syrian security forces, as well as Lebanese citizens who are being held in extended periods of detention in Israel, either without charge or trial or long beyond the expiration of their sentences. Human Rights Watch’s submission regarding “disappearances” at the hands of Syrian forces is elaborated upon in this report. The part of the statement that addressed Israeli practices is appended to this report.

## RECOMMENDATIONS

### To the Government of Syria

The Syrian government should apply the principles of transparency and accountability to address the problem of foreign nationals and stateless Palestinians who are detained in Syria, and to bring some measure of justice to victims and their families. Human Rights Watch urges the Syrian government to take the following actions:

- Make public the names of all non-Syrians — including Lebanese citizens and stateless Palestinians — who are currently detained or imprisoned in Syria.
- In addition to releasing the names, the Syrian government should make public the following additional information about each individual:
  1. Nationality or place of permanent residence, and date of birth;
  2. Date and place of initial arrest, and the name of the security force that took the person into custody;
  3. Date of transfer from Lebanon to Syria, and the basis in Syrian or Lebanese law, if any, for such transfer;
  4. Name and location of the facility where the person is currently being held in Syria;
  5. Whether the person has been permitted to contact his family and lawyer, and the date on which such contact was initially made;
  6. Whether the person has been permitted family visits, and the frequency of such visits; and
  7. The basis in Syrian or Lebanese law for the continuing detention and imprisonment of each person held in Syria.
- Individuals who are unlawfully detained should be immediately and unconditionally released.
- Syrian authorities should also investigate allegations that Lebanese citizens and stateless Palestinians have been tortured at Syrian detention facilities inside Lebanon, and should take steps to bring such practices to an immediate halt.
- The Syrian government should instruct its judicial authorities to determine, on a case-by-case basis, if foreign nationals and stateless Palestinians have been subjected to arbitrary arrest or detention in Syria. In cases of arbitrary arrest or detention, authorities should set forth and disseminate widely in Lebanon information about the official legal mechanisms by which victims can exercise their enforceable right to compensation, as provided in Article 9(5) of the International Covenant on Civil and Political Rights, to which Syria is a state party.
- To ensure that individuals in the future are not subjected to arbitrary arrest or “disappearance,” Syrian authorities should undertake the following measures:

1. Communicate to all Syrian military, intelligence and security forces that “disappearances” will no longer be tolerated, and that commanders who order or condone such actions will be held responsible for these criminal offenses to the fullest extent of the law.

2. Require that at the time of arrest or detention, the arresting authorities identify themselves, and that all individuals taken into custody be held only in publicly recognized detention facilities, where accurate registers of detainees and prisoners are maintained and available for public inspection. Such procedures should be instituted at each of the now-secret Syrian detention facilities in Lebanon — alternatively, these centers should be closed.

3. Inform individuals taken into custody of the reasons for arrest, and enable them to challenge the legality of their detention before a judicial authority.

4. Permit individuals taken into custody to inform without delay their relatives and lawyers of their arrest and place of detention.

5. Establish effective procedures for prompt response to inquiries from families, lawyers and nongovernmental organizations about the whereabouts of individuals who have been detained.

### **To the Government of Lebanon**

Initiatives by the Lebanese government are also required in order to hold Syrian security forces in Lebanon accountable for their actions. The following affirmative steps may help break the barrier of fear that has prevented families from coming forward when “disappearances” occur, and has likewise discouraged lawyers from providing legal representation and independent nongovernmental organizations from undertaking advocacy on behalf of the victims:

- Take firm and fully transparent measures to ensure that abuses at the hands of Syrian security forces in Lebanon come to an end.
- Prime Minister Rafiq Hariri and President Elias Hrawi should publicly declare that Syrian forces will not be permitted to operate with impunity on Lebanese soil, and should set forth the legal regime by which such forces are disciplined and held accountable for criminal offenses committed in Lebanon. Similarly, Lebanese government officials should convey to commanders of Lebanese military, intelligence and other security forces that their personnel must not participate in “disappearances” in any manner. The government should further make clear that commanders who order or condone “disappearances” will be held criminally responsible for these actions and prosecuted to the fullest extent of the law.
- To ensure that Lebanese military and security authorities in no manner participate in or facilitate “disappearances,” the government should require that at the time of arrest or detention on Lebanese soil the arresting authorities identify themselves, and that all individuals taken into custody in Lebanon be held in publicly recognized places of detention, where accurate registers of detainees and prisoners are maintained and available for public inspection.
- As a matter of priority, the Lebanese judiciary and police should be instructed to formulate, implement, and widely publicize procedures for taking written complaints from citizens and lawyers about cases of suspected abduction and “disappearance.” As part of these procedures, copies of the complaints should be forwarded promptly to the offices of the prime minister and the president, the justice minister, the head of the parliamentary human rights committee, and the president of the bar association.
- Immediate steps should be taken to establish an independent legal office with full authority to investigate all cases of “disappearances” in a prompt and transparent manner. This office should be empowered not only to determine the whereabouts of the “disappeared,” but also to secure prompt access to these individuals for

lawyers and family members. The creation of this office should be widely publicized in Lebanon, and its services should be made available to all residents of the country, including stateless Palestinians who are permanent residents.

- Provide medical care and psychological counseling, when required, to “disappeared” individuals who reappear.

#### **To the United Nations Working Group on Enforced or Involuntary Disappearances**

- The Working Group should investigate cases of enforced disappearance in Lebanon, and make demarches to Lebanese and Syrian authorities in order to determine the fate and whereabouts of the “disappeared.”
- Given the extraterritorial dimension of the practice of enforced disappearances in Lebanon, Human Rights Watch recommends that the Working Group analyze the issue in light of the Declaration on the Protection of All Persons from Enforced Disappearance, and publicize its conclusions in relation to the implementation of the Declaration when there is such a dimension.

#### **To the European Union and Member States**

- Publicly acknowledge at a high level and condemn actions by Lebanese and Syrian authorities that result in the “disappearances” of Lebanese citizens and stateless Palestinians.
- Raise with the Lebanese and Syrian governments at the highest levels, and as an urgent matter, the cases of Lebanese citizens and stateless Palestinians who have “disappeared” at the hands of state agents, and impress upon both governments the need to respond positively to the recommendations in this report.
- Instruct embassy staff in Damascus to raise and pursue specific cases of “disappearances” with Syrian authorities and to seek access to detainees whose names are known.
- In the context of negotiations over the Euro-Mediterranean Association Agreement with Lebanon, urge the government of Lebanon to implement the recommendations of this report, and publicly support such initiatives by the government of Lebanon.
- Use all possible means, including linkage of aid and financial assistance to Syria, to obtain a full accounting by the Syrian government concerning persons detained and “disappeared” by agents of the Syrian state, and on a public commitment by the government of Syria to cease such practices immediately.
- The European Union and member states need to demonstrate that they take seriously their previous commitments regarding human rights abuses by the government of Syria. The Council of Ministers should forward to the European Parliament, without any further delay, the report on human rights conditions in Syria that it received in November 1995 from the European Commission, a report that the Council had committed itself to prepare as part of the December 1993 decision to extend Fourth Protocol assistance to Syria. The Council should further instruct the Commission to prepare an update to this report, to be submitted to the Parliament before the Parliament’s August recess. These reports should be made public.

#### **To the Clinton Administration**

- Publicly acknowledge at a high level and condemn actions by Lebanese and Syrian authorities that result in the “disappearances” of Lebanese citizens and stateless Palestinians.
- Raise with the Lebanese and Syrian governments at the highest levels, and as an urgent matter, the cases of Lebanese citizens and stateless Palestinians who have “disappeared” at the hands of state agents, and impress upon both governments the need to respond positively to the recommendations in this report.

- Instruct embassy staff in Damascus to raise and pursue specific cases of "disappearances" with Syrian authorities and to seek access to detainees whose names are known.
- In the context of the multilateral "Friends of Lebanon" initiative, launched in 1996 to promote assistance to and investment in Lebanon, urge the government of Lebanon to implement the recommendations in this report, and publicly support such initiatives.

## INTRODUCTION

This report examines cases of "enforced disappearance" in Lebanon. The term was comprehensively defined by the U.N. General Assembly in 1992, in the Declaration on the Protection of All Persons from Enforced Disappearance. The declaration identified the elements that must be necessary in order to characterize an act as an enforced disappearance:

[P]ersons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law.<sup>3</sup>

Human Rights Watch has documented cases in Lebanon that meet these criteria. Syrian security forces in Lebanon, in some cases with the support and cooperation of their Lebanese counterparts, have deprived Lebanese citizens and stateless Palestinians of their liberty. Furthermore, once these acts were committed, family members and lawyers were unable to obtain any form of official acknowledgment of either the arrest, detention or abduction or the whereabouts of the individuals who were "disappeared," placing these persons outside the protection of the law.

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<sup>3</sup> Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the U.N. General Assembly without a vote on 18 December 1992 in resolution 47/133.



