



Human Rights Watch Submission to the Committee Against Torture in advance of its review of Lebanon

We write in advance of the Committee on Torture's pre-sessional review of Lebanon to highlight the inadequate definition of torture in Lebanon, the use of torture in Lebanon, including acts of torture and ill-treatment by Lebanese security and military personnel, a lack of adequate investigations, the use of confessions extracted under torture, and refolement.

For deeper analysis of these issues, please see the following Human Rights Watch reports:

- Lebanon: The Trial of Civilians by Military Courts, 2017, <http://bit.ly/2kL0gS7>
- Lebanon: Syrian Refugee's Account of Torture, 2016, <http://bit.ly/2ie7Ymw>
- Lebanon: New Law a Step to End Torture, 2016, <http://bit.ly/2e34TXc>
- Lebanon: Stop Forcible Returns to Syria, 2016, <http://bit.ly/1Q1M7wk>
- Lebanon: Free Woman Alleging Rape by Soldiers, 2015, <http://bit.ly/1XegpO5>
- Lebanon: Monitor Detention to Combat Torture, 2015, <http://bit.ly/29iV6wZ>
- Lebanon: Investigate Army Beatings, Death in Custody, 2013, <http://bit.ly/2iStKNS>
- Lebanon: Police Torturing Vulnerable People, 2013, <http://bit.ly/29fmcw>
- Lebanon: Investigate and Punish Army Attacks on Migrants, 2012, <http://bit.ly/2hTFRO4>
- Lebanon: Stop 'Tests of Shame', 2012, <http://bit.ly/2jcPM1b>
- Lebanon: Cease Harassment of Human Rights Activist for Documenting Torture, 2011, <http://bit.ly/2iGLgoN>
- Lebanon: Act Now on Steps to Prevent Torture, 2008, <http://bit.ly/2j6WkKH>
- Lebanon: Investigate Torture Allegations at Ministry of Defense, 2007, <http://bit.ly/2idzXmO>
- Lebanon: End Abuse of Palestinians Fleeing Refugee Camp, 2007, <http://bit.ly/2hV7q80>

Defining torture (Articles 1, 4)

Lebanon ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) in 2000. However, Lebanon has not amended its laws to criminalize all acts of torture. Article 401 of the Lebanese Penal Code states that "anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it will be imprisoned from three months to three years. If the violent practices have

led to sickness or caused wounds, the minimum period of imprisonment is one year.”¹ The penal code does not however criminalize non-physical forms of torture, such as mental or psychological torture, and does not cover situations where torture is used other than for obtaining confessions or information, in violation of Lebanon's obligations under the Convention. Also, the penalty it prescribes - a minimum of three months and maximum of three years in jail - does not reflect the internationally-recognized "grave nature" of torture.² The Lebanese penal code does not adhere to article 1 & 4 of the Convention.

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

- Amend article 401 of the Penal Code to criminalize all forms of torture and ill-treatment and make Lebanon's definition of the offenses consistent with the definition in the Convention;
- Make the crime of torture punishable by a sentence that reflects the internationally-recognized "grave nature" of torture.

Acts of torture and other cruel, inhuman and degrading treatment in Lebanon (Articles 2, 11, 16)

Human Rights Watch has documented several cases in which security forces and military personnel in Lebanon reportedly committed acts of torture.

In 2006, Lebanese soldiers and plainclothes officers arrested nine individuals and detained them over a three-day period starting on March 31, 2006. The detainees told Human Rights Watch that army members blindfolded them and transferred them to the Ministry of Defense, where Military Intelligence detained them until April 7, 2006. Detainees said that during their time at the ministry, they were denied access to counsel and to their families. Four of the detainees alleged that interrogators tortured them during their detention in order to force them to confess, while the others said that interrogators frequently punched them. One of the detainees, Ghassan Slaybi, told Human Rights Watch that armed guards at the Ministry of Defense hit him with a thick wooden stick on his back and tortured him by placing him on an electric chair. He said that interrogators threatened to harm his wife if he did not cooperate. His son Muhammad, 19, who was arrested at the same time, said that interrogators hit him on the soles of his feet and suspended him in the extremely painful *balanco* position (hanging the victim by the wrists, which are tied behind the back), in order to extract confessions. Some of the detainees said they signed confessions that they did not read.³

In 2012, the Internal Security Forces vice squad arrested 36 men during a July 28 raid on a movie theater in the Burj Hammoud district of Beirut. The men were transferred to Hbeich police station, where they said they were subjected to anal examinations. Forced anal examinations lack evidentiary value and are a form of cruel, inhuman, and degrading treatment that may in some cases amount to torture.⁴ Anal exams or the threat

¹ Lebanese Penal Code, art. 401.

