



Human Rights Watch Updated Submission to the Committee on the Rights of the Child on Lebanon April 2017

We write in advance of your upcoming plenary review of the Lebanese government's compliance with the Convention on the Rights of the Child (the "Convention"). The information in this submission is an update to our [earlier submission](#), based on our recent report, "'It's Not the Right Place for Us:' The Trial of Civilians by Military Courts in Lebanon." This updated submission relates to torture, the trial of children by military courts, and incommunicado detention of children.

For our complete findings and analysis of these issues, please see the following Human Rights Watch report:

- [It's Not the Right Place for Us: The Trial of Civilians by Military Courts in Lebanon, 2017.](#)

Torture, Due Process Violations, and Trial of Children in Military Courts (Articles 37, 40)

In Lebanon, children can be tried before military courts, where their due process rights are not respected and in violation of international law. The military court system is an exceptional judicial system under the Ministry of Defense, where trials are largely inaccessible to the public and many judges are military officers appointed directly by the Minister of Defense, who need not have a law degree. The composition of the military courts and the system for the appointment of judges undermine the courts' competence, independence, and impartiality.

According to the Union for Protection of Juveniles in Lebanon, 355 children were tried before the military courts in 2016. Human Rights Watch has documented the use of torture

to extract confessions from children on trial before the military court as well as reports of serious due process violations in the military courts.¹

Individuals tried before the military courts and lawyers described a range of abuses of detainees' rights and fair trial violations that they or their clients suffered before the military courts, including interrogations without the presence of a lawyer, ill-treatment and torture, incommunicado detention, the use of confessions extracted under torture, lengthy pretrial detention, decisions issued without an explanation, seemingly arbitrary sentences, and a limited right to appeal.

In fall 2014, officers at an army checkpoint in Tripoli arrested Haitham (not his real name), a Syrian refugee who was 15 at the time, and held him for several days at Military Intelligence in Ibay before transferring him to the Ministry of Defense in Yarze. While in the custody of Military Intelligence, he said that officers beat him with their hands and legs and made him “confess to things I did not do.” At the Ministry of Defense, he said officers forced him to sign a confession while blindfolded, and that they then used this confession as evidence against him before a military court 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.²

Military Intelligence officers arrested Khaled (not his real name), then 16, in his home in north Lebanon in 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.” The lawyer said they transferred Khaled to the Ministry of Defense in Yarze on the fourth day of his detention. There, the lawyer said, interrogators hung Khaled from a rope tied to his wrists behind his back, beat him, attached wires to his genitals, electrocuted him until he fainted, shined a bright light on him to keep him from sleeping, and threw water on his face to wake him up—all while asking him to identify

¹ 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/sites/default/files/report_pdf/lebanono117_web_1.pdf, 1.

² *Ibid.*, p. 26.

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.”

According to his lawyer, Khaled spent four days at the Ministry of Defense in Yarze. “He could hear the sounds of people being tortured,” the lawyer said. He said officers forced Khaled to sign a statement while blindfolded after every session of torture, one to two times each day. Khaled’s lawyer said officers transferred him to the military court, where he appeared before the investigative judge alongside a juvenile representative, but without a lawyer. A prosecutor charged him with membership in a terrorist organization and conducting terrorist activities. “I told the judge that he confessed under pressure,” the lawyer said. “The military court doesn’t listen; they don’t take it into consideration.” The military court found Khaled guilty and transferred his file to the juvenile court, because they did not have the authority to sentence a child.³

Human Rights Watch wrote to the Lebanese Ministry of Defense detailing these findings. In its response, the Ministry states:

“No minor is to be questioned at trial without the attendance of a representative for the protection of juveniles, bearing in mind that juveniles may be prosecuted by a military court if they took part in crimes with adults. The court shall make a ruling of conviction or acquittal and then refer the case to Juvenile Court (to determine the penalty). However, if the case only involves juveniles, the Court shall proclaim its lack of jurisdiction regardless of the type of crime committed, and refer the case to Juvenile Court.”⁴

Incommunicado Detention of Children (Article 9)

Those detained by the military, including children, may not be permitted to contact their family or a lawyer.

³ Ibid., p. 27.

⁴ Ibid., p. 47.

Khaled, whose case is described above, “wasn’t allowed to call a lawyer, was not allowed to call a family member, and no one was allowed to ask about him” while he was interrogated by Military Intelligence and Ministry of Defense personnel and then detained at the military court, his lawyer told Human Rights Watch. His mother said the family did not know where he was for several months, until an acquaintance was released from detention and told the family where Khaled was.⁵

The Ministry of Social Affairs has a project to support children in detention and provide them with psychological services, but the project does not extend to children detained by the military. “For the cases where they are in military detention, [the ministry] can’t reach them,” a representative of the ministry told Human Rights Watch. The Union for Protection of Childhood in Lebanon provides social support to children on trial in Lebanese courts, under a contract with the Ministry of Justice. But one employee told Human Rights Watch that social workers are usually not present during military interrogations, because the military does not routinely alert them that a child has been detained.⁶

Recommendations

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

- Remove all children from the jurisdiction of the military courts;
- Amend article 401 of the Penal Code to criminalize all forms of torture and ill-treatment;
- Investigate and appropriately prosecute allegation of torture and ill-treatment of children;
- Allow juvenile representatives to attend all preliminary interrogations of children and amend article 49 of the Code of Criminal Procedure to guarantee suspects the right to a lawyer during interrogation;
- Ensure that children enjoy full due process guarantees, including access to counsel, the right to challenge their confinement, contact with their families, and separation from adult detainees;

⁵ Ibid., p. 27.

⁶ Ibid, p. 28.

- Allow independent humanitarian agencies, including UNICEF, unrestricted access to all children in all detention facilities;
- Ensure that children are detained only as a measure of last resort and for the shortest appropriate period of time;
- Ensure that any punishment for criminal offenses be appropriate to their age, and be aimed at their rehabilitation and reintegration into society.