

# CIVIL AND POLITICAL RIGHTS

LEBANON - 2014



**C.L.D.H**

Centre Libanais des Droits Humains  
Lebanese Center for Human Rights  
المركز اللبناني لحقوق الإنسان



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## Abbreviations

<b>ABL</b>	Association of Banks in Lebanon
<b>ACAT</b>	Action by Christians Against Torture
<b>AEDH</b>	Agir Ensemble pour les Droits de l'Homme
<b>AFE</b>	Arab Foundation and Equality
<b>AJEM</b>	Association Justice and Mercy
<b>CEDAW</b>	Convention on the Elimination of all forms of Discrimination Against Women
<b>CLDH</b>	Lebanese Center for Human Rights
<b>ECHR</b>	European Court of Human Rights
<b>EMHRN</b>	Euro-Mediterranean Human Rights Network
<b>ESCWA</b>	United Nations Economic and Social Commission for Western Asia
<b>EU</b>	European Union
<b>FEMED</b>	Euro Mediterranean Federation Against Enforced Disappearances
<b>FIDH</b>	International Federation for Human Rights
<b>HRW</b>	Human Rights Watch
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ILO</b>	International Labor Organization
<b>ICRC</b>	International Committee of the Red Cross
<b>ISF</b>	Internal Security Forces
<b>IRCT</b>	International Rehabilitation Council for Torture Victims
<b>ISIS</b>	Islamic State of Iraq and ash-Sham
<b>LGBT</b>	Lesbian, Gay, Bisexual, and Transgender community LMAC Lebanese Mine Action Center
<b>LPRA</b>	Lebanese Prisons Reform Association
<b>MAG</b>	Mines Advisory Group
<b>NGO</b>	Non-Governmental Organization
<b>NNA</b>	National News Agency
<b>NPA</b>	Norwegian People's Aid
<b>NPMs</b>	National preventive mechanisms
<b>OMCT</b>	World Organization Against Torture
<b>PHRO</b>	Palestinian Human Rights Organization
<b>PLO</b>	Palestine Liberation Organization
<b>SKeyes</b>	Samir Kassir eyes
<b>SOLIDA</b>	Support for Lebanese Detained Arbitrarily
<b>SOLIDE</b>	Support of Lebanese in Detention and Exile
<b>STL</b>	Special Tribunal for Lebanon
<b>UDHR</b>	Universal Declaration on Human Rights
<b>UNDP</b>	United Nations Development Program
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNO</b>	United Nations Organization
<b>UNRWA</b>	United Nations Relief and Works Agency

## CLDH Presentation

The **Lebanese Center for Human Rights** (CLDH) is a Lebanese non-political, non-profit and independent human rights organization, based in Beirut.

The CLDH was created in 2006 by the French Lebanese Movement SOLIDA (Support for Lebanese Detained Arbitrarily) that is active since 1996 in the fight against arbitrary detention, enforced disappearance and impunity of the perpetrators of gross human rights violations.

CLDH monitors the **human rights situation in Lebanon**, fights against **enforced disappearance, impunity, arbitrary detention, and racism** and provides rehabilitation to the **victims of torture**.

CLDH regularly organizes press conferences, workshops, trainings and awareness-raising meetings on human rights in Lebanon and records and documents violations of human rights through reports and press releases.

CLDH team on the ground supports initiatives aimed at unveiling the fate of all the missing persons in Lebanon.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in coordination with Lebanese and international organizations, with the United Nations Working Group on Arbitrary Detention and the UN Special Rapporteur on Torture.

In 2007, CLDH opened Centre Nassim, a rehabilitation center for the victims of torture in Beirut, a member of the IRCT (International Rehabilitation Council for Torture victims), that provides

multidisciplinary support to the victims of torture and their families.

CLDH compiles a daily press review about human rights violations and ongoing judiciary cases in Lebanon, and daily updates several blogs.

CLDH is a founding member of the Euro-Med Federation against Enforced Disappearances (FEMED), a member of the Euro-Mediterranean Human Rights Network (EMHRN) of the SOS Torture Network of the World Organization against Torture (OMCT) and of the International Federation for Human Rights (FIDH).

## Approach

Since 2006, CLDH identifies and archives in the framework of its press review program, press articles published in Lebanon –in the Arabic, English and French press, which are dedicated to human rights issues in Lebanon.

In 2007, CLDH decided to draw up an assessment of the situation of civil and political rights in Lebanon, synthesizing and analyzing the data collected in this regard within its press review, in a report entitled “Civil and political rights Lebanon – 2007”. Five years later, CLDH decided to prepare a new report to reflect the developments since 2007.

The media analysis of violations and/or advancement in the field of civil and political rights certainly represents a vast information source; nevertheless, such analysis cannot reflect an exhaustive

overview of the overall situation of civil and political rights in Lebanon, as certain rights and freedoms generate greater media coverage than others. Taking into consideration the limitations of media sources, CLDH has collected information, analysis and views of the Lebanese civil society organizations active in the promotion and protection of civil and political rights.

This report covers the period from **January 2014 to December 2014**.

The aim of this report is to assess as much as possible the compliance by the Lebanese State with its commitments towards the protection and promotion of civil and political rights, reporting both advancements and violations in this field since 2007. This report cannot therefore be regarded as comprehensive.

## Civil and Political Rights & Commitments in Lebanon

Civil and Political Rights, called the “first generation” human rights, are enshrined in the International Covenant on Civil and Political Rights (ICCPR) of December 16, 1966<sup>i</sup>. This treaty was adopted by Lebanon on November 3, 1972.

The rights guaranteed by the ICCPR protect people and their property by guaranteeing them the exercise of their citizenship. Civil rights include the rights of the individual in the state (physical and moral integrity, right to life, liberty, security or privacy). Political rights include the place of the individual in the collective life (right to participate in political life, right to fundamental freedoms).

In addition to the ICCPR, Lebanon took part in other international human rights commitments, such as the Universal

Declaration of Human Rights, an integral part of the Lebanese Constitution, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and its Optional Protocol, the Convention on the Rights of the Child or the Convention on the Elimination of All Forms of Discrimination Against Women. The list of the ratifications of the various United Nations human rights protection mechanisms as well as the delays in submitting the reports required by these mechanisms are included as Annexes I and II of the report.

However, these accessions are not enough to guarantee the respect of human rights in Lebanon. There is no transposition of the provisions enshrined in these treaties into the domestic law, which are rarely respected. Multiple



violations of human rights are reported in Lebanon, such as torture, ill-treatment, arbitrary detention and very poor prison conditions.

The Lebanese state encounters difficulties in meeting its obligations arising from its accession to various international treaties. On several occasions, the State has failed in its obligation to submit reports to the various bodies in charge of monitoring the effective implementation of international instruments such as the Human Rights Committee for the ICCPR or the Committee against Torture for the Convention against Torture.

The last report by the Lebanese State to the Human Rights Committee, the body monitoring the ICCPR, was submitted on June 8, 1996. Following the examination of the report, the Committee requested a new report and additional information on the exercise of civil and political rights in Lebanon. No report has been issued by Lebanon since 1996, and the Committee is still awaiting two periodic reports of Lebanon planned for 1999 and 2003.

For all these reasons, NGOs such as CLDH took over the Lebanese state to report firstly to the Lebanese public opinion, and secondly to the international community, on the human rights situation in Lebanon. Numerous reports and press releases were published by NGOs in various fields of human rights such as torture, asylum, racism, arbitrary detentions, the judicial system flaws or freedom of expression.

The Lebanese state acceded to the ICCPR, with the exception of Article 41 and the Optional Protocols to the Covenant. Article 41 of the ICCPR and the first protocol give the Human Rights

Committee competence to examine individual complaints with regard to alleged violations of the Covenant. The second protocol pertains to the abolition of the death penalty, which is still in force in Lebanon despite the efforts of the government with the de facto moratorium on executions, since 2004, which might lead to a law to abolish the death penalty.

Death penalty is not the only Lebanese law that clearly violates universal human rights. Some practices in Lebanon such as arbitrary detention, torture, discrimination against women, migrant workers, or the LGBT community, are in contradiction with human rights and should be denounced.

## Right to Life

### Universal declaration of human rights

*“Everyone has the right to life, liberty and security of person”- Article 3*

### International Covenant on Civil and Political Rights

*“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. 2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by*

*a competent court.*

*3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. 4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases. 5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. 6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.” - Article 6*

## Convention on the Rights of the Child

«States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age” - Article 37a

The right to life is frequently called into question in Lebanon by various forms of violations, such as bombings and assassinations. The fact that the Lebanese live in constant fear of an attack is a violation of their rights to safety and security, also enshrined in the ICCPR. The damage caused by anti-personnel mines also interferes with the right to life in Lebanon. Moreover, the Lebanese tribunals continue to hand down death penalties, and even within the prison system, the death of prisoners is also reported.

## Attacks

In recent decades, Lebanon has witnessed several politically motivated attacks, causing the deaths of two presidents of the republic, three prime ministers, many members of the Parliament, journalists, politicians, members of the military, diplomats and religious leaders <sup>ii</sup>.

In 2014, numerous Syrian bombings reached Northern Lebanon and the Beqaa Valley. At least 10 civilians were killed and over 18 others were wounded.

14 car bombings or suicide bombings, 5 of which specifically targeted civilians, also caused civilian casualties (43 civilians were killed and at least 382 were

wounded). The Islamic State extremist group, also known as ISIS, claimed responsibility for one of these attacks, as did the Al-Qaeda affiliated Abdullah Azzam Brigades, while Jabhat al-Nusra claimed responsibility for four of them. Five more attacks appear to have targeted security personnel and Hezbollah leaders <sup>iii</sup>.

## Antipersonnel Mines

In response to the threat of landmines and unexploded ordnance in Lebanon and calling on the government's accountability, the Lebanese Council of Ministers established in 1998 the National Demining Office, which became in 2007 the Lebanese Centre for Action against Landmines (Lebanese Mine Action center - LMAC). The center is under the authority of the Lebanese Armed Forces, and is responsible for the organization of explosives demining in Lebanon, risk prevention and victims' assistance. The aim of the center is to encourage Lebanon to become a State member to the Protocol on Prohibitions or Restrictions on the Use of Mines, booby-traps and other devices, amended in 1996, as well as the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction <sup>iv</sup>.

A significant number of cluster bombs do not explode on impact, remain on soil, and may explode at any moment. Lebanon is contaminated with mines and explosives remnants from the July 2006 war, and from the 1975 civil war. Since 2006, cluster munitions have killed and mutilated hundreds of people. Children are often the first to be exposed to the danger of mines.

Around 10 NGOs operate on the field in coordination with LMAC. Thus, Handicap International's team in Lebanon continued their demining activities in Northern Lebanon in 2014 and cleaned manually an average of 25m<sup>2</sup> per day <sup>v</sup>. In November, 2014 an exhibition in the West Hall wing of the Beirut Symposium paid tribute to organization Mines Advisory Group's demining heroes, who already cleaned over 17,100,000 m<sup>2</sup> in Lebanon.

On January 15, 2014 two members of Norwegian People's Aid (NPA)'s team were wounded during a demining operation in the village of Ter Harfa, Southern Lebanon <sup>vi</sup>.