² "Lebanon: Act Now on Steps to Prevent Torture," Human Rights Watch news release, November 5, 2008, <https://www.hrw.org/news/2008/11/05/lebanon-act-now-steps-prevent-torture>.

³ "Lebanon: Investigate Torture Allegations at Ministry of Defense," Human Rights Watch news release, May 10, 2007, <https://www.hrw.org/news/2007/05/10/lebanon-investigate-torture-allegations-ministry-defense>.

⁴ "Lebanon: Stop 'Tests of Shame,'" Human Rights Watch news release, August 10, 2012, <https://www.hrw.org/news/2012/08/10/lebanon-stop-tests-shame>.

of anal exams continued to be reported in Lebanon throughout 2014 and 2015, although human rights activists in Beirut reported that the incidence of exams seemed to have diminished since.⁵

In July 2013, Human Rights Watch documented seven cases of torture of detainees in military custody, including two children, following clashes between followers of Sheikh Ahmed al-Assir and the Lebanese army in June. Human Rights Watch interviewed five men and two boys who were detained by the Lebanese army for periods of time ranging from several hours to six days, and later released. All of the former detainees said that army personnel kicked and beat them with fists and, in some cases, sticks, cables, and batons during initial interrogations at checkpoints. At the time of interviews, all bore visible marks consistent with the beatings. Two of the detainees showed Human Rights Watch marks on their bodies that they said were from soldiers burning them with cigarettes. Some said that they had witnessed the beatings and torture of other detainees. Human Rights Watch also received troubling information that another man, Nader Bayoumi, died in military custody during this period. His family told Human Rights Watch that Military Intelligence instructed them to pick up Bayoumi's body, which was heavily bruised, from the military hospital three days after he disappeared on June 23. The outcome of any investigations into these allegations remains unknown.⁶

In a 2013 report based on 53 interviews with detainees and former detainees, Human Rights Watch found that Lebanese Internal Security Forces threatened, ill-treated, and tortured drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people in their custody. The most common forms of torture reported were beatings with fists, boots, or implements such as sticks, canes, and rulers. Physical violence was used both to extract confessions and as punishment or to correct the detainee's behavior.⁷

Twenty-one of the 25 women interviewed who had been arrested for suspected drug use or sex work told Human Rights Watch that police had subjected them to sexual violence or coercion, ranging from rape to offering them "favors" in exchange for sex. Seventeen former detainees said they were denied food, water, or medication when they needed it, or that their medication was confiscated. Nine reported being handcuffed in bathrooms or kept in extremely uncomfortable positions for hours at a time. Eleven said they were forced to listen to the screams of other detainees to scare them into cooperating or confessing. Almost all those who spoke to Human Rights Watch said that they were threatened with physical violence, with five reporting that police threatened to physically harm their families as a form of retaliation or punishment.⁸

Former detainees reported torture and mistreatment in all of the facilities that Human Rights Watch investigated including in Beirut's Hobeish police station, Gemmayze police station, Baabda police station, Msaitbeh police station, Zahleh police station, Ouzai police station, Saida police station, police intelligence in Jdeideh, and in pre-trial detention in Baabda women's prison.⁹

In 2015, more than 24 people detained by the army in security raids told Human Rights Watch that security forces had tortured them including with whips, batons, sticks, and electricity.¹⁰ In June, two videos surfaced

⁵ Human Rights Watch, *Dignity Debased: Forced Anal Examinations in Homosexuality Prosecutions*, July 2016, <https://www.hrw.org/report/2016/07/12/dignity-debased/forced-anal-examinations-homosexuality-prosecutions>, pp. 4-5.