The declaration provides the authoritative set of principles and broad guidelines to assist states in preventing and eliminating enforced disappearances. The declaration states unequivocally that "[n]o State shall practice, permit or tolerate enforced disappearances."<sup>4</sup> It notes that such actions should be classified as extremely serious criminal offenses,<sup>5</sup> and states that "[n]o order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance. Any person receiving such an order or instruction shall have the right and duty not to obey it."<sup>6</sup> The declaration also describes the grave consequences of enforced disappearances:

Such act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.<sup>7</sup>

### THE METHODOLOGY OF ENFORCED DISAPPEARANCES IN LEBANON

*"No one dares to say anything. The Syrians feel free to do what they want here, and no one can interfere."*

—Palestinian resident of Tripoli, Lebanon, August 1996.

There is a clear pattern to the method of "disappearances" in Lebanon in the cases that Human Rights Watch has documented and examined. First, individuals are seized by Syrian intelligence operatives, usually dressed in plainclothes, sometimes with the participation of their Lebanese counterparts. No written arrest or detention orders are produced at the time of detention. Second, families experience severe suffering following these state-sanctioned abductions because Lebanese and Syrian authorities do not officially provide information about the detention, fate, or whereabouts of the "disappeared." Third, most victims in cases investigated by Human Rights Watch were tortured while in custody in Syrian detention facilities in Lebanon or while in detention in Syria. In some cases documented by Human Rights Watch, the "disappeared" have been pressured by high-ranking Syrian officers to collaborate with Syrian intelligence in Lebanon.

#### Apprehension and Irregular Arrest by State Agents

Human Rights Watch has identified two types of enforced disappearances in Lebanon: those that appear to be carried out solely by Syrian agents, and those in which Lebanese security forces have participated in the handover of individuals to the Syrians. One Lebanese citizen, who requested anonymity, "disappeared" in late 1993. He described what happened when two Lebanese and one Syrian, all in civilian clothes, arrived at his home in Beirut just after midnight:

One of the Lebanese asked my name, then put a .38 [caliber revolver] to my head and said that they were security. The other one had an AK-47 [machine gun]. I asked for written orders, but they showed me nothing.

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<sup>4</sup> Article 2(1).

<sup>5</sup> Article 4(1).

<sup>6</sup> Article 6(1).

<sup>7</sup> Article 1(2).

He was blindfolded, his hands cuffed, and was taken away in his pajamas. "They put me in the back seat of a car and told me to keep my head down. We drove for about seven minutes, arrived at a building, and went up five flights of stairs. After this, I was in Syrian hands," he said. His blindfold was removed. He was surrounded by Syrians in plainclothes, who moved him to Syrian intelligence headquarters in Beirut, under the command of Col. Rustom Ghazali, located on Sadat Street in the Ramlet al-Baida section of west Beirut, near the Beau Rivage Hotel (an area also known as Beau Rivage). Col. Rustom Ghazali has long been identified as the head of Syrian intelligence in Beirut. This individual, who described having been interrogated and tortured in Beau Rivage, was held in Syrian custody in Lebanon for eight days, during which time his family and lawyer were unable to ascertain his whereabouts.<sup>8</sup>

### **Gabi 'Aql Karam: "Disappeared" in January 1997**

More recently, two men in plainclothes knocked at the door of the home of the mother of Gabi 'Aql Karam in the Sinn al-Fil neighborhood of Beirut, looking for Karam.<sup>9</sup> Two armed Lebanese soldiers remained outside. It was the morning of January 6, 1997. Karam was asleep and his mother woke him up. According to a written complaint filed by Muhamed Mugarby, Karam's lawyer, the two men, who identified themselves as members of Military Intelligence, asked Karam to accompany them to their headquarters so that he could be questioned. They added that Karam had committed no offense and would be returned later that day. Karam was taken to Lebanese Ministry of Defense headquarters in Yarzeh. After Karam was not returned that day, or on the two following days, his mother went to Yarzeh to inquire about him. She was reportedly told by a soldier: "You can't see him. Bring his clothes for him." When she returned the next morning with clothing, she was informed that Karam was no longer at the facility and was provided no information about his whereabouts. Karam had "disappeared." It was learned later, after Karam's release, that Lebanese authorities had turned him over to the Syrians on January 7. He was first moved from Yarzeh to Hazmiyeh, on the outskirts of Beirut, where a joint Syrian-Lebanese intelligence force is based and maintains detention facilities. From there, he was transported to the Palestine Branch of Military Intelligence in Damascus, where he was held incommunicado until March 27, 1997.

Karam was turned over to Lebanese authorities upon re-entering Lebanon and, according to his lawyer, was held in Lebanese custody at the Lebanese army garrison in Ablah in the Beqaa' valley for one week and then released on April 3, 1997.<sup>10</sup> There was no official acknowledgment of Karam's detention by Lebanese or Syrian authorities, and there was no written reply to the abduction and unlawful detention complaint filed by Karam's lawyer on March 12, 1997 with Lebanon's chief public prosecutor Adnan Addoum.<sup>11</sup> Karam reportedly is in poor health, is taking pain-killing medication, and is in need of medical attention.

Karam also suffered through the seven-year "disappearance" of his wife, Hala Haj, who was born in 1957. She was abducted in Beirut on January 12, 1990, near the Barbir Hospital crossing point. It was assumed for many years that she was in Syrian custody, but no one knew for certain. During his incommunicado detention in Syria in 1994, Gabi Karam thought that he heard his wife's voice, lawyer Muhamed Mugarby told Human Rights Watch. Hala Haj was finally released from Syrian custody on December 28, 1996, when she was sent back to Lebanon and transferred to

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<sup>8</sup> Interview, Beirut, August 1996.

<sup>9</sup> Karam, who was born in 1958 and is the father of three children, was last detained on December 25, 1993 by Lebanese Army intelligence and was transferred to Syria on January 4, 1994, where he was held incommunicado at the Palestine Branch of Military Intelligence, one of Syria's internal security forces. He was returned to Lebanon on February 14, 1994, and was indicted by the military court in Beirut the next day, along with sixteen other defendants, in the "George Haddad" case, in which all the defendants were accused of making contact with enemy agents. The indictment noted Karam's date of arrest as February 14, 1994, omitting the time that he had been in Syrian custody. Karam was sentenced on July 9, 1994, to three years imprisonment with hard labor for "contacting enemy [Israeli] agents and instigating contacts with such agents," according to his lawyer. On appeal, his sentence was reduced on December 1, 1994, to eighteen months, which he served. He was tortured in Syria and Lebanon, his lawyer told Human Rights Watch.

<sup>10</sup> Interviews, New York, April 1997.

<sup>11</sup> See Appendix B of this report for a copy of the complaint in its original Arabic, and in English translation.

the custody of the Lebanese military. She was released on January 20, 1997 — while her husband Gabi was still “disappeared”— and currently faces charges before the military court for alleged “contacts with agents of the enemy,” according to Mugarby. Hala Haj reportedly was tortured repeatedly during her long years in custody in Syria and required five surgical procedures while she was in Syria. These included three surgeries to stop internal bleeding, and two to remove infected tissue from the area around her nose. Her left retina was also damaged, seriously impairing the vision in her left eye. As a result of injuries that Haj sustained, she also suffers from hearing problems and is in need of medical attention, Human Rights Watch learned.

#### **Magi ‘Aql Karam: “Disappeared” in March 1997**

In contrast to the cases described above, Syrian agents in Lebanon have also taken individuals into custody on their own. Gabi Karam’s sister Magi ‘Aql Karam was detained and “disappeared” in March 1997, three months after her brother’s “disappearance.” Magi Karam, who was born in 1953, lives with her husband and six children in the Beqaa’ valley. According to the written complaint filed by her lawyer Muhamed Mugarby, Magi Karam reported to Syrian security forces in Chtoura, in the Beqaa’, on March 1, 1997, after she was summoned there for questioning about an unspecified matter. Karam, who had previously been arrested and tortured, reportedly was terrified.<sup>12</sup> Mugarby filed a written complaint of unlawful detention with public prosecutor Adnan Addoum on March 15, 1997.<sup>13</sup> He received no written reply to this complaint, and there is no evidence that Lebanese authorities began an investigation of this “disappearance.” Magi Karam was released from Syrian custody on March 27, 1997. After her release, it was learned that she had been held incommunicado in the Palestine Branch of Military Intelligence in Damascus.

#### **Bashir al-Khatib: “Disappeared” in July 1996**

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<sup>12</sup> Magi Karam was last arrested in Lebanon on January 28, 1994 by Lebanese Army intelligence. She was reportedly tortured and mistreated at Ministry of Defense headquarters in Yarzeh, and held there for some time in a bathroom that was in active use. She was one of the defendants, along with her brother and fifteen others, in the George Haddad case (see footnote above), and was sentenced to one year in prison for “contacts with agents of the enemy [Israel],” which was reduced on appeal to nine months, according to her lawyer. During her detention, she became ill. She still suffers from numerous medical ailments and is under medical attention, according to her lawyer.