## Death penalty

Death penalty was reintroduced on March 21, 1994 in Article 302 of the Criminal Code, and has been applied 14 times from 1994 to 1998. On May 19, 1998, more than 1,000 people attended the public execution of two persons convicted of murder, hanged in the vicinity of their victims' residence, in Tabarja. Their bodies were exposed to the public for one hour. This public execution caused a trauma among young children who witnessed the execution, at Tabarja or on television. In the following days, several incidents involving games replicating the scene of the execution were reported. 2001 foreshadowed significant steps towards an eventual abolition of the death penalty in Lebanon; thus, on July 26, 2001, the Lebanese Parliament unanimously approved the Boutros Harb draft law giving judges the option not to pronounce death sentences in extreme cases, and President Emile Lahoud pledged in December 2001 to respect a moratorium on executions throughout his mandate. This hope did not last long, as following

five years of moratorium, three persons sentenced to death for murder were executed on January 19, 2004. In June 2006, the issue of the death penalty was raised again with the establishment of the STL; in the Egyptian newspaper Al Ahrām published on June 22, 2006, Prime Minister Fouad Siniōra announced that Lebanon was going to abolish the death penalty to be in harmony with the STL. This statement remained a dead letter; although Lebanon would then have become the first abolitionist Arab country. Although no one condemned to death was executed since 2004, courts keep delivering death sentences on a regular basis.

In Lebanon, the death penalty is applicable under Articles 37, 43 and 549 of the Criminal Code for ordinary crimes.<sup>13</sup> Under the Lebanese law, any execution must be approved by the President of the Republic and the Prime Minister.

**Cases where death penalty was sought in 2014** - In January 2014, Military Judge Imad al-Zein required death sentences against 14 suspects accused of being part of terrorist attacks including an ambush targeting a Hezbollah convoy that killed a one member of the party. In April 2014, Military Investigative Judge Fadi Sawan required death sentences against 32 suspects who might have been involved in armed clashes in Tripoli and were accused of forming an armed gang in order to kill and intimidate the population and to compete with state authority. In May 2014, Military Judge Abu Ghayda required death sentences against 10 suspects linked to the attacks that took place in Tripoli in 2013, including in particular one member of the Syrian intelligence service <sup>vii</sup>. In October 2014, Military Judge Nabil Wehbe required

death sentences against 11 Lebanese suspects over a bomb attack that took place in Tripoli in August 2014<sup>viii</sup>.

Military Investigative Judge Fadi Sawan appears to be one of the judges who would automatically ask for death penalty against ISIS members<sup>ix</sup>. In the same spirit, Judge Imad al-Zein reportedly expressed his desire to see militants belonging to 'terrorist group' Fatah al Islam being subjected to the death penalty. Therefore, he requested the death penalty for a Palestinian detainee who belonged to this 'terrorist group'<sup>x</sup> and for 23 detainees during July, 2014, and among them Al-Nosra Front leader Sirajuddin Zureiqat<sup>xi</sup>. In September 2014 he also required the death penalty for 4 more persons who were accused of committing and planning attacks in Ain el-Helweh camp<sup>xii</sup>. In November 2014, Military Judge Abu Ghayda demanded capital punishment for 1 French, 1 Saudi and 3 Lebanese people aspiring to become suicide bombers<sup>xiii</sup>.

In early July 2014 the Court of Cassation issued a death sentence against a 22-year-old Syrian man over the murder of a money exchange shop owner in Sidon. After a majority of judges approved the death sentence, the victim's family expressed their satisfaction and trust towards the Lebanese judiciary<sup>xiv</sup>.

**Commutation of sentences** - In November 2014, the Justice Minister Ashraf Rifi stated that the death sentences issued against some Islamists held in Lebanese jails had been reduced to life in prison. This statement was issued while the abductors of two Lebanese soldiers had threatened to execute them<sup>xv</sup>.

**Public events** - During the Conference on capital punishment abolition that was held in June 2014 in the presence of the President of the International Commission against Death Penalty (ICDP) Federico Mayor and former judge at the European Court of Human Rights (ECHR) Hanne Sophie Greve, the President of Beirut Bar Association Georges Jreij insisted on the lack of correlation between the application of the death penalty and decrease in crime. Thus, he rejected the death penalty's alleged deterrent effect.

The differences of opinion on death penalty abolition re-emerged. Thus, although former Prime Minister Ibrahim Najjar stated that the members of the National Assembly were heading toward abolition, as reflected in several propositions of law since 2008, former President of Beirut Bar Association Michel Lyan spoke out against Syrian refugees and migrant's behaviours and reaffirmed his anti-abolitionist position<sup>xvi</sup>.

Many public events were held and many declarations were issued on the annual World Day Against the Death Penalty on October 10, 2014. The French ambassador to Lebanon held a press conference in partnership with AJEM and the Lebanese Coalition Against Death Penalty during which Judge Ghada Aoun was awarded a prize for her commitment against executions<sup>xvii</sup>. On the same day, a joint Council of Europe/EU declaration reaffirmed their 'absolute opposition to capital punishment' and their 'commitment to its worldwide abolition'<sup>xviii</sup>. The EU and Lebanon saw this day as an opportunity to define their future priorities while sharing their concern about the decision-makers' slowness and reluctance to abolish the death penalty<sup>xix</sup>. Finally, CLDH Secretary General Wadih Al-Asmar advocated in favor of death

penalty abolition in L'Orient Le Jour. According to him, the shortcomings and the lack of independence of the Lebanese judiciary are what make the death penalty even more unacceptable than it already is. To illustrate his argument, he gave the example of Nehmeh el-Hajj, who was sentenced to death after he confessed under torture. Wadih Al-Asmar also demanded that all death sentences be reduced to imprisonment<sup>xx</sup>

## **World Day against Death Penalty, October 11, 2014 In Lebanon, the insufficiency and lack of independence of the Judiciary makes death penalty even more unacceptable**

There are many arguments against the death penalty; one of the main is the risk of miscarriage of justice inherent to any trial. This argument is even more applicable in Lebanon since the Judicial system – or systems (civil, military, Justice Council) – as they exist today do not provide any guarantee of a fair trial.

The rules to be followed for a fair trial are clearly laid out by the Lebanese law, in addition to the International Covenant on Civil and Political Rights that Lebanon has ratified and is therefore bound to apply. However, these principles are often ignored, including in cases involving the death penalty. In such occurrences, the consequences are considerably compounded as there is the risk not only of incorrectly sentencing an innocent, but the added one of condemning to death a person who perhaps would only have been imprisoned if they had received a fair trial.

On several previous occasions, our organization has documented cases of persons sentenced to death as a result of unfair trials and proceedings that therefore should have been reviewed. Today, I would like to present to you the case of Nehmeh Naïm El Haj, a typical



case of a man sentenced to death following an unfair trial. Nehmeh El Haj was allegedly arrested by the Syrian intelligence services in late October 1998 on the grounds of murdering two Syrians living in Lebanon on October 23, 1998. He reportedly was held in detention in Anjar for roughly a month by the Syrian intelligence, where he claims he was forced to sign a confession under torture. Subsequently, El Haj was handed over to the Lebanese authorities at Zahleh police station on November 25, 1998.

In El Haj's file, the Syrian intelligence report is indeed attached to the Zahleh police statement.

It appears that Nehmeh El Haj's testimony was never effectively considered after he was transferred to the Lebanese justice. It appeared as though the Lebanese investigating judge deemed the "confession" signed by El Haj while in the custody of Syrian intelligence services to be sufficient evidence.

In fact, on the first page of Jounieh police statement dated November 26, 1998, the investigating judge was recorded to have written that it is "*not necessary to interrogate Nehmeh El Haj, since the proof of his guilt was handed over along with the detainee by the Syrian intelligence services of Anjar*".

Judged on July 9, 2004 at the Baabda tribunal, Nehmeh El Haj was sentenced to the death penalty. In this case, it is apparent that the basis of the condemnation of Mr. El Haj was simply his initial statements, which were

allegedly made while under torture inflicted by the Syrian intelligence services.

Two Lebanese forensic doctors have attested to the torture Nehmeh El Haj faced and their reports are included in the file.

In spite of his claims of torture and the discrepancies in the testimonies against him, Nehmeh El Haj was again sentenced to death by the Cassation Court on February 12, 2009. However, it must be noted that the decision issued by the Cassation Court is a mere verbatim copy of the original decision made against Nehmeh El Hajj. This shows that in spite of the gravity and irreversible consequences of the death penalty, El Haj's conviction and sentence were at no time reviewed by a higher tribunal.

On May 12, 2006, the UN Working Group on Arbitrary Detention issued an opinion in which it considered the detention of Mr. El Hajj as arbitrary, thus in violation of article 14 of the International Covenant on Civil and Political Rights, to which Lebanon is a party.

Regardless of all these mentioned elements, not to mention the UN opinion, Nehmeh El Haj is still living under a death sentence. However his case deserves to be reviewed.

We are of the opinion that Nehmeh El Haj, as well as all the persons sentenced to death in Lebanon should immediately be granted a commutation of their sentence to prison terms, and that rapid measures should be taken to review all the trials that have led to the issuing of the

death penalty.

Today, CLDH adds its voice to the chorus of all Lebanese and foreign organizations demanding that Lebanon finally abolish the death penalty.

*Wadih Al-Asmar, Secretary General of the Lebanese Center for Human Rights Beirut, October 10, 2014*

## Detention & Torture

### Universal declaration of human rights

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”- Article 5*

### International Covenant on Civil and Political Rights

*“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. 2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in*

*any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”- Article 5*

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”  
- Article 7<sup>xxi</sup>*

*“Everyone has the right to liberty and security of person. 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 procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. 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 to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”  
- Article 9*

*“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. 2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be*

*accorded treatment appropriate to their age and legal status.” - Article 1*

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

### Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>xxii</sup>

### Convention on the rights of the child

*“States Parties shall ensure that: a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time; c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances; d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”- Article 37*

### Standard Minimum Rules for the Treatment of Prisoners<sup>xxiii</sup> Basic Principles for the Treatment of Prisoners<sup>xxiv</sup>

### Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>xxv</sup>

### Declaration the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>xxvi</sup>

### Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>xxvii</sup>

### Code of Conduct for Law Enforcement Officials<sup>xxviii</sup> Lebanese Constitution

*“Individual liberty is guaranteed and protected by law. No one may be arrested, imprisoned, or kept in custody except according to the provisions of the law. No offense may be established or penalty imposed except by law.” - Article 8*

### Criminal Procedure Code

*“The Judicial Officers, in their capacity of assistants to the Public Prosecution, are entrusted with the responsibility of investigating crimes other than those in flagrante delicto, collecting information related to them, conducting inquiries with the aim of discovering the perpetrators and the participants in the crime as well as collecting evidence, with whatever that may entail regarding seizing criminal materials, physical inspections of the crime scenes, conducting scientific and technical studies on traces and features left behind, listening to the statements of the witnesses without swearing them in and to the declarations of the subjects*