⁶ "Lebanon: Investigate Army Beatings, Death in Custody," Human Rights Watch news release, July 17, 2013, <https://www.hrw.org/news/2013/07/17/lebanon-investigate-army-beatings-death-custody>.

⁷ "Lebanon: Police Torturing Vulnerable People," Human Rights Watch news release, June 26, 2013, <https://www.hrw.org/news/2013/06/26/lebanon-police-torturing-vulnerable-people>.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ "Lebanon: Instability, Crackdown Harming Rights," Human Rights Watch news release, January 29, 2015,

on social media showing several Internal Security Forces officers beating prisoners following a prison riot at Roumieh prison in April 2015. The Minister of Interior confirmed the authenticity of the videos.¹¹

In 2016, a Syrian refugee, told Human Rights Watch that during a January 2016 interrogation at his house in Jounieh, Military Intelligence officers punched him and his roommates in the face and hit them with batons. He said officers arrested him in early February, apparently on suspicion that he was gay, and transferred him to the Sarba Military Intelligence branch in Jounieh. There, he said, officers blindfolded him, stripped him naked, beat him with sticks, and punched him in the face. He said officers then transferred him to the Ministry of Defense in Yarzeh, where an interrogator elbowed him in the stomach, hit him on his neck, and kicked him in the groin. He said that officers then transported him to the Rehaniyeh military police prison, where he said officers handcuffed him while naked and told him to bend over facing the wall. The officer told him, “I will insert this into your anus to determine how many times you’ve had sex.” The officer inserted the rod into his anus, causing him to scream out in pain and beg for the officer to stop. The man said that he asked to call a friend or a lawyer, but was told he was not allowed to do so. He was then transferred to Jounieh police station, where he said an officer kicked him in the chest and beat him on the soles of his feet with a stick.¹² Human Rights Watch reviewed a medical report prepared by a local doctor shortly after his release, documenting fluid in his ear, swelling, and bruises all over his body due to beatings.¹³

Following Human Rights Watch’s publication of this case, Lebanese president Michel Aoun reportedly asked the state prosecutor to investigate the allegations of torture, however no information regarding the status of the investigation has been publicly released.¹⁴

In a 2017 report, Human Rights Watch documented the allegations of torture by military personnel against eight civilian detainees, including two children, who were subsequently prosecuted in military courts. The torture allegations included beatings, psychological torture, electrocution, and balanco (hanging a detainee by the wrists tied behind his back).¹⁵

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

- Ensure that detainees, upon admission to detention centers, are informed of and can exercise their right to speak with a lawyer, family member, or acquaintance; to meet with a lawyer; and to be referred to a judge promptly.
- Amend article 49 of the Code of Criminal Procedure to explicitly guarantee suspects the right to a lawyer from the start of any form of detention, including during police questioning.
- Refer all allegations of torture and ill-treatment to the public prosecutor, whether or not an official complaint has been filed, and announce and publicly release the results of all investigations of torture and ill-treatment. Prosecute offenders to the full extent of the law.

<https://www.hrw.org/news/2015/01/29/lebanon-instability-crackdown-harming-rights>.

¹¹ “Lebanon: Monitor Detention to Combat Torture,” Human Rights Watch news release, June 26, 2015,

<https://www.hrw.org/news/2015/06/26/lebanon-monitor-detention-combat-torture>.

¹² “Lebanon: Syrian Refugee’s Account of Torture,” Human Rights Watch news release, December 21, 2016,

<https://www.hrw.org/news/2016/12/21/lebanon-syrian-refugees-account-torture>.

¹³ *Ibid.*

¹⁴ Federica Marsi, “Reactions to HRW torture allegations underscore lapses,” *The Daily Star*, December 30, 2016,

<https://www.dailystar.com.lb/News/Lebanon-News/2016/Dec-30/387240-reactions-to-hrw-torture-allegations-underscore-lapses.ashx> (accessed March 1, 2017).