<sup>13</sup> See Appendix C for a copy of the complaint in its Arabic original and in English translation.

In another case, Bashir al-Khatib, who was born in 1957 and is the father of four children, was apprehended in the northern city of Tripoli by a high-ranking officer in the Syrian security forces on or about July 8, 1996, according to information obtained by Human Rights Watch in Lebanon from reliable sources.<sup>14</sup> Al-Khatib had been visited the day before by Syrian security forces, who asked him questions and took notes. "He didn't run away, because he thought that it was nothing," one source reported. After his "disappearance," Syrian security forces in Tripoli admitted informally that al-Khatib was in their custody in the city, would be questioned for a few days, and then would be released. Several days later, the Syrians said that he had been moved from Tripoli to 'Anjar (the Syrian detention facility near the Lebanese-Syrian border), and "probably was in Damascus."<sup>15</sup> Human Rights Watch subsequently confirmed that al-Khatib was in Syria, and was being held in Damascus, in the Palestine Branch detention center of Military Intelligence,<sup>16</sup> one of Syria's internal security forces. There was no official acknowledgment of his whereabouts, however. Letters sent by Human Rights Watch to Lebanese and Syrian authorities in March 1997, asking for confirmation that al-Khatib was in Syrian custody, went unanswered.

In 1995 and 1996, Syrian intelligence forces also detained Palestinian residents of Lebanon who subsequently "disappeared." Palestinians who live in Nahr al-Bared refugee camp in Tripoli told Human Rights Watch in August 1996 that Palestinians from the camp had recently been detained and "disappeared," although sources were reluctant to consent to the publication of names and other identifying details. According to one resident:

Syrian *mukhabarat* (intelligence agents) picked people up near the Corniche. It started one month ago. They also took a man two months ago from his uncle's house [in the camp]. No one know why. No one dares to say anything. The Syrians feel free to do what they want here, and no one can interfere.

Another resident, in a separate interview, said this: "Last week, not far from here, Syrian mukhabarat stopped a car on the Corniche and took [a man in his fifties with kidney problems]. They put him in the trunk. He was a member of the pro-Iraqi Ba'th party but had not been active for a long time. He was in bad health."

A rumor was spread that one of the Palestinians who "disappeared" in 1996 was suspected of collaborating with Israel, specifically with the Mossad in Greece. "This is ridiculous," a source in the camp said. "He never left this camp. He does not even have a travel document. This kind of an [allegation] makes people especially afraid to get involved [in the case]."

Another resident of the camp recounted the "disappearance" in October 1995 of a Palestinian man in his forties known as Abu Maher. Syrian security forces in plainclothes "came to his house. They said that they wanted to talk to him outside for five minutes. They took him, and no one knows where he is," he said.<sup>17</sup>

### **Unacknowledged Detention**

Once individuals are in Syrian custody, there is no official acknowledgment of the detention or official confirmation of their whereabouts. Families are not notified officially about the arrest and whereabouts of their relatives, and Syrian authorities maintain a wall of official silence about non-Syrian nationals in their custody. There was, for example, no reply by Syrian President Hafez al-Asad to a letter that Human Rights Watch sent to him in

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<sup>14</sup> Al-Khatib had only recently regained his freedom prior to this abduction. According to information obtained by Human Rights Watch, he was imprisoned inside Israel in January 1992, after he was apprehended in south Lebanon near the border with the Israeli-occupied zone. He was released by the Israelis and returned to Lebanon in early 1996.

<sup>15</sup> Interviews, Beirut, August 1996. See "Torture in Syrian Custody," below, for additional information about 'Anjar.

<sup>16</sup> The name Palestine Branch is misleading, because over the last two decades many Lebanese and Syrians, as well as Palestinians, have been held there incommunicado and tortured.

<sup>17</sup> Interviews, Tripoli, August 1996.

November 1996, requesting the names of all non-Syrians in Syrian custody. The consequences of this silence for families in Lebanon, and elsewhere in the Arab world, are devastating, as the following four cases indicate.

**Abdallah Diab Hussein al-Razayneh: "Disappeared" in 1984**

Abdallah Diab Hussein al-Razayneh, a forty-seven-year-old Palestinian from Jabaliya refugee camp in the Gaza Strip, was reportedly taken into custody by Syrian security forces in 1984 on the Lebanese-Syrian border. Al-Razayneh's wife Fatimeh, who lives with their six children in Jabaliya camp, had no contact with or news about her husband's whereabouts since 1984 and believed that he was dead. But information from a prisoner who was released in 1996 gave the family hope that he is still alive.

According to the prisoner, al-Razayneh was held in Mezze military prison in Damascus from 1984 until 1992, first in Section 248 and then in Section 235 of that facility. Prisoners at Mezze heard that in October 1992 al-Razayneh was transferred from Mezze to Sednaya prison.<sup>18</sup> Human Rights Watch wrote to President Asad on November 6, 1996, requesting that Syrian authorities provide information about al-Razayneh's whereabouts. We asked the Syrian government to respond to reports that he had been held in Mezze prison for eight years, and we inquired about his current whereabouts and the reasons for his continuing detention. The letter was not answered.

**Rushdi Rashed Hamdan Shehab: "Disappeared" in 1987**

Rushdi Rashed Hamdan Shehab, a Palestinian, "disappeared" in Sidon, Lebanon, in October 1987. "At ten in the morning, he left his car with a mechanic at a gas station, saying that he would return in the evening to pick it up," his brother told Human Rights Watch.<sup>19</sup> Shehab, the father of three who was forty-two years old at the time, never returned that evening for his car. And he was never seen again in Lebanon. "I went to Jordan in the summer of 1988. We heard stories about his disappearance, and someone told us that he was in Syria. I went to Damascus with his wife, but there was no real news," his brother said. There were rumors that Shehab, who was a member of Yasir Arafat's Fateh, had been abducted, variously, by rival Palestinian factions led by Abu Nidal or Abu Musa, but the family received no concrete information. According to his brother, Shehab had left Lebanon in 1982, at the time that PLO fighters were evacuated in the wake of the Israeli invasion, and relocated to Syria. He was based in Syria until 1987, traveling freely between there and Lebanon numerous times without any problems from Syrian authorities.

After being "disappeared" for almost ten years, the family had given up hope that Shehab was still alive. But in early April 1997, news reached a cousin in Jordan that Shehab had been seen alive and was being held in Syria's infamous Tadmor prison.<sup>20</sup> The information came from a Palestinian prisoner who had been released in August 1995, after spending over nineteen years in incommunicado detention in Syria.

**Boutros Khawand: "Disappeared" in 1992**

Boutros Khawand, a prominent member of the political bureau of the Phalange party, "disappeared" on September 15, 1992, about a half-mile from his home in Sinn al-Fil in East Beirut, an area under the control of the Syrian army. Khawand's car was intercepted by a group of about two dozen men, dressed in civilian clothes but wearing

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<sup>18</sup> Telephone interviews, Gaza Strip, October 1996.

<sup>19</sup> Telephone interview, Riyadh, Saudi Arabia, April 1997.

<sup>20</sup> Abuses at Tadmor prison documented by Human Rights Watch include prolonged incommunicado detention, torture, and executions following unfair, summary trials in military field courts. Some of the victims of execution and others who died in custody at Tadmor are buried in mass graves. For additional information about Tadmor prison, see Human Rights Watch/Middle East, "Syria's Tadmor Prison: Dissent Still Hostage to a Legacy of Terror," *A Human Rights Watch Short Report*, vol. 8, no.2, April 1996.

army-issue boots, who arrived in a red van and two BMW automobiles. Khawand's son Fadi, who was in the house at the time of the abduction, made the following written statement:

On that day, Tuesday, September 15, 1992, my father left the house at 9:00 o'clock in the morning as usual. He got in his car, a red Opel, and drove toward the main street. Minutes later, I heard gun shots, I ran out of the house to investigate. I found my father's car parked in the middle of the road with the driver's side door wide open, and my father nowhere to be found.

One witness informed me that she observed two cars and a van surrounding my father's car. She further stated that the kidnappers ran toward my father, held him at gunpoint, lifted him from the driver's seat, and threw him in the rear door of the van. Other neighbors who witnessed this kidnapping shouted: "Kidnapping, kidnapping."<sup>21</sup>

Following the abduction, the Phalange party organized a public protest in Beirut:

Demonstrators carrying red-and-white Lebanese flags marched to the ministry of justice in the Christian Ashrafiyeh suburb led by [Phalange] chief George Sa'adeh, party officials and several deputies, amid tight security by army and police. Sa'adeh handed Justice Minister Nasri Ma'alouf a letter protesting the kidnapping.<sup>22</sup>

The party also used iconography to suggest, indirectly, that Syria was holding Lebanon "hostage" and was responsible for Khawand's abduction:

A new poster covers the walls of the Maronite Christian Phalange party headquarters near Beirut port. "Freedom kidnaped — Lebanon hostage," it says. Dollops of red ink fall from the arrow-pierced heart of a dove of peace. Prison bars are superimposed over a map of Lebanon and upon a photograph of Mr. Khawand, a party official kidnapped on September 15.<sup>23</sup>

Although the "disappearance" received international press attention at the time,<sup>24</sup> it has now been all but forgotten. Khawand is assumed to be held incommunicado in Syria. It is believed that he first was held in Mezze military prison in Damascus but, based on information provided by released Lebanese prisoners, it is feared that Khawand currently may be in Tadmor prison.