*of the complaints or the suspects. If they refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements. The Judicial Officers must inform the Public Prosecution of their proceedings and follow its instructions. They do not have the right to search a house or a person without the prior authorization of the Public Prosecution, in which case they must abide by the procedures defined by law for the Attorney General to follow in cases of flagrante delicto. Every search they conduct in violation of these procedures will be considered as null and void. However, the invalidation will be limited to the search and will not go beyond to include other independent proceedings. They are prohibited from holding the suspect in their lock-up rooms except by decision of the Public Prosecution and for a period which does not exceed 48 hours. This period can be extended for a similar period of time if the Public Prosecution approves it. The detention period starts running from the time of the suspect’s arrest. When being detained for investigation purposes, the suspect or the subject of the complaint has the following rights: 1. To call a member of his family, or his employer, or a lawyer of his choice or any of his acquaintances. 2. To meet with a lawyer he appoints by a declaration noted on the official report without having to duly draw up powers of attorney. 3. To request the assistance of a sworn translator if he is not proficient in Arabic. 4. To make a direct request or via his legal representative or a member of his family to the Attorney General for a medical examination.*

*The Attorney General will appoint a doctor for him immediately upon receipt of the request. The doctor must carry*

*out the examination without any judicial officer being present and submit his report to the Attorney General within a period not exceeding 24 hours. The Attorney General will provide the applicant with a copy of this report as soon as he receives it. The detainee, or any of the persons previously mentioned, have the right to request a new medical examination if the detention period is extended. The judicial police must inform the suspect, immediately upon his detention, about his rights as previously stated and must record this proceeding in the official report.” - Article 47*

### Criminal Code

*“Whoever submits a person to acts of violence not permitted by the law for the purpose of obtaining a confession or information about a crime will be punished by imprisonment from three months to three years. If such acts of violence lead to illness or injury, the minimum punishment of imprisonment will be for one year.” - Article 401.*

Any detention must respect the principle of legality, the detainee must be informed of the reasons for his/her detention and shall be brought promptly before a judge or another officer authorized by law to exercise judicial power and shall be tried within a reasonable time. In addition, any person deprived of liberty shall be treated with humanity and respect for his/her dignity. In view of prison conditions, of numerous cases of arbitrary detentions, and allegations of torture and ill treatment, Lebanon is failing to protect the right to freedom and security of the person. Moreover, the treatment of persons deprived of liberty in Lebanon revealed many shortcomings in 2014.

## Prisons Conditions and Administration

In 2009, CLDH had issued a set of recommendations to improve the detention conditions and prison administration in Lebanon<sup>xxix</sup>.

Regarding the Lebanese detention system, 2014 was along the same lines as the previous years: poor conditions of detention, overcrowding, inadequate facilities, improperly trained staff, poor or mediocre government initiatives in times of rising tensions. Reforming the detention system has now become an emergency.

Despite the 1964 decree on the administration of prisons by the Ministry of Justice, prisons are still in 2014 under the authority of the Ministry of Interior. No decision has been taken in this regard by the government. The transfer of prisons’ administration from the Ministry of Interior to the Ministry of Justice would, however ensure a more suitable prison administration with an appropriately trained staff. The Ministry of Defence detention center is an official prison held exclusively by the army intelligence services. The same applies to the General Security detention center, which was still not subject to external supervision as of December 2014, thus paving the way for many violations of detainees’ rights.

In March 2014, Minister of Interior Nohad Machnouk created the Lebanese Prisons Reform Association (LPRA). For the first time in Lebanon, the Official Gazette published the declaration of association for an NGO consisting of legal persons exercising state authority<sup>xxx</sup>. The Minister announced an upcoming

renovation of the Roumieh Prison along with the construction of four new buildings and the development of a care, social reintegration and education adequate program. In April 2014, he held a meeting with the Prisons Committee in the presence of ISF and Council for Development and Constructions representatives, as well as advertising agency Saatchi & Saatchi, to discuss the funding mechanisms to set up the new prison complexes<sup>xxxvi</sup>. In May 2014, a fundraising meeting with the Association of Banks in Lebanon (ABL) was held. During this meeting, the Minister admitted that the previous attempts to intervene had failed and that the new project would take it into account<sup>xxxvii</sup>. In July 2014, ABL donated 6,000,000 US dollars to the Minister of Interior for prisons rehabilitation. The latter announced that the rehabilitation work should start during the following weeks<sup>xxxviii</sup>.

In 2014, Lebanese singer Ragheb Alama visited the Roumieh prison to witness and account for the conditions of detention, his first mission as a United Nations Goodwill Ambassador. He had the chance to meet several inmates in their cells and promised them that he would make their demands regarding improvement of conditions of detention heard. Then, he reportedly met with Head of Supreme Judicial Council, Judge Jean Fahed, to talk about this visit<sup>xxxix</sup>.

In 2014, several riots broke out in Lebanese prisons over the deterioration of living conditions and overcrowding. In February 2014, several inmates of Zahle prison set fire to one of the wings of the facility to protest against alleged abuse by an officer and their living conditions<sup>xl</sup>.

In April 2014<sup>xxxi</sup>, a riot ensued in Roumieh prison, during which security forces shot tear gas at inmates who were protesting against an attempt to move three of them. Another riot broke out in Roumieh in May 2014. Inmates set fires and broke doors to protest new security measures and surprise inspections. Eventually, the ISF intervened to restore security and order in the facility<sup>xxxvii</sup>.

## Arbitrary detention

Today in Lebanon, several cases of arbitrary detention persist: foreigners detained beyond the end of their sentence, detainees “stuck” in prisons for administrative or financial reasons, detainees convicted to several sentences and who should be released according to the law on cumulative sentences, detentions on grounds of national discrimination, arrests on grounds of sexual orientation, and non observance of procedure.

### Press release of the Lebanese Center for Human Rights (CLDH)

Beirut, October 15, 2014 - CLDH asks the Lebanese authorities to immediately put an end to the arbitrary detention of an Ethiopian woman who has been held in custody for at least 6 days by Beirut Internal Security Forces.

On 4 October 2014, the death of a Lebanese 4-year-old girl, Celine Rakan, was reported by the media and the father of the deceased child claimed that she had died following

a vaccination the previous day by her pediatrician.

On 9 October 2014 the media reported the arrest of the family’s helper, an Ethiopian domestic worker, who reportedly confessed to the murder and said that she had strangled the girl to death after the latter witnessed her stealing house items.

For at least 6 days, the Ethiopian helper has been detained by the Internal Security Forces in Beirut, investigated without a lawyer and not yet transferred to a judge.

This is in contradiction with the Lebanese law that provides in article 47 of the Criminal Code of Procedure that the custody cannot exceed 48 hours, renewable once. This is also in contradiction with article 14 of the International Covenant on Civil and Political rights ratified by Lebanon in 2000.

“These severe breaches of the Lebanese and international laws represent violations of the suspect’s rights and will affect the course of the Judiciary and its capacity to reveal the truth into the toddler’s death”, said Wadih Al-Asmar, Secretary General of CLDH.

CLDH holds the Lebanese authorities fully responsible of the physical and psychological integrity of the detained woman and urges them to immediately put an end to her arbitrary detention.

## Torture

The practice of torture unfortunately persists in Lebanon; it was used by almost all parties to the conflict in the Lebanese war between 1975 and 1990, and continued during the years of occupation. Lebanon ratified the Convention against Torture and its Optional Protocol. However, despite Lebanon’s treaty obligation, in 2014 Lebanon had not set up a National Preventive Mechanism against Torture. Allegations of torture recorded in 2014 confirm that torture remains an ongoing practice in Lebanon.

In 2014, the annual report of the Committee Against Torture stated that “*Torture in Lebanon is a pervasive practice that is routinely used by the armed forces and law enforcement agencies*”<sup>xxxviii</sup>. 99 detainees out of 216 interviewed declared that they had been subject to torture. According to their declarations, the Hbeish detention center in Beirut and Beirut’s southern suburbs are allegedly the locations where torture is the most widely practiced. At the Baabda prison for women, “*medical tests carried out at the institution revealed on several occasions obvious signs of torture, including sexual violence*”<sup>xxxix</sup> and one person was allegedly electrocuted. The investigators also reported allegations of torture at the Roumieh prison as well as in interrogation rooms of the Information Branch premises at the ISF in Ashrafieh. In one of these rooms, they found a chair that matched the description given to them by an alleged victim and by Geneva-based NGO Alkarama of “*an adjustable metal chair used to stretch the spine, putting severe pressure on the victim’s neck and legs*”. The authorities reportedly said that the chair “*had been used to take photographs*

of detainees". At the Defense Ministry Headquarters in Beirut, the reporters noted that there were "several car battery units on the floor of the recording room adjacent to the interrogation room" and a wheelchair in the corridor. Several inmates reported that they had attempted to lodge complaints with authorities regarding their treatment but the report concluded that "there were no effective and functioning independent mechanisms for the submissions of complaints of torture and ill treatment". Syrian inmates appear to be particularly affected by torture and ill treatment. The government expressed their astonishment when the UNCAT report was issued and claimed to be very surprised at the methods employed by the committee. They also denounced the lack of close scientific or legal examination and complained that the political, security and economic circumstances had not been taken into account by the committee. They claimed that "state authorities were doing their utmost in the region's highly dangerous and sensitive atmosphere and in the shadow of terrorist threats" <sup>xl</sup>.

In 2014, according to the statistics compiled by CLDH, 60% of the persons arrested and detained during these two years have been subjected to torture and/or serious ill-treatment. If torture mainly took place during the preliminary investigations by the security services, treatments and conditions in the prisons are sometimes tantamount to torture.

Victims of torture should be ensured the right to an effective remedy for the psychological and physical pain inflicted to them, as well as the right to reparation with compensation and rehabilitation. However, in 2014 victims of torture were not only denied remedy, but also often remained detained arbitrarily on the

sole basis of extracted confessions that should have been cancelled. Ill-treatment during detention also sometimes took place, particularly against vulnerable inmates.

In 2014, civil society associations continued to condemn the practice of torture, to implement lobbying and awareness activities, to support the victims of torture<sup>xli</sup>, despite the intimidations that they face<sup>xlii</sup>.

Thus, a group of representatives of the Parliamentary Human Rights Commission, the Ministries of Justice, Interior and Defense, human rights experts of NGOs including CLDH, managed to submit to the Lebanese Parliament two draft laws; the first one aims at criminalizing torture and the second one at establishing a national Human Rights Institute that would include a national prevention mechanism of the practice of torture. The two draft laws are now pending examination and adoption by the Parliament.

On June 26, 2014, for the International Day in Support of Victims of Torture, CLDH and several other organizations demanded that General Security stop torturing migrants and refugees in Adle detention center in Beirut and called to demonstrate on July 18, Nelson Mandela International Day<sup>xliii</sup>.

## Stop torture of migrants and refugees! Respect the Convention Against Torture

Today, on June 26, on the occasion of the International Day in support of Victims of Torture, our organizations are calling the authorities of Lebanon to:

1. Close immediately the General Security detention center in Adlieh
2. Stop using administrative detention as a method of torture against migrants, asylum seekers and refugees
3. Release immediately any asylum seeker or refugee detained for the sole reason of his/her illegal entry or stay
4. Stop immediately deporting refugees to countries where they are at risk of torture

In the General Security detention place, migrants, asylum seekers and refugees are detained illegally in an underground parking lot where they never see the sunlight and suffer terrible detention conditions for sometimes very prolonged periods of time, with the aim to either punish them for leaving their sponsor, entering illegally in the country, or to oblige refugees to accept their deportation to their country of origin.