¹⁵ Human Rights Watch, *It’s Not the Right Place for Us: The trial of Civilians by Military Courts in Lebanon*, January 2017,

<https://www.hrw.org/report/2017/01/26/its-not-right-place-us/trial-civilians-military-courts-lebanon>, p. 3.

- Mandate that independent doctors, who are not selected by officers at the detention facility in question, examine patients outside of the presence of security or military personnel, and record all indications of torture and other mistreatment. Include a copy of the physical examination report in suspects' case files.
- Ensure that all members of security or military personnel are clearly identifiable through name and rank tags on their uniforms at all times.
- Prohibit forced anal examinations and any other form of cruel, inhuman and degrading treatment by security personnel and doctors.

Investigations of torture allegations (Article 12, 13)

Lebanon has failed in the past to properly investigate allegations of torture and ill-treatment by security services. Human Rights Watch has long documented torture by Lebanon's security services, and the failure of authorities to properly investigate allegations of abuse. Article 401 of the Lebanese Penal Code provides criminal penalties for the use of violence to extract confessions, however the Lebanese judiciary rarely, if ever, prosecutes state agents alleged to have committed torture or other ill-treatment. While arrests of low-ranking security officials sometimes follow public abuse scandals, prosecutions made known to the public are rare.

In 2007, no proper investigation was opened into serious allegations of military abuses against detainees in connection with fighting between the Lebanese army and the armed Fatah al-Islam group in the Nahr al-Bared refugee camp.¹⁶ There was no known judicial investigation after army and intelligence officials rounded up and beat at least 72 male migrant workers, most of them Syrians, in Beirut in October 2012.¹⁷

Drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people detained by the Internal Security Forces and interviewed by Human Rights Watch for a 2013 report said they faced obstacles to reporting abuse and obtaining redress, leaving the abusers unaccountable for their actions. Only six of 53 interviewees had reported abuse. Twelve individuals said that police officers threatened and warned them outright against reporting. In addition, five former detainees told Human Rights Watch that investigative judges dismissed their allegations of mistreatment, intimidation, and abuse without further inquiries.¹⁸

On September 21, 2015, Military Intelligence arrested Loyal al-Kayaje after she alleged to local media that two members of Military Intelligence had raped and tortured her during a previous detention in 2013. Instead of setting an independent investigation into the allegations, officials referred the case to a military prosecutor, who investigated her for making false accusations.¹⁹

Human Rights Watch observed a military court session on January 30, 2017, and witnessed three defendants allege that they had been tortured or ill-treated in detention. One of these men, and a fourth defendant, said that they only confessed because they were coerced during interrogations. Yet the court appeared to gloss over the allegations and did not attempt to identify the people they said had abused them. In only one case

¹⁶ "Lebanon: End Abuse of Palestinians Fleeing Refugee Camp," Human Rights Watch news release, June 12, 2007, <https://www.hrw.org/news/2007/06/12/lebanon-end-abuse-palestinians-fleeing-refugee-camp>.

¹⁷ "Lebanon: Investigate and Punish Army Attacks on Migrants," Human Rights Watch news release, October 10, 2012, <https://www.hrw.org/news/2012/10/10/lebanon-investigate-and-punish-army-attacks-migrants>.

¹⁸ Human Rights Watch, *It's Part of the Job: Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations*, June 2013, https://www.hrw.org/sites/default/files/reports/lebanon0613_forUpload_1.pdf, p. 48.

¹⁹ "Lebanon: Woman Detained After Alleging Rape," Human Rights Watch news release, September 9, 2015 <https://www.hrw.org/news/2015/09/26/lebanon-woman-detained-after-alleging-rape>.

did the judge ask questions to assess whether there was additional evidence of abuse. But when the defendant said that security forces took photos of his bruised body and that he had visited a clinic after being released, the court made no apparent attempt to follow up on the allegations.²⁰

Lebanon's parliament on October 19, 2016, took a positive step toward ending the use of torture in the country and investigating torture and ill-treatment. A new law established a National Human Rights Institute (NHRI), which will include a committee to investigate the use of torture and ill treatment. The investigative committee, a national preventative mechanism, will have the authority to enter and inspect all places of detention in Lebanon, without prior announcement or permission, and submit findings and recommendations to the institute and the relevant authorities. At the time of writing however, the NHRI had not yet been established.²¹

