

HRW's English Translation of Response from

**Directorate of International Humanitarian Law and Human Rights
Lebanese Army**

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- 1) Human Rights Watch is a non-profit, international non-governmental organization that aims to monitor the respect for human rights in practice, but it is obvious that it has resorted to exaggerating facts on the basis of false or inaccurate statements, and building on them. There is a legal principle that says that the "burden of proof falls on the challenger," but in fact the organization finds it easy to make allegations and ignores replies, especially since there have been responses to some of the cases that were included in the letter. However, every time, it mentions [the cases] in order to exaggerate its accusatory file.
- 2) Saying that some suspects have been beaten, subjected to psychological and physical torture, and forced to sign while blindfolded, in addition to torturing children and coercing them into confessions, is not true in whole or in part.
- 3) Military judiciary officers are qualified and competent in interrogation methods. They are also committed to discipline, military morality, and international humanitarian law, and their aim is to reach the truth without adding to or redacting it.
- 4) Arrests that are under investigation at the Directorate of Intelligence take place under the supervision of the competent judiciary and according to the Code of Criminal Trials Procedures.
- 5) Military judiciary officers are committed to Article 47 of the Code of Criminal Trials Procedures, and all detainees benefit from medical examination throughout the entire period of detention.
- 6) Members of the International Red Cross periodically visit the prison at the Ministry of Defense, interview the detainees, and observe their condition. Cooperation between this organization and the Directorate of Intelligence is ongoing.
- 7) According to the Lebanese law, preliminary investigation conducted by judiciary officers with various competences takes place without the presence of a lawyer; when the law is amended, judiciary officers will be the first to comply with it.
- 8) The Directorate of Intelligence has had many cases in which the defendants were not found guilty, and hence the office of the military prosecutor has directed their release on the condition of proof of residence, or set them free.
- 9) Judiciary officers do not present a culprit to justice simply because he has confessed (bearing in mind that the confession is the master of evidence); they corroborate their file with damning circumstantial evidence and evidence, and sometime ask the suspect to reenact the crime or narrate its events in details, in addition to corroborating [the statement] with several sources in order to avoid accusing an innocent person or acquitting a guilty one.
- 10) Any shortcoming committed intentionally or unintentionally by military judiciary officers is subject to disciplinary and judicial accountability, if available. The aim of the supreme military authority is to achieve rights and provide justice.

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The Lebanese Republic
Ministry of National Defense
Army Command
Army Staff, Personnel Affairs

Number: [REDACTED]

Classification: 1-15510

[HANDWRITTEN HEADING] [REDACTED]
[REDACTED]

To the Ministry of National Defense – the Military Chamber

Subject: Request to verify a Syrian refugee's claims of being tortured.

The Army Command received a letter from Human Rights Watch dated November 2, 2016, referred from the Military Chamber under number [REDACTED], dated November 3, 2016, with an attached medical report about the Syrian refugee, about the allegations of his torture and ill treatment.

The Command states the following:

Syrian [REDACTED]
[REDACTED]

On February 5, 2016, at 00:30, the above mentioned was arrested in Jounieh – Ghadir by a patrol from the Directorate of Intelligence for commuting while carrying a forged ID.

Upon interrogating him, it was evident that he was commuting while carrying a residency permit that was expired as of July 15, 2014.

The abovementioned was not beaten during his detention at the Directorate of Intelligence and was transferred on the same date to the Military Police.

On February 5, 2016, at 22:30, [REDACTED] was admitted to the military police prison and placed in one of the prison's rooms. On February 6, 2016, at 14:00, he was transferred to the Jounieh Police Station based on directions from the office of the military prosecutor.

During [REDACTED] stay in the prison, he was not beaten, insulted, or subject to moral or physical harm. He was treated as all detainees are from the time they arrive and until they leave, in accordance with due laws and decrees, as well as international conventions and human rights agreements.

[REDACTED] interrogation was conducted under the supervision of the competent judiciary.

Neither the abovementioned nor anyone else was detained because of his sexual orientation. He was arrested because he commuted with a forged ID and was suspected of belonging to terrorist organizations.