Conditions of detention by General Security are tantamount to torture:

According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment ratified by Lebanon in 2000, the term "torture" means "any act by which severe pain or suffering, whether physical or mental,

is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

Foreigners detained at the General Security detention center suffer miserable conditions without knowing the potential duration of their detention that is not supervised by the judiciary. Despite the intentions expressed by the State to improve at least the detention conditions in the place, no changes have taken place so far. This represents for the inmates a very serious mental suffering that is intentionally inflicted to them by state agents. This is the very definition of torture.

A former detainee at General Security remembers the day of his release "I fell down on my knees, covering my eyes from the bright sunlight that I didn't see for 12 months, 12 months! Can you imagine!? And the fresh air" - he takes a deep breath and continues "my lungs were hurting, the air was too clean." He smiles but his tears begin flowing. "The happiness in my heart is gone" he blinks, "They took it".

Deportation of refugees is a violation of the Convention Against Torture:

Article 3 of the Convention against



Torture ratified by Lebanon provides that “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. (...) The competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights. “

However, our organizations regularly hear of refugees being deported to their country of origin in spite of their refugee status granted by the UNHCR, or despite the fact that they are arriving from Syria where they are at risk of torture, enforced disappearance or summary execution.

“I would rather die under this bridge than return to my country. I have been a walking dead for 6 months now but I know that if I give up and sign my repatriation, I will be arrested as soon as I arrive at the airport. I will be thrown in jail and tortured. In my country I will probably die under torture or spend the rest of my life behind bars. I am an opposition member there, and for this reason UNHCR granted me the refugee status” – says a refugee trapped at General Security detention center.

A sit-in of solidarity with the detainees will be held in front of General Security detention center on July 18 – Nelson Mandela International Day.

Signatories:

- CLDH - Lebanese Center for Human Rights

- Anti-Racism Movement
- Nasawiya
- ACAT-France
- Alkarama For Human Rights

## Enforced Disappearances & Incommunicado Detention

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment <sup>xliiv</sup>

*The UN Commission on Human Rights has stated that ‘prolonged incommunicado detention can in itself constitute a form of cruel, inhuman or degrading treatment.*

### International Covenant on Civil and Political Rights

*“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” – Article 6.1*

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment*

*or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”*

– Article 7

*“Everyone has the right to liberty and security of person. 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 procedure as are established by law.” – Article 9.1*

*“Everyone shall have the right to recognition everywhere as a person before the law.” – Article 16.*

The crime of enforced disappearance

constitutes a violation of the right to an acknowledged legal status. Any person who is a direct victim of enforced disappearance is removed from the protection of the law, is denied its legal status and, therefore his/her rights to have rights.

#### **General amnesty law, 1991** <sup>xlv</sup>

“The amnesty will become null and void for the crimes mentioned in this article if these crimes are perpetrated, reproduced or uninterrupted, or committed again by the author of the crime after the law comes into effect” - Article 2.3 <sup>xlvi</sup>

#### **International Convention for the Protection of All Persons from Enforced Disappearance** <sup>xlvii</sup>

On February 6, 2007, Lebanon signed the International Convention for the Protection of All Persons from Enforced Disappearance. Even though 7 years have passed and no ratification process has been initiated, it is nonetheless expected that Lebanon acts in the spirit of the Convention.

Enforced disappearances were considered as a weapon of war in Lebanon during the Lebanese war (1975-1990). Lebanese and Palestinian militias, as well as the Israeli and Syrian armies carried out enforced disappearances as a bargaining chip for ransom, to exchange hostages, while terrorizing the opponents. Victims of enforced disappearances were arrested or detained by militias or by the army acting on behalf of a State, which refused to reveal the fate of the victims. In 1992, based on sworn statements by the families at police stations, the Lebanese government announced that 17,415 people went missing during the civil war from 1975 to 1990. Since that date,

the number of “17,000” disappeared has become conventionally accepted <sup>xlviii</sup>.

Some people remained at the hands of the Israelis or detained in South Lebanon for years, up until the release of 150 among them in 2000. The release of 121 Lebanese by Syria at the end of February 1998 as well as forty other detainees at the end of 2000 has revived the question of the presence of Lebanese political prisoners in Syrian prisons <sup>xlix</sup>. In July 2002, the Syrian Minister of Interior at the time, Ali Hammoud, on instruction of President Assad, welcomed a delegation of fifty families in Damascus. This visit, organized by SOLIDA/CLDH and SOLIDE constituted an essential step in this fight.

Today this practice has declined but many Lebanese families remain without any information on their loved ones, waiting for decades, without knowing whether the missing person is alive or buried in mass graves in Lebanon or in neighboring countries. Moreover, enforced disappearance is a continuous crime and families are entitled to file a complaint despite the amnesty law promulgated in 1991 for all crimes committed during the civil war.

Many families and civil society organizations advocate for their right to know what happened to their loved ones, whether they are dead or alive. Since April 11, 2005, the families of the Lebanese detainees in Syria, in coordination with SOLIDE are holding a permanent sit-in in Gebran Khalil Gebran garden, in front of the United Nations building to ask the Lebanese state and the international community to find a fair solution to this problem.

Years after the end of the conflict and while the Israeli and Syrian armies

withdrew from Lebanon, no serious investigation has been conducted to clarify the fate of thousands of people. The official commissions of inquiry successively set up to know the fate of the disappeared have all failed.

### **Legal improvements - recognition of the right to know**

On March 4, 2014 Lebanon's State Council ruled that relatives of the disappeared have the right to know the truth about the fate of their missing family members. According to this decision, Lebanese authorities must give them access to the files on the investigations carried out by the Commission of Inquiry set up in 2000 to investigate the fate of persons who were abducted or missing. However, the judicial body requested a re-trial along with a stay of execution claiming that the implementation of the decision threatens civil peace. Prime Minister Tammam Salam agreed to suspend the execution of the decision, which caused indignation amongst families of missing, politics and journalists. The Committee of the Families of the Kidnapped and Disappeared in Lebanon and the Support of Lebanese in Detention and Exile (SOLIDE), supported by civil society groups, addressed an open letter calling on Tammam Salam to “advise the judicial body to refrain from requesting a re-trial and to take the initiative to immediately implement the decision of the Shura Council”. The families and the organizations insisted on the importance of “adopting all the necessary measures to ensure the right of the families of the missing to know about the fates of their loved ones” <sup>l</sup>.

Al Akhbar Newspaper stressed the

humiliating nature of the stay of execution of this decision for the missing and their families who have been waiting for decades <sup>li</sup>. Change and Reform bloc member Hikmat Dib met with Prime Minister Tammam Salam and mentioned enforced disappearances in Lebanon during the civil war and the State Council's decision. On June 25, 2014 demanded that the stay of execution be reconsidered <sup>lii</sup>.

In September 2014 the State Council rejected the judicial body's request and the lawyer for the Committee of the Families of the Kidnapped and Disappeared in Lebanon and SOLIDE was given copies of the relevant official reports <sup>liii</sup>. During a press conference, families associations claimed that the information in the Commission of Inquiry's report was truncated and did not go further than the first step of the inquiry <sup>liv</sup>. On December 17, 2014 in a ceremony at the Beirut Bar Association, the Committee of the Families of the Kidnapped and SOLIDE handed over to the ICRC investigation files related to the persons who disappeared during the civil war in Lebanon <sup>lv</sup>.

### **Mobilizations**

In 2014, the families of the forcibly disappeared and civil society organizations held many events to provide support and raise awareness, mostly through the launching of the “right to know” campaign.

For the International Day of the Disappeared on August 30, 2014 the Committee of the Families of the Kidnapped and SOLIDE launched “Right to know” campaign with the support of civil society organizations. They stated



that they would continue their struggle and organize a symbolic and pacific protest each Thursday between 11a.m. and 3p.m. in front of the Presidency of the Council of Ministers until the State Council decision is enforced. The organizations also expressed their concern towards both the State's refusal to conduct DNA tests for the families despite ICRC's recommendation and the Parliament's failure to ratify the International Convention for the Protection of all Persons from Enforced Disappearance<sup>Lvi</sup>. On the same day, the ICRC erected a memorial in Tyre as a tribute to the disappeared<sup>Lvii</sup>.

Many gatherings and press conferences were held on Mother's Day, for the 9th anniversary of the Tent of the Missing in downtown Beirut, on April 11, 2014. On Human Rights Day, the families gathered at the Gibran Khalil Gibran garden to give both public opinion and international community a reminder of the worthiness of their cause. They kept insisting that knowing the truth would not be a threat to civil peace but that the sense of oppression induced by hiding it and delaying it might be.

## Kidnappings of Lebanese and soldiers

On August 2, 2014 after Lebanese security forces arrested an Al-Nusra front commander, Al-Nusra front and ISIS fighters encircled a Lebanese army checkpoint and stormed a police station in Aarsal. The battle continued for five days in Aarsal and its outskirts. 19 Lebanese soldiers were killed, along with over 60 militants and 42 civilians. Over a hundred persons were wounded<sup>Lviii</sup>. The kidnapping of over 30 Lebanese soldiers and policemen marked the

beginning of the "hostage crisis", which was ongoing in December 2014. At the end of 2014, 25 of them still remained in the militants' custody. Jihadist groups expect to free Lebanese hostages in exchange for jihadists detained in Lebanese prisons - mostly in Roumieh - and cash. Jihadist groups often threaten to execute hostages for the Lebanese government refuses to negotiate. 5 hostages were killed so far. ISIS beheaded Lebanese soldiers Ali Sayyed on August 29 and Abbas Medlej on September 6. Al-Nusra Front shot to death Lebanese soldier Mohammad Maarouf Hamiye on September 19 and policeman Ali Bazzal on December 5. Captive soldier Ali Kassem Ali was executed in circumstances that remain unclear.

## Women's Rights

### Universal Declaration of Human rights

*"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"* - Article 1

*"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"* - Article 2

*"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are*

*entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."*- Article 7

*"Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. 2. Marriage shall be entered into only with the free and full consent of the intending spouses. 3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State"* -Article 16

*“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.” - Article 25*

### **Convention on the Elimination of All Forms of Discrimination against Women**

<sup>Lxix</sup> Lebanon ratified the Convention on the elimination of all forms of discrimination against women in 1997, although with reservations on the following articles:

*“States Parties shall grant women equal rights with men with respect to the nationality of their children.” - Article 9. 2*

*“States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: c) The same rights and responsibilities during marriage and at its dissolution; d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation” -Article 16. 1*

### **International Covenant on Civil and Political Rights**

*“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” - Article 2.1*

*“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.” - Article 3*

*“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.” - Article 14.1*

*“Everyone shall have the right to recognition everywhere as a person before the law.” - Article 16*

*“Everyone shall have the right to freedom*

*of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” - Article 18-1*

*“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. 2. The right of men and women of marriageable age to marry and to found a family shall be recognized. 3. No marriage shall be entered into without the free and full consent of the intending spouses. 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.” - Article 23-1*

*“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” - Article 26.*

2014 was marked by the passage of the Law on Protection of Women and Family Members from Domestic Violence and by a landmark verdict issued by a Lebanese judge. However, in 2014, Lebanese women continued to be victims of discrimination both in law and in practice, as well as gender-based violence, including within the family.