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

- Fund and staff the National Human Rights Institute with qualified, independent experts and ensure that it is able to visit all detention sites in the manner and with the frequency it wishes without fear of sanction or reprisal.
- Conduct periodic monitoring of all places of detention including those under the auspices of the Ministry of Defense and submit any evidence of torture or ill-treatment to the public prosecutor.
- Pursue all allegations of torture and ill-treatment in a diligent, timely, and effective manner to bring those responsible to justice.
- Provide transparent and public updates regarding investigations into allegations of torture and ill-treatment.
- Ensure that effective and meaningful disciplinary sanctions alongside criminal sanctions are imposed on law enforcement officials who commit acts of torture.

Use of confessions where allegations were obtained through torture (Article 15)

Human Rights Watch has documented eight cases in which civilian detainees tried before the Military Tribunal on terrorism or security related offenses said that security officials tortured them, forced them to confess, and used their coerced confessions as evidence against them. Courts admitted coerced confessions as evidence even when signs of torture were apparent on the detainee's body or when detainees said the confession was coerced. In some of these cases, the coerced confession was the only evidence of guilt prosecutors presented against the accused. In only one case did the court throw out a confession on the grounds it was obtained by force, but even in that case, the authorities took no known steps to investigate and penalize the officers who tortured the detainee.²²

²⁰ Lama Fakh (Human Rights Watch), "Stop Holding Closed Military Court Trials," Commentary, *The Daily Star*, February 1, 2017, <https://www.hrw.org/news/2017/02/01/stop-holding-closed-military-court-trials>.

²¹ "Lebanon: New Law a Step to End Torture," Human Rights Watch news release, October 28, 2016, <https://www.hrw.org/news/2016/10/28/lebanon-new-law-step-end-torture>.

²² Human Rights Watch, *It's Not the Right Place for Us: The trial of Civilians by Military Courts in Lebanon*, January 2017, <https://www.hrw.org/report/2017/01/26/its-not-right-place-us/trial-civilians-military-courts-lebanon>, p. 21.

Ibrahim (not his real name), whose brother Basil (not his real name) was arrested in 2015, told Human Rights Watch that when visiting his brother in detention, Basil told him that Military Intelligence officials tortured him while in the custody of the Ministry of Defense in Yarze and forced him to confess. “Basil told the judge that he confessed under torture. The judge didn’t seem to care,” he said. “Basil’s face was completely swollen and blood still occasionally trickled out of his nose while he spoke. He said that he couldn’t bear the torture so he just confessed to whatever they wanted.” Human Rights Watch spoke with Basil’s lawyer who confirmed to Human Rights Watch that the coerced confession was entered into evidence against him.²³

Haitham (not his real name), a Syrian refugee boy, told Human Rights Watch that after being stopped at an army checkpoint in 2014, officers at the Ministry of Defense in Yarze beat him with their hands and legs and made him confess to acts that he had not committed. He said that at the Ministry of Defense, officers forced him to sign a confession while blindfolded, and that they used the confession as evidence against him before the Military Tribunal, where he was tried for terrorism offenses. Haitham told Human Rights Watch that he had marks of torture on his body and the judge saw them but did not say anything about them. When Human Rights Watch interviewed Haitham a mark was still visible on his body where he said officers beat him with a rifle butt.²⁴

Military Intelligence officers arrested Khaled (not his real name), then 16, at his home in north Lebanon in fall 2014, and transferred him to Military Intelligence headquarters. His lawyer said that he was interrogated there for three days, and that interrogators blindfolded him and “punched him on his face, hit him with a rod on his back, insulted him, and threatened him.” He said they transferred Khaled to the Ministry of Defense on the fourth day of his detention. There, the lawyer said interrogators hung him from a rope tied to his wrists behind his back, and beat him. He said they also attached wires to his genitals, electrocuted him until he fainted, and threw water on his face to wake him up—all while asking him to identify terrorism suspects, and to confess to placing a bomb, throwing grenades at army posts, and membership in a terrorist organization. “He didn’t know where the beating was coming from,” the lawyer said. “He admitted to everything, to crucifying Christ, to killing the prime minister.”²⁵