By several accounts, Khawand was extremely influential in the Phalange party, particularly at the grass-roots level. While one faction of the party was cooperating with the Syrians, Khawand "was pushing for independence," according to one source interviewed by Human Rights Watch. By seizing Khawand, the Syrians hoped to "paralyze the party's cadres" that opposed the Syrian presence in Lebanon, he said.<sup>25</sup>

### **Derar al-Karmi: "Disappeared" in January 1997**

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<sup>21</sup> A copy of this statement, written in 1993, was obtained by Human Rights Watch.

<sup>22</sup> Reuter, "Lebanese Christians protest official's kidnaping," Beirut, September 24, 1992.

<sup>23</sup> Lara Marlowe, Reuter, "Iraqis in attack on Kuwaiti post," October 8, 1992.

<sup>24</sup> See, for example, *The New York Times*, "Official of Christian Party Is Kidnaped in East Beirut," September 16, 1992.

<sup>25</sup> Interview, Beirut, August 1995.

In 1997, Jordanian authorities were unable to obtain information from the Lebanese government about Derar al-Karmi, a Jordanian citizen who was seized and “disappeared” by three unidentified men in Beirut on the evening of January 3, 1997. Al-Karmi, a financial manager at the Marriott Hotel in Beirut, was seen leaving the hotel with “three people dressed in civilian clothes who drove away in a gray Range Rover with a Lebanese license plate.”<sup>26</sup> Sam Ibrahim, the general manager of the Marriott Hotel, told the Reuter news agency on January 18: “All I know is he left the hotel on January 3 at about 5:15 pm with unknown persons. We don’t know where he is now.”<sup>27</sup>

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<sup>26</sup> *Al-Dustur* (Amman), January 21, 1997, as reported in FBIS-NES-97-013, January 21, 1997.

<sup>27</sup> Reuter, “Jordanian Said Arrested for Anti-Syrian Attacks.” Beirut, January 18, 1997.

A Lebanese lawyer informed Human Rights Watch that Lebanon's chief public prosecutor, Adnan Addoum, denied on a television talk show on January 19, 1997, that he had any knowledge of al-Karmi's whereabouts.<sup>28</sup> Prosecutor Addoum was also quoted as saying the following one day earlier: "I cannot confirm or deny his arrest because I know nothing about the matter and I was not given any orders to arrest anyone."<sup>29</sup>

Although the Jordanian government sent its first demarche about the abduction to Lebanese authorities on January 4, 1997, Jordanian Minister of Information Marwan al-Mu'ashshir reported three weeks later that no reply had been received: "[W]e are currently holding contacts with competent Lebanese authorities....we have not yet received any reply."<sup>30</sup> As of January 23, 1997, the Jordanian government still had not received a reply from Lebanese authorities about the case. Jordanian ambassador to Lebanon Fakhri Abu Taleb said this to Radio Monte Carlo in an interview that day:

So far, I have not received a response to the letter I sent on 4th January [about al-Karmi's abduction]. Yesterday I also sent another message; but so far, I have not received any responses. If there is any question about this subject or this person, I cannot answer it. You can ask the competent authorities.<sup>31</sup>

Al-Karmi was released on January 25, 1997, but neither al-Karmi nor the Marriott Hotel in Beirut would discuss the case:

An official of the Beirut Marriott Hotel told Reuters on [January 26] that its financial controller Derar al-Karmi returned home at 9:30 pm on [January 25] but did not want to talk about his experience. "He's not saying anything....the Marriott doesn't want to say anything either," the official said. "He doesn't want to meet the press."<sup>32</sup>

According to a report by AFP, al-Karmi's abduction "may have been linked to a dispute with Syrian soldiers stationed near the Beirut hotel." The AFP report continued:

Three weeks ago, hotel officials complained that the badly maintained army post next door was harming the luxury hotel's image, drawing the ire of Syrian soldiers. One official who had complained that the soldiers hung their clothes on windows facing client rooms and left garbage in front of the building was even beaten, sources close to the Amman Marriott said. The soldiers also allegedly tried to extort money from the hotel, a common practice suffered by many institutions in Lebanon located near Syrian posts.<sup>33</sup>

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<sup>28</sup> Written report to Human Rights Watch received on January 20, 1997.

<sup>29</sup> *Al-Dustur* (Amman), January 21, 1997, *op.cit.*

<sup>30</sup> *Al-Dustur* (Amman), January 21, 1997, *op. cit.*

<sup>31</sup> Radio Monte Carlo - Middle East (Paris), "Ambassador Says "No Tension" in Ties with Lebanon, January 23, 1997.

<sup>32</sup> Reuter, "Beirut Hotel Executive Returns After Disappearance," Beirut, January 26, 1997.

<sup>33</sup> Agence France-Presse, "Jordanian hotel executive released in Beirut," Beirut, January 26, 1997. See "The Price of Fear," below, for additional information about extortion by Syrian security forces.



After al-Karmi's release, the Jordanian government stated again that it had received no information about his abduction. "We welcome his release but we reject any aggression against Jordanian nationals. We don't have any information about who was holding him," an unnamed Jordanian government official quoted by Reuter said on January 26.<sup>34</sup> It was clear from public remarks of Jordan's ambassador to Lebanon that Jordanian authorities believed that al-Karmi had been in Syrian custody, although the ambassador made the allegation in an oblique manner, without mentioning Syria by name. He said this in a telephone interview with Reuter:

Through my personal contacts and the contacts with the hotel's general manager...we found out that Derar is not in the hands of Lebanese security forces. According to unofficial information, he is with security forces concerned with security in Lebanon.<sup>35</sup>

### **Torture in Syrian Custody**

Human Rights Watch interviewed Lebanese who have been tortured in Syrian detention facilities inside Lebanon, including the intelligence headquarters under the command of Col. Rustom Ghazali, on Sadat Street near the Beau Rivage Hotel in the Ramlet al-Baida section of west Beirut (an area also known as Beau Rivage), and the detention facility at 'Anjar, east of the Beirut-Damascus highway near the Lebanese-Syrian border. It has long been common knowledge that Col. Ghazali is in charge of Syrian intelligence in Beirut. Testimony suggests that Col. Ghazali, a senior officer, is at the very least aware that torture was taking place in his headquarters.

One Lebanese citizen described how he was tortured in Beau Rivage in 1993, and then interrogated the next day by Col. Ghazali. He said that he was placed in a chair and beaten on the knees with a four-by-five-inch piece of wood from a door frame. "We will do this until you speak," his interrogators allegedly told him. "If you do not tell us the truth, we will bring your wife and daughters and humiliate you."<sup>36</sup> Another Lebanese, who was also held in Syrian custody in Beau Rivage in 1993, told Human Rights Watch that he was present in an interrogation room when a Lebanese who had been tortured was brought before Col. Ghazali. The victim was "blindfolded, with his hands cuffed behind his back. His legs were swollen from having been beaten. Col. Ghazali told him to talk, and said that he would not be beaten."<sup>37</sup> A stateless Palestinian who lives in Beirut told Human Rights Watch that he was held in Beau Rivage for three days, then transferred to Syria and imprisoned there without charge for four years. The man said that in Beau Rivage he had been beaten repeatedly and given electric shocks on the neck.<sup>38</sup>

Detainees held at 'Anjar have also been tortured. A Palestinian resident of Lebanon who was detained there for five days said that he was suspended for hours from the ceiling, "like a sheep." A Lebanese citizen, who spent over three days at Anjar in late 1993, told Human Rights Watch this: "They punched me [on all parts of my body] and beat the soles of my feet. I could not wear shoes for one month." Conditions of confinement at Anjar reportedly are appalling. A Lebanese who was held there in a cell with twelve other men, ten of them Lebanese, said that the cell was located in what appeared to be a horse stable. It had one high window and an electric light that was kept on twenty-four hours a day. He said that he and his cellmates were allowed to use a toilet only once a day; otherwise, they were forced to accommodate their needs in a single bucket inside their cell.<sup>39</sup>

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<sup>34</sup> Reuter, "Jordan Says Citizen Released in Lebanon," Amman, January 26, 1997.

<sup>35</sup> Reuter, "Envoy Indicates Syrians Hold Disappeared Jordanian," Beirut, January 20, 1997.