Unlike men, Lebanese women cannot transmit their Lebanese nationality to their foreign husband and children. Besides, they are still discriminated when it comes to inheritance law. The Lebanese civil society continued to campaign to promote women's rights in Lebanon.

### **Submission to the CEDAW Committee of Lebanon's periodic report<sup>Lx</sup>**

Lebanon's third report was submitted to the Committee in May 2006 and was examined by the Committee on the Elimination of Discrimination against Women during their 40th session in January and February, 2008. By submitting this new report, Lebanon complies with paragraph 51 of the Committee's concluding observations, which asked the State Party to submit 4th and 5th periodic reports before May 16, 2014. This new report deals with seven categories of women: elderly, disabled women, landmine victims, detainees, domestic migrant workers, refugees and internally displaced persons (IDPs).

The report stresses the importance of NGOs' role, based on the activities of 22 of them. It was prepared by the National Commission for Lebanese Women (NCLW), an official body established at the Presidency of the Council of Ministers under Law no. 720/1998 and having advisory, coordinating and executive duties. The report was then forwarded to the Parliament, the Council of Ministers and each minister for consideration. It was adopted on March 20, 2014.

## Violence against women - legal improvement

Domestic violence is not criminalized in the Lebanese criminal code.

On April, 2014 the Law on Protection of Women and Family Members from Domestic Violence was passed by Lebanese Parliament. This new law establishes significant protection measures as well as policing and court reforms. However, women remain at risk of marital rape and other forms of abuse<sup>Lxi</sup>. One month after it was brought into force, four protection orders were issued. Tamara Harisi, mother to an eight-months-old girl and victim of domestic violence, sued her husband who had repeatedly beaten her for years and she was able to obtain judicial protection, thanks to the NGO Kafa. The court sentenced her husband to nine months imprisonment and a L.L. 2,000,000 fine.

A few weeks earlier, a Syrian young woman was the first one in Lebanon who found protection under the new law <sup>Lxii</sup>.

In September, 2014 a judge issued a landmark verdict over a domestic violence case by ordering the eviction of the husband, a son and daughter-in-law of the victim's residence<sup>Lxiii</sup>.

## Discriminations in terms of citizenship, personal status, and in the legislation

One of the major issues related to women's rights in Lebanon is the transmission of the Lebanese nationality by women to their foreign husbands and children. In accordance with the law in force, adopted in 1925<sup>53</sup>, men can

transmit their Lebanese nationality to their foreign wives and children one year after the registration of their marriage, but prohibits Lebanese women married to foreigners to do the same. If a Lebanese woman has a child with a foreigner, the fact that she is unable to transmit her nationality deprives the child of the rights reserved to the Lebanese, including the permanent residence in Lebanon, and may even deprive the child of any nationality if the father is stateless. One of the pretexts used by the government not to amend the law comes from the refusal to naturalize Palestinian refugees by marrying Lebanese women. Yet the Palestinian wife of a Lebanese national is granted the right to transmit the Lebanese nationality.

Following pressure from civil society, a first draft law was presented to the Parliament in 2005, to grant equal rights to women regarding the transmission of nationality. The latest draft law was submitted on July 2011, and transferred for the first time to the Cabinet in March 2012, leading to the establishment of a ministerial committee. The Committee met in 2013 under the direction of vice-Prime Minister M. Mokbel, who stated that the Committee had completed their report on the measures to be taken in order to overhaul the law. He also highlighted the need to submit them to the Council of Ministers in order to make proper decisions<sup>Lxiv</sup>.

The Lebanese criminal code explicitly discriminates against women by imposing different penalties for adultery on men and women. A married woman who has an extramarital affair can be imprisoned from three months to two years, whereas the punishment for the same crime for a man is one month to one year. A married man can only be tried for adultery if

he engages in extramarital sex in the conjugal home, or if he has a "stable" extramarital relationship<sup>54</sup>.

In Lebanon, confessional laws regulate the personal status, reflecting inequalities between men and women, particularly in terms of dissolution of marriage and child custody.

## Lebanese civil society

In 2014, civil society organizations continued their lobbying and protest actions against the inaction of the Lebanese authorities regarding discriminations and violence against women. Thus, the campaign "My nationality is a right for me and my family" continued throughout the year to push for a reform of the nationality law. In June 2014, a sit-in was organized by this movement to demand once again recognition of the right for Lebanese women to transmit their nationality to their children even though their husband are foreigners<sup>Lxv</sup>. Reports were also issued by NGOs such as Abaad and World Vision<sup>Lxvi</sup>.

## Migrant Workers in Lebanon

Lebanon voted in favor of the ILO Convention No. 189 on decent work for domestic workers, adopted in June 2011, but has not yet taken any steps to ratify or comply with its content. The situation of migrant workers in Lebanon reflects a multitude of human rights violations, enshrined in Conventions, Covenants and international treaties enforceable in Lebanon.

There are an estimated number of 200,000 (50,000 more than in 2006) migrant domestic workers in Lebanon, most of them from Sri Lanka, Ethiopia, Philippines, Nepal and Madagascar. These women are often victims of exploitation, non-payment of wages, excessive

working hours, verbal harassment, confinement, confiscation of their passports, physical and sexual abuses, and sometimes even torture.

Migrant domestic workers do not fall under the labor law, and are subject to restrictive immigration rules based on the “kafala” system, which exposes them to the risk of being exploited, and makes it difficult for them to leave an abusive employer. Moreover, domestic employees who denounce their employers for abuse are confronted to a hostile judiciary system. The only solution for most domestic migrant workers is to runaway from their work place, which expose them to arrest and arbitrary detention, or even

to the threat of being deported to their country of origin<sup>Lxvii</sup>, which sometimes leads to suicide. Following several reports denouncing this situation, some countries such as Ethiopia, decided to ban its citizens from seeking jobs in Lebanon as domestic workers<sup>Lxviii</sup>.

Concerning male migrant workers, Syrian or Egyptian for the majority, most of them are working in construction and manual work. Also excluded from labor law, migrant workers are also subjected to the system of “kafala” which exposes them to exploitation and abuse by employers. Migrant workers suffer from poor working conditions, deplorable housing conditions, racism and stigmatization, exploitation and deprivation of their basic rights without any legal recourse<sup>Lxix</sup>. Waves of mass arrests of migrant workers by the ISF and the Lebanese army are often reported. Suicides are also common among migrant workers in Lebanon, which are never subjected to investigation.

New cases of suicides and violence were unfortunately reported in 2014. The Lebanese civil society continued throughout the year to assist migrant workers, and to carry out lobbying actions towards the Lebanese authorities, and awareness activities among the Lebanese society.

### Suicides

In 2014, many cases of suicide were reported. In June, an Ethiopian domestic worker hung herself in Southern Lebanon<sup>Lxx</sup>. In November 2014 civil society organizations expressed their concern towards this issue since several domestic workers had been found dead or gravely injured in the same week: Emebit Bekele Biru on November 6th, Derhemesh Labouou on November 7th and Birkutan

Dubri on November 10th<sup>Lxxi</sup>.

### Kafala system

Migrant domestic workers are excluded from the protection of the Lebanese labor code and are subject to restrictive immigration regulations based on the sponsorship or “kafala” system, which makes their sponsor - usually their employer - responsible for their visa and legal status and paves the way to exploitation and abuse. In 2012, the NGO Kafa proposed a reform which was then backed by Labor Minister Charbel Nahhas. The draft proposal called for the removal of the kafala system and a revamp of the entire recruitment process. According to the report, removal of the sponsorship system would allow for increased rights for the migrant domestic workers and a better situation for their employers<sup>Lxxii</sup>. Some members of the judiciary also question the sponsorship system. Attorney Roland Tawk is among the main lawyers to struggle against the kafala system because of the high vulnerability it induces. He refuted the relevance of having two separate legal statuses<sup>Lxxiii</sup>.

### Recruitment agencies

Despite what had been said by companies recruiting foreign domestic workers regarding the treatment of migrant domestic workers, Labor Minister had to ask them to prevent exploitation of the migrant workers by developing new practices. Labor Minister’s memorandum also aimed to ensure that holders of migrant workers employment offices work according to international standards and conventions.

In May and June 2014, the Labor

Ministry had shut down eight domestic recruitment offices in various Lebanese regions<sup>Lxxiv</sup>. In November, Labor Minister barred advertising for domestic worker agencies because of its demeaning nature<sup>Lxxv</sup>.

## Deportation of migrants' children

In September, 2014 General Security issued a directive that restricts the renewal of residency permits for a number of low-wage migrants whose children were born in Lebanon, which has led to the deportation of some migrants' children and their mothers. This directive interferes with the right to family life<sup>Lxxvi</sup>.

Although under Lebanese law some low-wage migrant workers cannot let their children profit from their residency permits, in practice, families have been able to stay together for a long time. Besides, this new directive contravenes Lebanon's obligations under international human rights treaties to which it is party, such as the International Covenant on Civil and Political Rights (ICCPR)<sup>Lxxvii</sup> and the Convention on the Rights of the Child (CRC) which provides that State Parties must ensure that a child shall not be separated from his or her parents against their will.

The new policy has a dramatic effect. In many cases, expelled children do not have any links to the country of origin, and do not speak the language, which strongly limits their integration capacity, in particular at school. Around ten NGOs including CLDH campaigned for the abrogation of that directive<sup>Lxxviii</sup>.

## Arbitrary detention and arrests

On October 4, 2014 the media reported the death of 4 year-old girl Celine Rakan. His father claimed that she had died because she was vaccinated by her pediatric doctor the day before. On October 9, 2014 the media reported that their Ethiopian domestic worker was arrested and had confessed to the murder of the girl. She reportedly strangled Celine after the latter saw her steal things from the house. The domestic worker was then detained by Internal Security Forces in Beirut for ten days. She was interrogated without a lawyer and brought before a judge. Her lawyer claimed that keeping her in custody for ten days was a violation of the legal procedure and therefore a defect in form. However, the investigating judge did not take this defect into consideration and continued investigating regardless.

On May 13, 2014 four Senegalese workers were arrested. Their arrest was extremely violent considering that they were only accused of spending the night outside of their sponsors' home. General Security's justification was that under the kafala system migrant workers must live at their sponsors' residence, which was then broadly disputed by migrant rights defenders. Besides, every sponsor had given their approval for spending the night out. The true motive of the arrest might have been that the police were looking for a Senegalese domestic worker who had fled from a family close to an influential minister because she was subjected to ill treatment. By pressuring compatriots of hers, the authorities may have been trying to intimidate this woman and eventually find her<sup>Lxxix</sup>.