According to his lawyer, Khaled spent four days at the Ministry of Defense in Yarze where officers threw water and shined a bright light on him to keep him from sleeping. He said officers forced Khaled to sign a statement while blindfolded after every session of torture, one to two times each day. “I told the judge that he confessed under pressure,” Khaled’s lawyer said. “The military court doesn’t listen; they don’t take it into consideration.”²⁶

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

- Enforce the prohibition of admission of statements that are extracted through torture or coercion and require that judicial authorities thoroughly investigate the circumstances under which confessions alleged to have been obtained by torture or ill-treatment were obtained.
- Ensure that judges deem inadmissible all confessions and other evidence obtained under torture.

²³ *Ibid.*, p. 23-24.

²⁴ *Ibid.*, p. 26.

²⁵ *Ibid.*, pp. 26-27.

²⁶ *Ibid.*

- Overturn all convictions of defendants that were based upon confessions extracted under duress.
- Amend article 24 of the Code of Military Justice of 1968 to remove civilians and all children from the jurisdiction of the military courts.

Prohibition of extradition of persons to countries that practice torture (Article 3)

Lebanese authorities have repeatedly affirmed their commitment not to forcibly deport refugees to Syria. As a party to the Convention Against Torture, Lebanon is obligated not to return or extradite anyone if there are substantial grounds for believing the person would be in danger of being subjected to torture. Nevertheless, the Lebanese government forcibly returned Syrian national Mahmoud Abdul Rahman Hamdan to Syria on September 28, 2014, despite his fear of detention and torture by the Syrian authorities. Hamdan was subsequently detained by Syrian authorities.²⁷

In 2015, two Syrians disappeared and are feared deported following their transfer to Lebanon's General Security, one in October 2014 and the other in November 2014. General Security, the country's security agency in charge of foreigners' entry and residency, has refused to disclose what happened to the men, Osama Qaraqouz and Bassel Haydar, despite repeated requests for information from their relatives and Human Rights Watch. Their families fear that General Security deported them back to Syria and into the custody of the Syrian government. General Security's concealment of the fate or whereabouts of the two men could amount to the crime of enforced disappearance. Moreover, Human Rights Watch previously documented the forcible return of four Syrian nationals to Syria on August 1, 2012 and about three dozen Palestinians to Syria on May 4, 2014.

Syrians and Palestinians at risk of detention upon return in Syria are at serious risk of torture and ill-treatment. Human Rights Watch has documented widespread torture and ill-treatment in Syrian detention facilities since anti-government protests began in March 2011.²⁸

Human Rights Watch is concerned by statements from Lebanese public officials regarding the return of refugees to Syria, including a February 19, 2017 call from the Minister of Foreign Affairs "to adopt a policy to encourage the Syrians to return to their country."²⁹

Recommendations

We encourage the Committee to make the following recommendations to the Lebanese government:

- Cease any further deportations of individuals who may be at risk of torture or where there are substantial grounds for believing that the person would be at real risk of a serious violation of human rights if returned to their home country.

²⁷ "Lebanon: Syrian Forcibly Returned to Syria," Human Rights Watch news release, November 7, 2014, <https://www.hrw.org/news/2014/11/07/lebanon-syrian-forcibly-returned-syria>.

²⁸ "Lebanon: 2 Syrians Disappear, Feared Deported," Human Rights Watch news release, February 17, 2015 <https://www.hrw.org/news/2015/02/17/lebanon-2-syrians-disappear-feared-deported>.

²⁹ "Bassil renews calls for return of refugees to Syria," The Daily Star, February 19, 2017, <https://www.dailystar.com.lb/News/Lebanon-News/2017/Feb-19/394235-bassil-renews-calls-for-return-of-refugees-to-syria.ashx> (accessed March 1, 2017).

- Reaffirm their commitment to the prohibition against refoulement and ensure that no one is returned to a country where they risk persecution or torture.
- Investigate reports of deportations and publicly announce the results of investigations.