None of the personnel has been disciplined as none was involved in an offence that requires that.

It has not been evident that the detainees were ill-treated by responsible personnel, and if such ill treatment is evident then they are automatically held accountable according to due regulations and laws.

Members of the intelligence and military interrogators receive adequate training that takes human rights into consideration to the farthest extent.

The right of detainees to summon a lawyer is protected according to the Lebanese criminal laws, and medical care is compulsory throughout detention according to the highest international standards.

Presenting detainees before the competent judiciary is decided by judges concerned with these cases, who set the date and location of the interrogation. The requests of these judges are followed to the letter.

The procedures to offer compensation to ill-treated or tortured detainees are set on a case-by-case basis, if the case really existed and was based on facts and evidence, not on false or unverified allegations. These procedures start with investigations under the supervision of the military judiciary, in addition to disciplinary measures according to internal instructions in the Army.

Any affected person could resort directly to the competent judiciary and present evidence proving the abuse, separately from the Ministry of Defense.

The independence of interrogators is guaranteed according to the Lebanese criminal laws, since they directly report to the competent judiciary regarding the investigation files.

An anal examination would take place if the attending physician finds it necessary and for medical purposes related to the patient's safety, in accordance with the directions of Lebanon's Order of Physicians and the Ministry of Justice.

Please consider and perform what is necessary.

Approval of D[irectorate] of Intelligence

██████████, date December 20, 2016

[SIGNATURE]

Yarze on / /2016 [DATE LEFT VACANT]

General Qahwaji, Commander of the Army

On His Behalf/Brigadier General Mallak, Chief of Staff [NO SIGNATURE]

Cc:

- Directorate of Intelligence
- Secretariat of Staff

- [REDACTED]
- [REDACTED]
 - She was arrested on September 17, 2013 with [REDACTED], because they published on Facebook discussions that offend the military institution and arouse sectarian bigotry, and for planning to lure a person with the aim of harming him. While in detention, they were referred to the office of the military prosecutor on September 19, 2013.
 - On September 4, 2015, NOW Media website published an article in English entitled "Raped in a Lebanese detention center," the Arabic translation of which was published on September 11, 2015 on the same website. The article revolved around a girl who used the pseudonym "Qamar" and claimed that she was raped twice during her detention at the Rehaniyyeh prison, and that her detention lasted for five days during which she was hit in the face and lost one of her teeth.
 - As a result of a follow up, it was evident that the person nicknamed Qamar is [REDACTED]
 - On September 21, 2015, she was summoned to the Directorate of Intelligence, and as a result of her interrogation, she confessed to the following:
 - On August 16, 2015, upon the arrest of terrorist Ahmed al-Assir, she received a telephone call from journalist [REDACTED], who told her the he and the journalist [REDACTED] want to meet her to report the public opinion in Saida about al-Assir's arrest.
 - On the same date, the three met in [REDACTED] cafe in Saida, where al-Assir's arrest was discussed. Her arrest in 2013 by the Directorate of Intelligence was mentioned and, during the conversation, [REDACTED] showed her grief and unwillingness to recall that incident. Then, [REDACTED] asked her why, so she started narrating details about being beaten and raped in the Military Police prison, which were later published on the website mentioned above.
 - She confessed that what was published on NOW Media was **a story that she made up** [emphasis from the source], through which she aimed to provoke [REDACTED] pity so that they would secure a job for her, since she had become unemployed after she was arrested and released in 2013. She also **confessed that what she had claimed was pure slander and lies** [emphasis from the source] and she showed her willingness to bear the consequence of what she had done according to the law.
 - While in detention, she was referred on September 22, 2015 to the office of the military prosecutor for the crime of stating false information and slandering the military institution.

It should be noted that during her arrest:

- She was informed of her rights before her statement was documented and before she was referred to the competent judiciary according to due procedures.
- She was exhibited before a physician, and it was evident upon medical examination that she was in good health. She did not state then that she was subject to any assault (beating – rape).
- Upon finishing the documentation of her statement, her statement was read to her and she signed it without mentioning having been subject to any assault.