## Towards creating a union

On December 29, 2014 six Lebanese workers called for the creation of a domestic workers union. So far the Lebanese labor code did not protect domestic workers. Ensuring domestic migrant workers' freedom of association would contribute to increase their legal protection.

## Legal improvement

In June 2014 a judge issued a verdict in favor of a domestic migrant worker whose passport was confiscated by her employer. According to the judge, this practice constituted discrimination and a violation of the employee's right to freedom of movement.

## Mobilization of civil society

Several Lebanese civil society organizations condemn the abuses suffered by domestic migrant workers, carry out lobbying actions, assist victims, and raise awareness among the Lebanese society.

In 2014, civil society organizations continued to mobilize through campaigns, protests, publication and artistic projects. In May 2014 eight NGOs specializing in women's protection organized a protest for migrant workers. They called for abolition of the kafala system and recognition of their status by Lebanese law.

In 2014, several reports published by civil society organizations aimed to document and denounce migrant workers' situation in Lebanon and issue recommendations

on that topic. In September, 2014 Kafa's report "Dreams for sale: the Exploitation of domestic Workers from recruitment in Nepal and Bangladesh to Working in Lebanon" and Caritas/ILO's report "Access to Justice of Migrant Domestic Workers in Lebanon" were published. In May 2014 the Migrant Workers Task Force (MWTF) launched #StopKafala campaign which shows migrant students and migrant, Lebanese and international teachers carrying sign with messages in English, French or Arabic.

Pictures were exhibited at AltCity Hamra where MWTF provides French and English classes to migrant workers on Sundays<sup>Lxxx</sup>. In December 2014, 24 migrant workers from Ethiopia, Cameroon, Senegal, Burkina Faso and Sudan told their stories and talked about their countries, their customs, their hope of a better future and the reality they were facing in Lebanon in the play "Shebaik Lebaik" directed by Lebanese actress Zeina Daccache in collaboration with MWTF<sup>Lxxxi</sup>. In October 2014, "Escape to death", a documentary on the plight of migrant women domestic workers won the public freedom and human rights award at Al Jazeera International Documentary Film Festival.



## Discriminations

### Universal Declaration of Human Rights

*“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”* - Article 7

### International Covenant on Civil and Political Rights

*“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground*

*such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”* – Article 26

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**<sup>Lxxxii</sup>

*“It is a contravention of medical ethics for health personnel, particularly physicians:*  
*(a) To apply their knowledge and skills*

*in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;*

*(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.”* - Principle 4

### Criminal code

*“All sexual intercourses contradicting to nature are punished from 3 months up to 1 year, additionally to a penalty between 200 and 1,000,000 Lebanese Liras”* - Article 534

## LGBT

Homosexuality is forbidden in Lebanon. Article 534 of the Lebanese Criminal Code prohibits having sexual relations that are “contradicting the laws of nature”, which is punishable by up to a year in prison.

### Arrests and Article 534 of the Criminal Code

On August 13, 2014 many Lebanese civil society organizations called for the immediate release of 27 men who were arrested at the Agha hammam. According to Prosecutor Bilal Dinnawi, these men were not charged under Article 534 but for public indecency. However, at the Hbeish police station the investigation revolved around the alleged homosexuality of the persons arrested

by the police<sup>Lxxxiii</sup>. Contrary to prosecutor Dinnawi’s statement, it turned out that the 27 men were indeed charged under Article 534. Some of them were released on bail but most of them could not pay the bond and incur a prison sentence of one year. The NGO Helem designated lawyers and called for fund so that the men could be released and designated lawyers. However, stigma against LGBT in Lebanon is so strong that some detainees would not tell the lawyers their names. Besides, some of them could not afford to pay the bond and were transferred to Zahle prison without prior notice. Article 534 is applicable if the person is caught in the act. Here, confessions and cell phone pictures were deemed sufficient to prove the violation.

### Tests of shame

In a letter to Prime Minister Tammam Salam, the Lebanese Medical Association for Sexual Health asking him to publicly support the ban of anal tests, which have been described as torture by the Lebanese Order of Physicians. Those tests have been banned by the Interior Ministry since 2012<sup>Lxxxiv</sup>. However, according to the Lebanese Medical Association for Sexual Health, despite the ban, anal tests involving the insertion of an egg-shaped metal object into the rectum were still being conducted against persons charged under Article 534 of the Lebanese penal code. Johnny Haddad, the head of the Moral Protection Bureau, denied that the tests had been conducted recently. However, according to the information available for CLDH, such tests were indeed conducted against these persons.

### Legal improvement

On January 29, 2014 a judge acquitted a transgender woman who was charged with having homosexual relationships with men and ruled that this case did not fall under Article 534 of the Lebanese

penal code and that the defendant's gender should not be determined solely based on her identification documents but on her self-perception and presentation<sup>Lxxxv</sup>. The decision was based on both the Lebanese Constitutions which ensures "equality of rights and duties among all citizens without discrimination" and on Human Rights Council non-binding resolution adopted on June 17, 2011 which expresses "concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity"<sup>Lxxxvi</sup>.

### Discrimination against Syrian refugees

The outbreak of civil war in Syria and the massive influx of Syrian refugees into Lebanon have led to a proliferation of the anti-Syrian sentiment in Lebanese society. Preconceived ideas about refugees from Syria destabilizing Lebanon demographically and contributing to an increase in criminality contribute to reinforcing this feeling.

On March 21, 2014, International Day against Discrimination, CLDH organized with the support of Heinrich Boll Stiftung the "National Conference for the rights of the refugees from Syria". Among its conclusions, CLDH noted that:

Participants raised many examples of direct racist acts perpetrated against refugees: refugees are often forced to wait when accessing certain services for the sole reason that they are foreigners; Lebanese parents put their children in other schools because they do not want them to attend schools where new Syrian pupils are integrated; and Burj Hammoud municipality reportedly recently expelled Syrian inhabitants who had been living

in the suburb for 10 to 15 years. Even some conference participants considered refugees 'guests who overstayed their welcome', suggesting that they 'could stay in Syria in safe areas', 'spread diseases' and 'use the services that should be offered first to the Lebanese'. Most participants perceived Lebanon as a racist country, and mentioned the treatment of migrant domestic workers as another example. Another important point is that discrimination against this specific population group from Syria reportedly stems mainly from economic reasons: Syrians are discriminated against because they are seen as a burden for a country that is already economically challenged and has a serious problem with high unemployment rates. In addition, the poorest areas of the Lebanese territory host most of the refugees. It was also raised that some Lebanese employers lay their regular employees off in order to be able to employ refugees whose wages are lower.

In October 2014, Human Rights Watch had identified at least 45 municipalities across Lebanon that had imposed curfews on Syrian refugee, some of which were retaliatory measures following the battle in Aarsal. Municipal police enforce many of the curfews but local vigilante groups reportedly enforced some of them<sup>Lxxxvii</sup>.

In addition, attacks targeting Syrian refugees increased after August 2014 clashes in Aarsal and Lebanese soldier abductions by ISIS and al-Nusra militants. Several Syrian refugee tents in makeshift camps were set on fire across the Bekaa<sup>Lxxxviii</sup>. Thousands of refugees left the eastern Bekaa Valley for northern Lebanon, the West of the Bekaa and Beirut<sup>Lxxxix</sup>.

## Refugees in Lebanon

Lebanon did not ratify the 1951 Convention relating to the Status of Refugees, and therefore does not recognize the refugee status granted by the UNHCR to many asylum seekers who are treated as illegal immigrants and under constant threat of arrest and deportation. Due to the large number of Palestinians in Lebanon, to the political and religious context in the country, and for economic or security reasons. Lebanon does not want to ratify the 1951 Convention relating to the Status of Refugees.

Refugees can be tolerated for a short period of time on the Lebanese territory, provided they are supported

by the UNHCR and that the Agency subsequently proceeds to resettle them in a third country.

The 1962 Entry and Exit Law prohibits refoulement of "political refugees" and provides that any foreigner whose life or liberty is in danger for political reasons can seek asylum. In practice, the government granted political asylum in only one known case in 2000 to a member of the Japanese Red Army<sup>x</sup>.

The last memorandum between Lebanon and the UNHCR was signed in 2008. During the visit of the Secretary General of the High Relief Commission

in Lebanon in 2011, the European Union Ambassador to Lebanon highlighted the importance of finalizing the Memorandum of Understanding between the Lebanese authorities and UNHCR to better guarantee the rights of refugees and asylum seekers in Lebanon. This would also allow for stronger EU support to Lebanon in this regard.

Due to its geographical location and sometimes for economic and political reasons, Lebanon has always been an escape for refugees from the Middle East, mainly for Palestinians, but also for Iraqis, Sudanese and more recently for Syrian refugees who have flocked by thousands since the beginning of the revolt against the regime of President Bashar al-Assad.

## Syrian refugees

Since the outset of the conflict in Syria in 2011, thousands of Syrians have fled to Lebanon. Hosted by families, in public buildings such as schools, or in tents, the Syrian refugees are exposed to extremely harsh living conditions, and precariously supported by the Lebanese government. Many international and local organizations have continued in 2014 to provide humanitarian assistance adapted to the growing needs of thousands of Syrian refugees<sup>xci</sup>.

At the end of 2014, among those who fled Syria, there were 45,000 Palestinian refugees from Syria. The UNRWA is providing assistance to these refugees, in coordination with the UNHCR. In May 2014, Interior Minister Nuhad Machnouk issued stricter requirements for Palestinian

from Syria entering Lebanon or renewing their residency permit<sup>xcii</sup>. Prior to these restrictions, around 30 Palestinian refugees from Syria were turned away at the Beirut airport on May 4th, 2014<sup>xciii</sup>. In August 2013 the Lebanese authorities had started turning away Palestinian refugees arbitrarily. 8 human rights organizations issued a solidarity statement with Palestinian refugees from Syria asking the Lebanese authorities to immediately put an end to expulsion and other violations.

## Solidarity Statement with Palestinian Refugees from Syria

May 20, 2014 - The organizations signatories of this appeal express their deep concern about the new policy of the Lebanese authorities towards Palestinian Refugees from Syria.

Article 14 of the Universal Declaration of Human Rights states that « everyone has the right to seek and to enjoy in other countries asylum from persecution». While Syrians access relatively easily the Lebanese territory, fleeing the bloody conflict in their country, many information show that measures are being taken to prevent Palestinian refugees from Syria to access to and stay in Lebanon.

Worse still, dozens of Palestinians from Syria have reportedly been expelled from Lebanon to Syria on May 4, 2014 in violation of article 3 of the Convention against Torture ratified by Lebanon that provides that « No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. (...) The competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights. »

We firmly condemn these discriminatory measures and violations and express our solidarity with the refugees in general and the Palestinians from Syria more

particularly. We urge the Lebanese authorities to grant the Palestinians from Syria the same rights as to the Syrians and to respect their international Human rights commitments.

