

## HUMAN RIGHTS WATCH

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Judge Samir Hammoud  
Office of the Public Prosecutor  
Beirut, Lebanon

3 August 2018

**Re:** Allegations of forced disappearance and torture of Ziad Itani

Dear Judge Hammoud,

I am writing to you on behalf of Human Rights Watch regarding the case of Ziad Itani and allegations that he was forcibly disappeared by State Security forces and tortured while in their custody. Human Rights Watch is an impartial, nongovernmental organization that reports on human rights conditions in some 90 countries, including Lebanon.

As you may be aware, Human Rights Watch recently published a press release highlighting Itani's account of his time in custody. Human Rights Watch interviewed Itani in March 2018, after his release, and interviewed his sister, Rana Itani, in February. Human Rights Watch does not represent Ziad Itani in any capacity.

After speaking with Itani in March, Human Rights Watch withheld publication of his account at his request and wrote to State Security as well as to your office, but has not received a response.

We urge you to conduct a thorough and impartial investigation of Ziad Itani's allegations of forced disappearance and torture at the hands of State Security; publicly release the results; and hold anyone found responsible for wrongdoing to account.

Itani told Human Rights Watch in March that after his arrest in November 2017, he was held in what may have been an informal detention center for six days where men in civilian clothing beat him repeatedly, tied him in a stress position, hung him by his wrists, kicked him in the face, threatened to rape him, and threatened his family with physical violence and legal charges. Itani said that there were no indications that he was in an official detention site and that the men had a folder labeled State Security. Details of the investigation were leaked to the media within a day of his arrest, and Itani said interrogators used the damage to his reputation to put additional pressure on him to confess. We also urge you to investigate how details of the investigation leaked to the media. Itani told Human Rights Watch that he was tortured until he signed a confession, and only then his interrogators turned him over to the military court.

Itani said that at the first opportunity, on December 18, he told military investigative judge Riad Abu Ghaida that he had been tortured and showed him marks including on his wrists from being hung. He said the judge noted the allegation and ordered a medical examination by a military doctor, but that the doctor did not investigate the allegation of torture. Human Rights Watch reviewed the investigative judge's report, but did not find any mention of torture or any indication that the judge had ordered an investigation into the allegation.

Itani said he was not able to speak with his lawyer or family before his first court session, and after that only through a door in the presence of military personnel. He said that he was never able to meet privately with his lawyer or his family, and was unable to see his family until December 25, more than a month after his arrest. Itani's sister told Human Rights Watch that his family initially did not know where Itani was or who had detained him. An arrest by state authorities followed by a refusal to acknowledge an individual's arrest or concealing their fate or whereabouts, constitutes an enforced disappearance under international law.

As a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Lebanon is required to take effective measures to prevent torture, investigate credible allegations of torture, and hold accountable anyone found guilty of committing torture with appropriate penalties that take into account the grave nature of the crime.

We urge you to investigate Itani's allegations in accordance with article 401 of Lebanon's criminal code, which was amended in November 2017 to include procedures for investigating allegations of torture, witness protection, and rehabilitation and compensation for victims of torture. Itani's case presents a clear litmus test for whether Lebanon's new torture law will be implemented and help end impunity for torture.

I have attached Itani's account to Human Rights Watch of his time in detention to this letter. We would welcome the opportunity to meet with you to discuss our findings. I can be reached at [REDACTED] [REDACTED] or by fax at [REDACTED]

Sincerely,  
Lama Fakhri  
Beirut Director  
Middle East and North Africa Deputy Director  
Human Rights Watch

## Itani's Account

Itani told Human Rights Watch that on November 23, at around 12:30 in the afternoon, a man in civilian clothing who identified himself only as “the state,” forced Itani into an SUV after he left theater auditions in Ain al-Rummaneh in Beirut. Itani said that the man hit him in the face and chest and blindfolded him. He was taken to what he described as “a room prepared for torture,” painted entirely black with metal hooks along the wall. He said six men in civilian clothing were there, one of whom accused Itani of “talking to the Israelis” and punched him in the face. Itani said the man threatened to physically harm Itani's daughter, and to add his wife and sister to the investigation file, and said, “You have to talk because you need to understand that there is torture in all countries.”

Itani said the men, who had a folder labelled “State Security,” interrogated him for two to three hours about connections to Israel. He said one of the men then ordered Itani to call his wife and tell her he would be away for 10 days. Itani said that there were no indications that he was in an official detention site, that he did not see anyone in uniform or any other detainees, that there were no flags or official emblems, and that he was held in a cell within a room.

Details of Itani's interrogation and the accusations against him leaked to the media within a day of his arrest, and Itani described the leak as “the biggest form of torture I've seen in my life. They took my phone as I sat in my cell and read the news and my friends' Facebook posts about me. I lost hope.... The psychological torture and words they used were more horrible than the physical torture.” Itani said the investigators told him that they were preventing people from setting fire to his parents' home, and that he should cooperate.

Itani said that the physical torture began after he refused to sign a confession around 6 p.m. on November 26. He said four men tied him in a stress position on the floor and one of them hit him with a cable as he screamed. Itani said the men then punched him in the face, chest, and groin and kicked him, and that one man pulled his pants off and hit his genitals. He said the men then strapped his wrists to a bar in the doorway so that his feet barely touched the ground and left him in that position for hours.

Itani said the men later took him down and chained him, and that he fell to the floor. They then punched and kicked him in the face and stepped on him, causing him to bleed from the mouth and breaking one of his teeth. He sent Human Rights Watch a doctor's report documenting injuries in his mouth and seven of his teeth. Itani recalled one man saying, "I don't care, eventually people will applaud us because you are a traitor." Then they again strapped his wrists to the bar. Itani recalled one of the men speaking on the phone, saying "we can't hand him over yet, there are marks on him."

Itani said one man, who appeared to be in charge, told him they would insert a rod into his anus if he didn't sign, and pointed at another man saying, "This one will ride you, and we don't care because you are a traitor." Itani then agreed to sign.

On November 28, he said, the men took him to the military court in Beirut and handed him over to the military police, where he was held in solitary confinement for 54 days. "There was no doctor who saw me, my body was all blue and I was spitting blood," he said. "I couldn't speak properly."