<sup>36</sup> Interview, Beirut, August 1996.

<sup>37</sup> Interview, Beirut, November 1996.

<sup>38</sup> Interview, Beirut, August 1995.

<sup>39</sup> Interviews, Beirut, August 1995 and August 1996.

Human Rights Watch has also collected testimony from individuals who "disappeared" in the 1970s and 1980s, and were tortured while held incommunicado in Syria. For example, a Palestinian who was held incommunicado in Syria for over nineteen years — from January 1976 to August 1995 — said that he was tortured for the first two weeks of his detention at the Palestine Branch of Military Intelligence in Damascus. Another Palestinian from the West Bank told Human Rights Watch that he was imprisoned by the Syrians in February 1977, and was interrogated and tortured at the Palestine Branch, before being transferred to Tadmor prison, where he was held incommunicado from September 1977 to March 1993.<sup>40</sup> There is reason to believe that this practice continues.

Based on information that Human Rights Watch received in February 1997, Bashir al-Khatib, who was transferred to Syria after he was abducted in Lebanon in July 1996 (see above), may have been subjected to torture at the Palestine Branch of Military Intelligence in Damascus, where he was last seen. Al-Khatib reportedly was walking with great difficulty, shaking constantly, and had signs of torture on his hands. His face was pale and his skin discolored. The report about al-Khatib's condition, which came from a credible source, is a cause for deep concern. Human Rights Watch has also documented cases of Syrian prisoners who have been interrogated and tortured while held incommunicado at the Palestine Branch. The victims have been blindfolded and handcuffed, then beaten, given electric shocks, and placed in special torture devices such as the "German chair" and the "tire." During a visit to Damascus in 1995, Human Rights Watch representatives saw the injuries that some of these victims — current and former prisoners alike — had sustained from torture, such as broken bones, broken teeth, disfigured extremities, and lateral marks on the skin from the impact of hard objects.<sup>41</sup>

Human Rights Watch wrote to Syrian President Hafez al-Asad on March 20, 1997, requesting information about al-Khatib's legal status in Syria, including the basis for his detention and the charges against him, if any. We recommended that his incommunicado detention be ended, that he be afforded regular access to family members and lawyers, and that forensic medical doctors — including independent Lebanese physicians seconded for this purpose to the Lebanese embassy in Damascus — carry out a physical examination in order to determine if there was merit to reports that he had been tortured in Syrian custody. We further recommended that, if it was determined that al-Khatib's arrest and detention by Syrian security forces was arbitrary, he should be promptly released. This letter went unanswered.

### **Coercion to Collaborate with Syrian Intelligence in Lebanon**

Senior Syrian intelligence officers have exploited the extreme vulnerability of persons whom Syrian forces hold in secret detention, "disappeared." According to information obtained by Human Rights Watch, "disappearances" have provided high-ranking Syrian intelligence officials with opportunities both to extract information under torture and to pressure Lebanese Christians and Muslims to collaborate with Syrian intelligence in Lebanon. Persons who have been "disappeared" have been pressured to collaborate both while they have been held in Syrian custody and after their release.

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<sup>40</sup> Human Rights Watch met with these individuals soon after their release; they requested that their names be withheld. Interviews, Mar Elias, Lebanon, August 1995.

<sup>41</sup> Human Rights Watch interviewed current prisoners in the Supreme State Security Court in Damascus, where they were on trial for nonviolent political offenses. For additional information, see Human Rights Watch/Middle East, "Syria: The Price of Dissent," *A Human Rights Watch Short Report*, vol. 7, no. 4, July 1995.

This practice dates back at least to the 1980s, according to information obtained by Human Rights Watch. One Lebanese, who was taken into Syrian custody in 1986, said that he was first held in an intelligence facility in Damascus for two years, in a cell that measured 1.8 meters by 80 centimeters, where he was unable to sleep laying down. From there, he was moved to two other facilities and held for another two years. According to his testimony, during this entire time the Syrians "asked me to work with their intelligence in Lebanon," which he repeatedly refused to do.<sup>42</sup>

A Lebanese who was handed over to Syrian security forces in Lebanon by Lebanese authorities in 1993 told Human Rights Watch that he was first held in Syrian custody in the Beau Rivage section of Beirut, where he was interrogated by Col. Rustom Ghazali. From there, he was moved to 'Anjar. He was held at 'Anjar for eleven days, and then was returned to Beirut, accompanied by Gen. Ghazi Kanaan, long known to be the head of Syrian intelligence in Lebanon. "He tried to recruit me to work with Syria. I told him that I do not work with intelligence," he told Human Rights Watch. Back in Beirut, he was also summoned by Col. Ghazali, who sought his cooperation with Syrian intelligence. The man refused, and he continued to be targeted by the Syrians. "I tried to start a business, and the Syrians went to my partner and told him not to work with me," he said.

His ordeal was not over. He was arrested in 1995 by Lebanese security forces and tortured at the Ministry of Defense headquarters in Yarzeh:

They started beating me. I was in my underwear, blindfolded, with my hands behind my back, for twenty-four hours. They wrapped my hands and dangled me from the ceiling. They brought electric wires and electrocuted my private parts and all over [my body] and I passed out.

He was provided with medical treatment for the injuries that he sustained, and then the interrogation and torture continued:

They started beating me all over my body. I stayed outdoors for five days, standing up and not allowed to sleep. My legs were swollen. They threatened to beat and rape my wife in front of me.

After he was released in 1996, he was again summoned by Col. Ghazali: "He wanted me to join them [the Syrians], and I said no." This man believes that his repeated refusals to collaborate will cost him his life; he told Human Rights Watch that he fears that he will be killed by the Syrians.<sup>43</sup>

A Lebanese who was "disappeared" in Lebanon in the early 1990s<sup>44</sup> told Human Rights Watch that senior Syrian officers attempted to persuade him to cooperate and provide them with information. "They asked about my organization. I answered honestly. Then they asked questions about terrorist actions [in Lebanon] against them. They would beat me, then ask questions. All the time, they were smoking and drinking in front of me. Finally, they accused me of being an Israeli spy," he said. When the questioning was completed, he was forced to thumbprint over forty pages of handwritten papers from the "investigation," which he was unable to read.

After three and-a-half days, he was moved from 'Anjar to another nearby location where he met with another senior Syrian intelligence officer in Lebanon: "He started talking to me with contempt....He said that he knew that my organization had no foreign links. It was a long, long prepared speech, as if from a text." The officer gave the man his business card and telephone numbers, and said that he should call him to continue the discussion. The man made it clear that he had no interest in cooperating. He told Human Rights Watch that for the first month after his release, his home was under conspicuous surveillance by men in plainclothes.<sup>45</sup>

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<sup>42</sup> Interview, Beirut, date withheld by Human Rights Watch.

<sup>43</sup> Interview, Beirut, November 1996.

<sup>44</sup> He asked that Human Rights Watch not reveal the year he was "disappeared."

<sup>45</sup> Interview, Beirut, August 1996.

## THE FAILURE OF THE LEBANESE GOVERNMENT TO ACT

*"The police said they knew nothing about him. The courts and the prisons told us they had no records of him and he probably was taken by the Syrians. No one can help. I've put things in the hands of God."*

—Palestinian resident of Beirut, discussing her son's "disappearance," August 1995.

Although cases of "disappearances" in Lebanon are widely known and privately discussed by residents of Lebanon, top Lebanese government officials either have publicly professed ignorance about the problem or have privately acknowledged that they are powerless to address it. For his part, Prime Minister Rafiq Hariri has been particularly unresponsive. He did not reply to letters on the subject sent to him by Human Rights Watch in October 1996 and March 1997.

The women in one family apparently had become so frustrated by the lack of information about the whereabouts of a relative that they raised his case publicly at an "open house" that Prime Minister Hariri hosted in a large hall in Beirut on January 19, 1996. An eyewitness, who requested anonymity, described what transpired:

At one point, there was a commotion in the rows behind me. The bodyguards intervened and I saw them talk to an older woman and one or two younger ones. They had their heads covered and seemed poor. Since the women were some rows behind me, I heard what they said very clearly. They were unruly and said [loudly] that their son (and brother) had been taken by the Syrians, that nobody was answering their calls, and that they had nobody left to ask but the prime minister himself.<sup>46</sup>

Despite encounters such as these, and reports in the Lebanese press that individuals have "disappeared," the Lebanese government was silent about this practice in its second periodic report to the U.N. Human Rights Committee, the treaty body that monitors the compliance of states with the International Covenant on Civil and Political Rights. The government's report, submitted in June 1996, did include critical comments about activities in Lebanon by both Israel and the South Lebanon Army (SLA), Israel's proxy militia in occupied southern Lebanon.<sup>47</sup> The report specifically charged the SLA with "holding some 250 persons illegally in Khiam prison," a facility located in Israel's so-called security zone in south Lebanon, and stated that another seventy-five Lebanese were being held in prisons in Israel without access to delegates of the International Committee of the Red Cross.<sup>48</sup> The report made no note of Lebanese held in Syrian custody in Lebanon and Syria.