*Signatories:- ACAT – France (Action by Christians Against Torture)*

- Alkarama Foundation
- Anti Racism Movement – Lebanon
- CLDH – Lebanese Center for Human Rights
- EMHRN – Euro Mediterranean Human Rights Network
- FEMED – Euro Mediterranean Federation Against Enforced Disappearances
- PHRO – Palestinian Human Rights Organization
- Working Together for Human Rights (AEDH – France)



In December 2014, 1,146,405 Syrian refugees were registered with the UNHCR - they were 129,106 in December 2012 - and 12,590 others were awaiting registration<sup>xciv</sup>. However, the registration of refugees by UNHCR does not provide them a legal status since Lebanon does not recognize the status of refugees. It might give them access to humanitarian and social assistance but they are still exposed to a risk of detention or even expulsion. In 2014, the Lebanese government started taking measures to reduce the number of Syrian migrants in the country. On October 23rd, 2014 the Government decided that no more refugees would be allowed to cross the border “except for extreme humanitarian cases”<sup>xcv</sup> although the criteria for such situations were not defined. According to refugees and aid workers, General Security officers at the border “seemed to be implementing their own interpretation of the government’s recent announcement and making arbitrary and discriminatory entry determination”<sup>xcvi</sup>.

### **Palestinian refugees : rights and living conditions in Lebanese camps**

Since the creation of Palestinian refugee camps in Lebanon in the late ‘40s, the number of residents kept on increasing and clashes in 1975 between the Palestinian Liberation Organization (PLO) and the Lebanese factions made the situation even more complex.<sup>78</sup> Palestinians claim their right of return to their homes in Palestine, established by UN resolution 194, which has no coercive value since voted by the General Assembly and not the Security Council.

In Lebanon, an estimated 300,000 Palestinians live in the camps across the

country. Discriminatory laws, in flagrant violation of the Human Rights Charter, and decades of marginalization have left the Palestinian refugees in Lebanon socially, politically and economically disadvantaged. Various civil society organizations, as well as the UNRWA<sup>79</sup> continued in 2012 to implement projects to assist the Palestinian refugees in Lebanon.

#### **Employment restrictions**

Palestinian refugees are subject to many employment restrictions. In 2005, officially registered Palestinian refugees born in Lebanon were allowed by law to work in the clerical and administrative sectors for the first time. However, refugees are still unable to work in some professions, for example, as doctors, dentists, lawyers, engineers or accountants. No measures were taken in 2012 to improve their access to employment, even though the Labor Code was amended in 2010 in this field.

#### **Property**

In 2001, the law concerning the foreign acquisition of property<sup>80</sup> was amended to allow foreigners to acquire property, however this amendment excluded Palestinians. No improvement was noticed in 2014.

#### **Camps**

The reconstruction of the Nahr al-Bared camp in northern Lebanon came to an end in 2014. The camp was destroyed in 2007 during hostilities between the Lebanese army and the armed group Fatah al-Islam<sup>xcvii</sup>.

## **Freedoms of Expression & Opinion**

#### **Universal Declaration of Human Rights**

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” - Article 19

“Everyone has the right to freedom of peaceful assembly and association. 2. No one may be compelled to belong to an association.” - Article 20

#### **Lebanese Constitution**

“Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of

*opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination.” - Preamble*

“The freedom to express one’s opinion orally or in writing, the freedom of the press, the freedom of assembly and the freedom of association are guaranteed within the limits established by law.” - Article 13

Public freedoms, including freedoms of expression and opinion, are a major component of civil and political rights. In Lebanon, these freedoms are unfortunately subject to various violations. Thus, infringements of freedom



of expression and opinion are regularly reported, such as restrictions in the work of civil society organizations, lawyers, journalists and media, as well as in the artistic field.

Violations of freedom of expression may be insidious, concerning for example civil society organizations, lawyers or journalists<sup>xcviii</sup>, through threats, disciplinary or judicial proceedings. With regard to the media and the artistic field, a censorship is governed by a 1949 law. The censorship bureau, within the General Security, issues broadcasting licenses for new artistic productions and Lebanese media, and does not provide justification for its decisions. Any production deemed to affect the national security, incite sectarian tensions or threaten the relationship between Lebanon and friendly countries is forbidden under this law.

The Cybercrime Bureau was established in 2006 to manage and fight cybercrime in Lebanon. It is attached to the Special Criminal Investigations Department of the ISF's Judicial Police and its powers and status remain vague. Several journalists and bloggers are summoned every year for investigation before the Bureau over statements they made on the internet<sup>xcix</sup>.

## Complaint, trial and arrests

In 2011, the Amal movement, headed by the Head of Parliament Nabih Berri, filed a complaint against CLDH for false allegations of torture, defamation, and incitation to sectarian strife, following the publication in February 2011 of the report entitled "Arbitrary detention and torture: the bitter reality of Lebanon". The report contains statistics based on testimonies tackling the alleged practices of torture,

notably in cases of collaboration with Israel, and reveals that in some cases, Amal would have been involved in the arrest and practice of torture on detainees, even though these arrests are illegal, before handing over the detainees to the concerned Lebanese services.

The report contains alleged practices of torture by most of the Lebanese security services dealing with arrests and only mentions Amal briefly - four lines of the report in total. In its conclusions, CLDH explains that it was not possible to evaluate the frequency of these specific torture allegations. CLDH Secretary General Wadih Al-Asmar reminded that CLDH is a human rights organization as opposed to a court of justice basing its findings on evidences and investigations. CLDH representatives were summoned twice on March 17 and 22, 2011. During the second interrogation, which lasted three hours, the representatives of CLDH did not have access neither to a lawyer nor to the complaint filed against them. Following this last interrogation, the investigation report was transferred to the General Prosecutor Mirza, who decided to release the CLDH representatives. On July 6, 2011, CLDH representatives appeared before the investigating judge, who postponed the audience on October 2011 before the Baabda court. In 2012, CLDH representatives were investigated on several occasions before the investigating judge Jean Fernaini. At the end of 2014 the case was pending before Baabda Publication Court.

In February 2014 Beirut's Publications Court headed by Judge Roukoz Rizk sentenced Lebanese activist Jean Elias Assi to spend two months in jail for defaming President Michel Sleiman on Twitter<sup>c</sup>.

On March 13, 2014 blogger and journalist Imad Bazzi was brought in by the Cybercrimes Bureau for questioning on defamation charges over a post he wrote criticizing former state minister Panos Mangyan for abuse of power. Imad Bazzi was interrogated for three hours<sup>ci</sup>. The case was referred to the Court.

On February 26, the Publications Court fined Al Akhbar Journalist Mohammed Nazzal 27 million LBP (\$18,000) for an article on judicial corruption. Also in February, Al Akhbar contributor Rasha Abou Zaki was fined 4 million LBP (\$2,667) by the Publications Court on charges of defamation toward former Prime Minister Fouad Siniora after she highlighted possible instances of corruption and embezzlement in the Finance Ministry<sup>cii</sup>.

## Prior censorship

In October 2014, the NGO MARCH announced that a play on censorship written by Lucien Bourjeily was finally uncensored. General Security had decided to censor it in 2013<sup>ciii</sup>.

## Civil society

Two years after it was launched by Lebanese organization MARCH, the Virtual Museum of Censorship continues to document impediments in freedom of expression. Besides documenting censorship, the Virtual Museum "also supports artists who have been subject to censorship, raises awareness about Lebanon's censorship practices, advocates for changes in law and hold the authorities accountable"<sup>civ</sup>.

In 2012, civil society organizations

lobbied for legislative amendments to the censorship regulations. The draft law they issued aimed to eliminate prior censorship and replace the Censorship Bureau with a committee of experts whose only role would consist in defining age categories prior to the diffusions of movies. In 2014, no improvements took place.

Lebanese bloggers and activists expressed their concern over the large number of arrests and interrogations by joining the online campaign #NotACriminal, which was launched by the Maharat foundation both in English and in Arabic.

## Special Tribunal for Lebanon

The Special Tribunal for Lebanon (STL) was established following a request by the Lebanese government to the United Nations<sup>cv</sup> following the explosion that killed the former Lebanese Prime Minister Rafik Hariri on February 14th, 2005 in Beirut. The STL was inaugurated on March 1, 2009 at The Hague, in the Netherlands<sup>cv</sup>. According to the STL Statute, the Tribunal's primary mandate is to hold trials *"for the people accused of carrying out the attack of 14 February 2005 which killed 23 people, including the former prime minister of Lebanon, Rafik Hariri, and injured many others."* If the Tribunal finds a connection between the February 14th attack and other attacks that occurred in Lebanon between

October 1st, 2004 and December 12th 2005, or at any later date decided by the Parties and with the consent of the Security Council, it shall also have jurisdiction over persons responsible for such attacks<sup>cvii</sup>.

In 2014, the STL submitted its fifth annual report to the United Nations Secretary-General and to the Lebanese President and the Prime Minister. The report "details the Tribunal's activities, achievements and challenges over the past 12 months, and its objectives in the coming year"<sup>cviii</sup>. In November 2014 the STL confirmed receiving Lebanon's share of its 2014 budget from the Lebanese government. The full sum of €29,347,003.50, 49% of

the STL's budget, was transferred to the Tribunal's bank account. In 2014, STL Trial Chamber approved joinder of Merhi, Ayyash et al. Cases.

### STL Composition: nominations, re-elections and departure

On January 15, 2014 Judge Nicola Lettieri was sworn in as an alternate judge in the Trial Chamber of the Special Tribunal for Lebanon, following his appointment by the United Nations Secretary General.

### Joinder of Merhi, Ayyash et al. Cases

#### The opening of the trial

The trial in the case The Prosecutor v. Ayyash et al. started on January 16, 2014 before the Special Tribunal for Lebanon with the reading of the charges against Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi and Assad Hassan Sabra. The hearing continued with opening statements by the Prosecutor.

On January, 22<sup>nd</sup>, the Prosecution started presenting evidence. During the following three weeks, 15 witnesses testified before the Trial Chamber<sup>cxix</sup>. 4 of them received protective measures and nicknames were used in court to address these witnesses. From July to September, 10 prosecution witnesses testified: a stomatologist specialized in identifying deceased bodies; a specialist in human identification, paternity and forensic testing; a specialist in photogrammetry; a mechanical scientist; a former Adjutant in Chief at the Judicial Police of the Lebanese Internal Security Forces (ISF)<sup>cx</sup>; a senior forensic advisor at the Netherlands Forensic Institute (NFI) who had co-signed the forensic investigation of the explosion of 14 February 2005; an

explosive expert in the Explosive Bureau of the ISF; a retired Dutch Police Officer specialized in forensic investigations of explosions; a Scientific Spanish Police Department inspector who was part of the team that investigated the 14 February 2005 attack; a forensic expert of the Forensic Science Service in Northern Ireland<sup>cxii</sup>; a Dutch medical doctor in the Netherlands Forensic Institute<sup>cxiii</sup>. Ten more prosecution witnesses testified before the Trial Chamber from October to December<sup>cxiii</sup>. In December, the Prosecution counsel read summaries of seven witness statements and two summaries or reports by expert witnesses.