Prime Minister Hariri has publicly expressed ignorance of the practice rather than acknowledging it as a problem. At a press conference in Washington, D.C., on October 17, 1996, the prime minister responded this way to a question from a Human Rights Watch representative about the abductions: "If there is a specific case...I would like to know the information, and I will see what to do about it." On March 5, 1997, Human Rights Watch provided the prime minister with information about a specific recent case, that of Bashir al-Khatib, who was taken into custody in Tripoli in July 1996 by Syrian security forces and transferred to Damascus, based on information that Human Rights Watch obtained from reliable sources (see above).

Human Rights Watch urged in our letter that the Lebanese government make inquiries about al-Khatib with Syrian authorities and, in particular, that the prime minister discuss al-Khatib's case on his next visit to Damascus to

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<sup>46</sup> Written report to Human Rights Watch, dated November 1, 1996.

<sup>47</sup> United Nations, Human Rights Committee, CCPR/C/42/Add.14, 22 November 1996.

<sup>48</sup> *Ibid.*, pp. 9-10.

meet with President Asad. We recommended that the prime minister seek to clarify al-Khatib's state of health and legal status in Syria, including the basis for his detention and the charges against him, if any. This letter went unanswered.

On November 24, 1996, President Hrawi made a surprising public statement about Lebanese held in Syrian custody. He said that 210 Lebanese were imprisoned in Syria, adding that all of them were accused of collaboration with Israel. In remarks that suggested that the Lebanese government neither monitors nor collects information about individuals seized and "disappeared" on Lebanese soil, the president asserted that he had obtained this information from a recently released Lebanese prisoner, and added: "We have submitted a request for the release of the prisoners in Syria."<sup>49</sup> Hrawi also said that ten of the Lebanese in Syrian custody were Christians, and the remainder were Muslims. Despite this admission by the Lebanese president, the Human Rights Committee noted that Lebanese government representatives, at their appearance before the committee in New York on April 7, 1997, "did not provide information on the role and extent of the exercise of power regarding the arrest, detention, interrogation, as well as the possible transfer to Syria of Lebanese citizens, by the Syrian security services which continue to operate within the State party's territory with the consent of the Government."<sup>50</sup>

### **Consequences of the Lack of Legal Remedies in Lebanon**

A common denominator in cases of "disappearance" in Lebanon is fear. Few families and lawyers interviewed by Human Rights Watch in Lebanon would consent to the publication of names or other information about cases. Families were either too afraid to speak or refused to have any information made public for fear that this could worsen the situation for their loved ones or subject themselves to harassment by Syrian security forces. The issue is also a delicate matter for the Lebanese press. One lawyer provided us with the name of a well-known Lebanese, abducted in 1994, who was unofficially known to be held in Damascus in the Palestine Branch detention facility of Military Intelligence. His "disappearance" had been reported in Lebanese newspapers, but with no mention that he was being held in Syria, according to the lawyer.<sup>51</sup>

Inquiries about "disappearances" have been met with disinterest and inaction by Lebanese authorities, who reportedly have refused in some cases even to write down complaints. The problem is compounded because most Lebanese lawyers and human rights organizations shy away from any advocacy that could be perceived as critical of the Syrian role in Lebanon. Lawyers too are hampered because families of the "disappeared" are generally afraid to go public or provide information to human rights organizations for public use. In August 1996, a Lebanese lawyer told Human Rights Watch that three months earlier one of his clients "disappeared" from Jbeil, a city north of Beirut. The family was terrified when they met with the lawyer, and the lawyer would not provide the name of his client or details of the case.<sup>52</sup>

With nowhere to turn, and too fearful to go public, families have themselves searched for "disappeared" relatives at prisons and detention facilities inside Lebanon, only to be informed that the person was not in custody and "probably" was in Syria. One internally displaced Palestinian woman who lives just outside Shatilla refugee camp in Beirut engaged in this frustrating exercise after her twenty-one-year-old son was taken from his apartment in the Wata Musaitbeh section of the city early one morning in 1995. She said that Lebanese dressed in civilian clothes, who identified themselves as "investigators," came to the door and asked for her son, who was sleeping. "They took him from the bed," she said. The family's subsequent inquiries at Lebanese police stations, prisons and courts yielded no information about his whereabouts:

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<sup>49</sup> UPI, "Lebanese leader says 200 held in Syria," Beirut, November 25, 1996.

<sup>50</sup> United Nations, Human Rights Committee 59th session, Consideration of reports submitted by States parties under article 40 of the Covenant, Concluding observations of the Human Rights Committee, adopted on April 10, 1997, CCPR/C/79/Add.77, p. 3.

<sup>51</sup> Interview, Beirut, August 1996.

<sup>52</sup> Interview, Beirut, August 1996.

The police said they knew nothing about him. The courts and the prisons told us they had no records of him and he probably was taken by the Syrians. No one can help. I've put things in the hands of God.<sup>53</sup>

A Lebanese family described how one of their immediate relatives was taken into Syrian custody in 1996. The family was able to confirm, through an unofficial Syrian intermediary, that the relative was being held in Syria, but requests for help placed with "influential" Lebanese were turned down because the case was "sensitive," they said.<sup>54</sup>

A Lebanese who was taken from his home in Beirut in 1993 and held in Syrian custody in Lebanon for eight days recounted how, during his "disappearance," Lebanese authorities told his lawyer that they had no information concerning his whereabouts. His lawyer added that, after his client's release, "the police only took his testimony about what happened" but did not investigate the circumstances of the "disappearance." According to the victim, "even doctors were afraid" to document the injuries that he had sustained from torture while in Syrian custody.<sup>55</sup>

### **The Price of Fear**

Some families of the "disappeared" have been victims of extortion by Syrian security forces. In the absence of effective governmental mechanisms to make known the whereabouts of their relatives, and if they are even dead or alive, families understandably become desperate for information. They have paid money to Syrian security forces — either directly or through intermediaries — in often-fruitless attempts to secure information. "Sometimes families give money to Syrian officers, but receive no information," said a Palestinian from a refugee camp where "disappearances" occurred as recently as July 1996. In some cases, detentions have been informally acknowledged and family members have been allowed to visit relatives held in Syria, although it is unclear if in all cases they must pay money to Syrian security forces in order to do so.

These reports of extortion are consistent with other information obtained by Human Rights Watch in 1995 and 1996 concerning corruption and a breakdown of discipline within Syria's security forces in both Syria and Lebanon. For example, Military Intelligence officers in Damascus informed one Syrian political activist in 1996 that he would be freed in exchange for a cash sum. This activist told us that he paid the money and was released.<sup>56</sup> In another 1996 case, a Lebanese family told us about the demand for a large sum as a condition for the release of a relative who had been abducted and was subsequently detained in Syria.<sup>57</sup> In both cases, the detainees had been arbitrarily arrested and were not formally charged with an offense.

## **INTERNATIONAL HUMAN RIGHTS STANDARDS**

*"No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances."*  
—Article 7, Declaration on the Protection of All Persons from Enforced Disappearances.

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<sup>53</sup> Interview, Beirut, August 1995.

<sup>54</sup> Interview, Beirut, August 1996.

<sup>55</sup> Interviews, Beirut, August 1996.

<sup>56</sup> Interview, Beirut, August 1996.

<sup>57</sup> Interview, Beirut, August 1996.

International human rights law guarantees to everyone the right to liberty and security of person. Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), which both Syria and Lebanon have ratified, states in its pertinent part: "No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law." Syrian security forces in Lebanon, by abducting non-Syrian nationals in Lebanon and then not acknowledging that these individuals are in Syrian custody, have flouted international human rights standards with impunity.

International standards impose responsibilities upon both Lebanon and Syria with respect to "disappearances" that occur in Lebanon, and both states are obligated to investigate and prosecute individuals who have perpetrated "disappearances." Article 14 of the Declaration on the Protection of All Persons from Enforced Disappearance states:

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force. All States should take any lawful and appropriate action available to them to bring all persons presumed responsible for an act of enforced disappearance, found to be within their jurisdiction or under their control, to justice.

### **Responsibilities of the Syrian Government**

Article 9 of the ICCPR requires the government of Syria to maintain various safeguards against arbitrary and unlawful arrest. These include providing information at the time of arrest about the reasons for the arrest, and promptly informing persons arrested of any charges. Moreover, anyone "arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or release."<sup>58</sup>

The rights set forth in the ICCPR are applicable whether persons are taken into Syrian custody on Lebanese or Syrian soil. In cases where Syrian security forces have detained foreign nationals or stateless Palestinians on Lebanese soil and then transferred these individuals to Syrian territory, possibly illegally and arbitrarily, the Syrian government is bound by the requirements and guarantees set forth in the ICCPR. The Human Rights Committee has found that agents of a state should be held responsible for violations of civil and political rights that have been carried out in the territory of another state. The Committee wrote:

Article 2(1) of the [ICCPR] places an obligation upon a State party to respect and to ensure rights "to all individuals within its territory and subject to its jurisdiction", but it does not imply that the State party concerned cannot be held accountable for violations of rights under the [ICCPR] which its agents commit upon the territory of another State, whether with the acquiescence of the Government of that State or in opposition to it. According to article 5 (1) of the [ICCPR]:

"1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant."

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<sup>58</sup>Article 9(3).

In line with this, it would be unconscionable to so interpret the responsibility under article 2 of the [ICCPR] as to permit a State party to perpetrate violations of the [ICCPR] on the territory of another State, which violations it could not perpetrate on its own territory."<sup>59</sup>

The Syrian government is also under an obligation, pursuant to Article 2(3) of the ICCPR, to provide effective remedies to non-Syrian nationals who have been detained in Syria following arbitrary arrest on Lebanese soil. These remedies include immediate release, permission to leave Syria, and compensation for the human rights violations that these individuals have suffered. The Syrian government must also take steps to ensure that similar violations do not occur in the future.

### **Responsibilities of the Lebanese Government**

The U.N. Working Group on Enforced or Involuntary Disappearances noted in its 1997 report to the U.N. Commission on Human Rights that the Lebanese government has a "commitment under articles 13 and 14 of the Declaration on the Protection of All Persons from Enforced Disappearance to investigate thoroughly all cases of enforced disappearance and to bring the perpetrators to justice."<sup>60</sup> Article 13 spells out the obligation to carry out independent and effective investigations of "disappearances," and to ensure that complainants are not subjected to "any ill-treatment, intimidation or reprisal." Article 14, quoted above, obligates states to prosecute and bring to justice all persons found responsible for acts of enforced disappearance.

The Working Group also wrote that "while taking into account the legitimacy of derogating from some human rights commitments, in accordance with international law, in times of public emergency," it "wishes to remind the [Lebanese] Government that, under article 7, no circumstances whatsoever may be invoked to justify enforced disappearances."<sup>61</sup>

The Lebanese government clearly has ceded certain police powers to Syrian intelligence forces inside Lebanon — in practice if not also by some secret agreement. By providing an effective guarantee of impunity for human rights abuses under this arrangement, the Lebanese authorities must bear a measure of direct responsibility for these abuses. Lebanese complicity in abuses by Syrian forces sometimes goes beyond official acquiescence and becomes direct collaboration with Syrian forces in carrying out reported "disappearances." To end complicity in torture, "disappearance," and other abuses by Syrian forces in Lebanon, it is incumbent upon Lebanese authorities to establish enforceable procedures under which Syrian forces present and operating in Lebanon can be held fully accountable for their actions under both Lebanese and international law. Lebanese authorities should begin to address this problem by ending immediately their silence about abuses being committed by Syrian forces on Lebanese territory, and by carrying out independent and effective investigations of "disappearances" in such a manner as to bring the perpetrators to justice.

### **FOR FAMILIES AND FRIENDS OF THE "DISAPPEARED": WHAT YOU CAN DO**

*"I am writing this letter on behalf of my neighbor. Almost eleven years ago her son went on a trip with friends to Syria and he never returned. He was only seventeen at the time and had just graduated from high school....They have paid so much money to so many people over the years that they have*

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<sup>59</sup> Views of the Human Rights Committee Under Article 5(4) of the Optional Protocol to the International Covenant on Civil and Political Rights in *Saldías de López v. Uruguay* concerning Communication No. R.12/52, 6 June 1979.

<sup>60</sup> U.N. Commission on Human Rights, 53rd Session, Report of the Working Group on Enforced or Involuntary Disappearances, 13 December 1996, E/CN.4/1997/34, p. 42.

<sup>61</sup> *Ibid.* Article 7 of the Declaration on the Protection of All Persons from Enforced Disappearances states: "No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances."



*had to sell their house and many of their belongings. They have no more money to pay out and still have not even seen their son's face. They believe that he was first in Tadmor prison and then in Sednaya prison. They have no other information about him and although they make monthly trips to Syria, they have gained nothing further from these trips."*

—Letter received by Human Rights Watch from Irbid, Jordan, April 1997.

Often the best way to provide assistance for a “disappeared” relative is to make public the information about his or her situation — and to seek the support of domestic and international human rights bodies. International human rights organizations can offer support in publicizing the plight of a victim of “disappearance,” and help the family use specialized human rights procedures of the United Nations that are keyed specifically to making urgent interventions on behalf of the “disappeared.”

Organizations such as Human Rights Watch respect the need, in many cases, to withhold the identity of the sources of reports of human rights abuse in order to minimize the risk to them. The risk for families and others who protest the secret detention of their loved ones may be a real one, and we can only seek to minimize any risk. International human rights groups have a range of options in their work for the “disappeared.” They can publicize individual cases of the “disappeared” including, when known, the circumstances of their detentions, with a view to mobilizing international pressure on the governments involved to release them or to acknowledge their detentions and whereabouts, and the reasons they are being held. Publicity is also an important means to ensure the individuals believed to be in secret detention are not simply forgotten. Alternatively, international organizations can formally communicate, without publicity, to the governments involved and to intergovernmental bodies which have as part of their responsibility to raise urgent cases directly with governments.

The provision of basic information about any “disappearance” is essential to facilitate domestic and international action on behalf of the victim: the name and other identifying information about the person who was seized and “disappeared,” a detailed account of the time, place and circumstances of the detention, and the measures taken to establish the whereabouts and legal situation of the “disappeared.” A photograph of the “disappeared” can in itself prove a potent antidote when governments act as if a secret detainee had never existed.

In continuing our work to end “disappearances” in Lebanon, and to focus attention on cases of individuals from countries other than Lebanon who “disappeared” at the hands of Syrian agents, Human Rights Watch is interested in establishing contact with families who believe that their relatives are “disappeared” and in Syrian custody. Updated information on “disappearances” is important for work on behalf of the “disappeared” even when particular details—and names— must remain confidential. Human Rights Watch will respect requests by relatives not to make public certain information. Below, we provide information about how to contact us.

The United Nations has a special mechanism available for the families and friends of the “disappeared.” It is called the Working Group on Enforced or Involuntary Disappearances. The Working Group was established in 1980 by the United Nations Commission on Human Rights, which meets in Geneva, Switzerland. Since 1980, the Working Group has made inquiries to governments about thousands of cases of “disappearances” in more than forty countries around the world.

The Working Group accepts and examines reports about “disappearances” that are submitted to it by relatives of the “disappeared” or by human rights organizations acting on behalf of the family. The Working Group meets three times a year for six to eight working days. In May 1997, the Working Group met in New York, and Human Rights Watch presented this report to its members and discussed the problem of “disappearances” in Lebanon.

Although international human rights groups regularly submit requests for urgent action to the Working Group, families may want to contact the Working Group directly on behalf of relatives who are “disappeared.” For that

purpose, we outline below the basic information this dynamic part of the U.N.'s human rights structure requires in order to act. In the appendix of this report is a copy of a form produced by the Working Group, which the relatives of the "disappeared" can use to mail information to the Working Group about a specific case.

If you would like to report the case of a relative who has "disappeared" to the Working Group, you should submit the following minimum information:

- The full name of the "disappeared" person.
- When the "disappearance" occurred.  
The date of the "disappearance," including the day, month and year, if known. You can include either the date of the abduction or arrest, or the date that the missing person was last seen.
- Where the "disappearance" occurred.  
The place of the arrest or abduction, or the place where the "disappeared" person was last seen.
- Information about who or what agency is responsible, if known  
Information about parties that were presumed to have carried out the arrest or abduction, and/or the parties that are believed to be holding the "disappeared" person in unacknowledged detention.
- Information about the search.  
The steps that your family, and others, have taken to determine the fate and the whereabouts of the "disappeared" person.

You must submit information in writing to the Working Group at the following address:

Working Group on Enforced or Involuntary Disappearances  
Center for Human Rights  
United Nations Office at Geneva  
CH-1211 Geneva 10  
Switzerland

You may also contact Human Rights Watch about the case of a "disappeared" family member, in any of the following ways:

By mail:  
Human Rights Watch/Middle East  
485 Fifth Avenue  
New York, New York 10017 USA

By mail to our post office box in New York, without the need to use our name:  
P.O. Box 4428  
Grand Central Station  
New York, N.Y. 10163

By facsimile:  
Human Rights Watch/Middle East  
New York, New York  
fax: 212-972-0905 or 212-986-3357

By email to our office in New York:  
sherryg@hrw.org

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*Human Rights Watch/Middle East*

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Cynthia Brown, program director; Barbara Guglielmo, finance and administration director; Robert Kimzey, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Susan Osnos, communications director; Jemera Rone, counsel; Wilder Tayler, general counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Middle East division was established in 1989 to monitor and promote the observance of internationally recognized human rights in the Middle East and North Africa. Eric Goldstein is the acting executive director; Joe Stork is the advocacy director; Virginia N. Sherry is associate director; Clarissa Bencomo, Elahé Sharifpour-Hicks, and Nejla Sammakia are research associates; Gamal Abouali is the Orville Schell fellow; Shira Robinson and Awali Samara are associates. Gary Sick is the chair of the advisory committee and Lisa Anderson and Bruce Rabb are vice chairs.

Web Site Address: <http://www.hrw.org>

Gopher Address: <gopher://gopher.humanrights.org:5000/11/int/hrw>

Listserv address: To subscribe to the list, send an e-mail message to [majordomo@igc.apc.org](mailto:majordomo@igc.apc.org) with "subscribe hrw-news" in the body of the message (leave the subject line blank).

## APPENDIX A:

### Excerpt of Human Rights Watch Statement to the U.N. Commission on Human Rights on Prisoners and Detainees Inside Israel

Among the Lebanese who have never been charged or tried are two prominent Shi'a leaders, Sheikh Abd al-Karim Obeid and Mustafa al-Dirani, who were abducted from their homes in 1989 and 1994 respectively, and have since been held incommunicado. Officials of past Israeli governments have conditioned the release of these two leaders on the release of, or the acquisition of information about, Israeli service persons missing in Lebanon (MIAs). Israeli officials also indicated more generally that the release of other Lebanese detainees was linked to the issue of Israeli MIAs. In holding detainees in this fashion, Israel has failed to place them under any regime of legal protection, either under humanitarian or international human rights law. Moreover, the transport by Israel of these detainees across international borders has complicated the issue of family visits, which are at best infrequent and in some cases nonexistent.

The prohibition of hostage-taking is absolute and cannot be justified by the actions of other parties to a conflict. Insofar as Israel conditions the release of Lebanese detainees on securing information from third parties about Israeli MIAs, those detainees are being held as hostages. Human Rights Watch calls on the Commission to urge their unconditional release or that they be charged immediately with recognizable criminal offences and afforded a trial with full due-process guarantees.

Where a detainee's family visits have been rendered difficult or impossible owing to restrictions on travel between Israel and Lebanon, the Commission should encourage the Governments of Israel and Lebanon to cooperate in facilitating these visits. Israel must also end the incommunicado detention of detainees, including Obeid and al-Dirani, and allow visits to them by relatives, lawyers, and/or non-governmental organizations.<sup>62</sup>

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<sup>62</sup> United Nations, Commission on Human Rights, Fifty-third session, Agenda item 8, Question of the Human Rights of All Persons Subjected to Any Forms of Detention or Imprisonment, Written Statement submitted by Human Rights Watch, a non-governmental organization in special consultative status, E/CN.4/1997/NGO/56, 14 March 1997.

**APPENDIX B:**  
**Legal Complaint about the Abduction and Unlawful Detention of Gabi 'Aql Karam**

Law Office  
Dr. Muhamad Mugarby

Beirut, 3/12/1997

To His Excellency, the Public Prosecutor at the Court of Cassation

Complaint

The plaintiff:           1. Ms. Miryam Yousuf Rouks, widow of 'Aql Elias Karam  
                          2. Ms. Therese 'Aql Karam, wife of Hana Najam  
                          Their attorney, Muhamad Mugarby, in accordance with a special power of attorney, attached .

The defendant:       Persons unknown

The accusation:     Abduction and unlawful detention

We submit the following:

First: Regarding the factual evidence

1. The plaintiff principal is the mother of Mr. Gabi 'Aql Karam; the second plaintiff is his sister.
2. At approximately 9:30 a.m. on Monday, January 6, 1997, two civilians who introduced themselves as members of military intelligence came to the home of the first plaintiff in Dahr al-Jamal, Sinn al-Fil, Malak Jameela Faqeeh. With them, waiting outside, were two other persons in military dress, carrying unconcealed weapons and in a blue Honda.
3. In the presence of both of the plaintiffs, the two aforementioned men asked Gabi 'Aql Karam to accompany them to their headquarters so that some questions could be put to him, on condition that they would return him the same day. He left with them, after being reassured that they were from military intelligence, and that he had committed no crime.
4. Gabi did not return that day, nor on the two following days. On Friday, the first plaintiff went to ask about him in al-Yarzeh. One of the soldiers said to her, "You can't see him. Bring his clothes for him."
5. On Saturday morning, the first plaintiff went to al-Yarzeh carrying Gabi's clothing. She was told that he was not there, and she was not told where he was.
6. Now, after a wait of more than two months, there has been no information about Gabi's place of detention, nor about the identity of those who abducted him. However, an unknown person contacted the plaintiff by telephone and said that Gabi was detained in 'Anjar.

Secondly: Under the law

1. Inasmuch as the legal facts of the abduction of Gabi 'Aql Karam, son of the first plaintiff and brother of the second plaintiff, are [illegible]. More than two months have passed since his abduction and unlawful detention.
2. Inasmuch as it is understood that no official agency is the one that arrested and detained him. Otherwise he would have been able to contact his family to reassure them and he would have requested the assistance of a lawyer.
3. Inasmuch as a number of crimes other than abduction and unlawful detention are involved. There are persons who [illegible] military intelligence when Gabi was taken from his home.
4. Inasmuch as there are numerous Lebanese and non-Lebanese security forces operating on Lebanese territory, we are prompted to turn to you, in your capacity as the presiding head of the Public Prosecutors and as the primary official entrusted with the liberties and dignities of the people.
5. Inasmuch as it is necessary to assign the central investigative service, attached to your office, to investigate these crimes, it having been established that Mr. Gabi 'Aql Karam has not been detained by any official Lebanese security force.
6. In the case that Mr. Gabi 'Aql Karam is found to have been detained by an official Lebanese or non-Lebanese security force, your immediate intervention will be necessary to secure his release.
7. In any case, it is necessary to prosecute and pursue the perpetrators of the aforementioned crimes and their accomplices, whoever they may be.

Therefore

This complaint through my aforementioned power of attorney takes the form of a personal accusation against unknown parties of the abduction and unlawful detention of Mr. Gabi 'Aql Karam. It requests that an investigation be set in motion leading to information about the identity of the perpetrators and their accomplices, to their pursuit, and to the recovery of the personal freedom of Mr. Gabi 'Aql Karam.

Sincerely yours,

Vested with power of attorney,

[signature]

Muhamad Mugraby, Attorney









**APPENDIX C:**  
**Legal Complaint about the Unlawful Detention of Magi 'Aql Karam**

Law Office  
Dr. Muhamad Mugarby  
Beirut

Beirut, 3/15/1997

To His Excellency, the Public Prosecutor at the Court of Cassation

Complaint

The plaintiff: Ms. Magi 'Aql Karam , wife of Mr. Nasif Freij  
Her attorney, Muhamad Mugarby, in accordance with a power of attorney,  
attached.

The accusation: Unlawful detention

We submit the following:

First: Regarding the factual evidence

1. On Saturday, March 1, 1997, in accordance with a legal summons issued by the Syrian intelligence service in Chtoura to the principal for the purposes of questioning her about an unknown matter, and in accordance with reassurances from one of the siblings of Minister Fattoush, the principal went to the the site of the aforementioned intelligence service.
2. The aforementioned intelligence service has detained her since that time.
3. Information has reached her family that the principal has been moved out of Lebanese territory.
4. Now, after a wait of two full weeks, there has been no information about Magi's place of detention, nor of the accusation made against her. Her brother Gabi was previously detained, on last January 6, and has not yet returned.

Secondly: Under the law

1. Inasmuch as the legal facts of the principal's abduction and her unlawful detention have been established.
2. Inasmuch as it is understood that no official Lebanese agency is the one that arrested and detained her. Otherwise, she would have been able to contact her family to reassure them and she would have requested the assistance of a lawyer.
3. Inasmuch as there are numerous Lebanese and non-Lebanese security forces operating on Lebanese territory, we are prompted to turn to you, in your capacity as the presiding head of

the Public Prosecutors and as the primary official entrusted with the liberties and dignities of the people.

4. Inasmuch as it is necessary to assign the central investigative service, attached to your office, to investigate these crimes, it having been established that Ms. Magi 'Aql Karam has not been detained by any official Lebanese security force.

5. In the case that Ms. Magi 'Aql Karam is found to have been detained by an official Lebanese or non-Lebanese security force, your immediate intervention will be necessary to secure her release.

Therefore

This complaint through my aforementioned power of attorney takes the form of a personal accusation against unknown parties of the abduction and unlawful detention of the principal. It requests that an investigation be set in motion leading to information about her place of detention and the recovery of her personal freedom.

Sincerely yours,

Vested with power of attorney,

[signature]

Muhamad Mugarby, Attorney