### Joinder of Merhi, Ayyash et al. Cases

In 2013, the Trial Chamber decided to try Hassan Habib Merhi in absentia, relying on "reports from the Lebanese authorities detailing their efforts to apprehend the Accused and to inform him of the charges against him"<sup>cxiv</sup>. On January 14 the Trial Chamber held a hearing to hear preliminary submissions from the Prosecution and counsel for Hassan Habib Merhi on the possible joinder of the case against Mr. Merhi with the Ayyash et al. case<sup>cxv</sup>. On February 11th 2014 the Trial Chamber issued a ruling to join these two cases<sup>cxvi</sup>. On March 4, a Status Conference was held in relation to the state of the trial preparation of the Merhi defence team<sup>cxvii</sup>. The parties discussed the possibility of recalling witnesses and/or challenging evidence already admitted in the Ayyash et al. case. During this conference, the Trial Chamber issued an oral ruling which extended the deadline from 15 March to 4 April 2014 for any Merhi Defence request to recall witnesses and/or challenge evidence already admitted<sup>cxviii</sup>.

## Political context

In 2014, MP and former minister Marwan Hamadeh was called to testify at the STL to detail the relations between former Prime Minister Rafik Hariri and Syrian President Bashar al-Assad. According to the defense lawyers, prosecutors had already built their case on reams of telecommunication and had not previously pointed to Syria and their plan to detail the political context could lead to an expansion of the scope of the case. Therefore, they unanimously spoke out against a “change of extreme importance in the case” and challenged the admissibility of Marwan Hamadeh’s testimony, which largely focused on the relations between Rafic Hariri and the Syrian regime<sup>cxix</sup>. According to Marwan Hamadeh, the attack was meant to help the latter and their allies maintain their influence over Lebanon<sup>cxx</sup>.

According to Yasser Hassan, a defense lawyer for Hussein Oneissi, the accusation “began with the four generals, then went to Syria, then from here to Hezbollah through individuals that are alleged to be members in Hezbollah, and now it is returning to Syria”. Since Syria’s alleged role was never formally acknowledged in the indictment, the defense lawyers questioned why this aspect was introduced at all. Yasser Hassan added that the lack of clarity in the prosecution’s case was making it increasingly difficult for the defense and that if the prosecution wanted to accuse Hezbollah, they should do it explicitly<sup>cxixi</sup>.

## Victims

Upon the Registrar’s request, the Victims’ Participation Unit (VPU) filed submissions regarding the impact of the joinder of the two cases on victim participation

in STL proceedings. The VPU essentially argued that victims participating do not participate against particular accused persons. Therefore, according to the VPU, the addition of a fifth accused person has no consequence on the participation of victims and does not require the trial Chamber to take any further decision. On June 18th 2014 Ms Yasma Fuleihan, widow of Mr Bassel Fuleihan who was killed during the February 14th 2005 attack, was present in the courtroom<sup>cxixii</sup>.

## Lebanese journalists summoned to appear before the STL

In 2014, Al-Akhbar’s editor in chief Ibrahim al-Amin and al Jadeed’s Deputy Head of News and Political Programs Karma al-Khayat were charged with two counts of contempt and obstruction of justice by the STL for publishing names of purported confidential prosecution witnesses. Parent companies al-Akhbar Beirut SAL and New TV SAL were also summoned to appear. All were being charged under Rule 60 bis (A) of the Rules of Procedure and Evidence and the charges related to the Ayyash et al. case<sup>cxixiii</sup>.

The initial appearances of Al Jadeed SAL and Karma Khayat before the Contempt judge took place on May 13, 2014. They both entered pleas of not guilty. Although al Akhbar and Ibrahim al-Amin’s appearances were also scheduled on May 13, the latter chose not to participate. Head of the STL defense office Francois Roux, who was assisting Al Akhbar, claimed that Ibrahim al-Amin was asking for his right to assemble a defense counsel and time to mount a proper defense. The request for extension was granted and Amin’s appearance date

was set to May 29th. Amin requested via a letter that the May 29th hearing be postponed but the request was rejected. On that day, Ibrahim al-Amin decided to represent himself. Judge Lettieri requested that the STL Defense Office assign a lawyer to represent the journalist. Al Akhbar editor-in-chief said he did not recognize STL’s legitimacy and that he would refuse any decisions issued by it<sup>cxixiv</sup>.

Lebanese lawyer Antoine Sabeh challenged the STL’s jurisdiction over the case in a legal opinion he submitted to the Tribunal. According to him, territorial jurisdiction in respect of the prosecution of crimes alleged to have been committed by Lebanese, by means of the Lebanese media, on Lebanese territory, belongs to the Lebanese judicial authorities and more specifically to the Lebanese Court of Publication, which has exclusive and compulsory jurisdiction over all crimes of publication carried out by means of print, aural and visual media. Besides, the alleged criminal acts are not indicated clearly and explicitly in the STL Statute. Since the legitimacy of the STL Statute is exceptional and penal, its interpretation cannot be widened or analogies drawn. Therefore, the STL should not widen the scope of its own jurisdiction without consulting the Lebanese judicial authorities<sup>cxixv</sup>.

## Administration of the Lebanese Judiciary

### Universal Declaration of Human Rights

“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”- Article 8

### International Covenant on Civil and Political Rights

“Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.” - Article 14.5

### Lebanese constitution

“The judicial power shall be exercised by courts of various degrees and jurisdictions. It shall function within the

*limits of an order established by the law and offering accordingly the necessary guarantees to judges and litigants. The law shall determine the conditions and limits of the judicial guarantees. The judges shall be independent in the exercise of their functions. The decisions and judgments of all courts shall be rendered and executed in the name of the Lebanese People.” - Article 20*

*“The political system is established on the principle of separation of powers, their balance and cooperation”- Preamble*

### Code of Civil Procedure

*“The judiciary is a power (authority) independent from other powers*

*(authorities) in the examination and resolution of lawsuits. Its independence shall not be limited except as provided in the constitution.”- Article 1*

Inspired by the French and Ottoman systems, the Lebanese judiciary is composed of ordinary courts (judicial and administrative), religious courts, as well as special tribunals such as the High Court of justice, the Justice Council and the military tribunals. If the independence of the Lebanese judiciary is enshrined in the texts, in practice, these texts remain a dead letter. The principle of separation of powers is thus far from being respected, as there are many interventions of the Executive power in the administration of the judiciary. As for the exception tribunals, they are in flagrant contradiction with the Universal Declaration of Human Rights and the ICCPR.

### Independence and impartiality of the judiciary in Lebanon

The independence of the judiciary is enshrined in Article 20 of the Lebanese constitution: *«judges shall be independent in the exercise of their functions»*. According to the Preamble of the Lebanese constitution, *“the political system is established on the principle of separation of powers, their balance and cooperation.”* The independence of the judiciary is also enshrined in Article 1 of the Code of Civil Procedure, by guaranteeing the independence of magistrates. Article 44 of the judicial law also stipulates *“that judges are independent while practicing they cannot be transferred or dismissed off the judiciary unless stipulated by law.”*

In practice, the Executive power is

constantly involved in the functioning of the Lebanese judiciary. Some laws in Lebanon also may cast doubt on the independence of the judiciary.

### Special tribunals

The special tribunals in Lebanon include the High Court of Justice, which has jurisdiction to judge presidents, ministers and members of Parliament, the Justice Council and the military tribunals, which have jurisdiction over military personnel and cases related to national security.

The Justice Council and military tribunals' jurisdiction and operations violate the UDHR and the ICCPR.

The Justice Council is the highest criminal court in Lebanon and it is composed of five judges and chaired by the President of the Court of Appeal, who is also the president of the Higher Judicial Council. The Justice Council examines crimes against internal and external security of the state, referred by the government by decree. The referral to this Court therefore remains in the hands of the Executive power: thus, the Council of Ministers can determine that a particular crime allegedly committed by a particular person should be treated as a crime against internal security or as a crime that tends to de-stabilize the political system<sup>cxvii</sup>. Cases before the Justice Council are even more problematic, as there is no right to appeal before a different court of law, which raises the scope of Article 366 of the Code of criminal procedure, which paves the way for a revision of trials only before the same Justice Council.

Military Courts<sup>cxviii</sup> have official jurisdiction over misdemeanors and

crimes committed by military personnel, civilian employees of the military and internal security forces. The Military Courts are composed of a single military judge in each region of Lebanon. The law also establishes a permanent military court in Beirut composed of two chambers: one criminal court adjudicating misdemeanors exceeding the competence of single military judges – composed of one military officer appointed as President and assisted by two judges of whom only one is a civil judge –, and one criminal court adjudicating crimes – composed of one military officer appointed as President, one ordinary judge and three military officers. The decision of this chamber can be appealed before the military Court of Cassation. The Military Court of Cassation is based in Beirut, and composed of a Civil Judge as president – appointed to this office by the President of the Court of Cassation – and four army officers. The Attorney General of the Court of Cassation acts on behalf of the Government in cases in the Military Court of Cassation. Military courts also try civilians allegedly involved in terrorism or issues of national security, or where a crime is committed together with a member of the military. Moreover, tribunals usually do not take into account allegations of torture or refuse to amend the testimonies.

## Judicial assistance

In Lebanon, the prison population is exceeding almost three times the capacity of the detention facilities. Meanwhile, large number of detainees and prisoners could be immediately released if they could avail adequate legal assistance.

Legal aid is necessary to ensure the equal enjoyment of protected rights

by all, including those without the financial resources needed. Providing legal aid ensures three fundamental rights enshrined by international law rules: effective remedy, by a competent tribunal, for human rights violation, equality before the law and equal protection of the law<sup>cxviii</sup>.

If the legal aid in civil cases is detailed in several articles of the Code of civil procedures<sup>cxix</sup>, legal aid in penal cases and the related procedures is not provided in details in the Code of criminal procedures<sup>cxx</sup>.

Under Article 425 of the Code of civil procedures, any Lebanese citizen who is unable to assume the fees of the trial is entitled to benefit from legal aid; so are natural persons and foreigners as long as they reside usually and Lebanon and on condition of reciprocity – for foreigners, their country of origin should grant that same right to the Lebanese<sup>cxxi</sup>. However, the right to defense lawyer is not always guaranteed especially when it comes to migrants, who are mostly tried in mass and in speedy hearings without being given the opportunity to present their cases. In addition, a question arises concerning Palestinian refugees. According to the condition of reciprocity, Palestinians could be excluded from legal aid in civil cases as they are not citizens of a recognized state. This situation has been denounced by several civil society organizations<sup>cxviii</sup>. Since the legislator shall not impose conditions that in practice cannot be applied, this concern falls within the judge's discretion. As for refugees tried for illegal entry and illegal stay, they are not automatically entitled to legal aid<sup>cxviii</sup>. Besides, lawyers are not allowed to access the detention center in Adlieh, which represents a major

restriction to justice for foreigners.

In penal cases, two situations arise. The application for legal aid can be referred from the relevant court. In such cases, it has been reported that some judges occasionally advice the accused not to take a lawyer in order to speed up the process and the trial. In some case, the sessions continue without any appointed lawyer for the accused, in flagrant violation of the right to a fair trial. In addition, the relevant Bar Association in some cases tend to take too long to appoint a lawyer, which has severe consequences for the accused, as the audiences will be postponed as long as no lawyers is appointed.

The application can also be referred from the Prison Officer where the accused is present.

Most of the applications referred to the Beirut Bar Association come from the courts, and only a few personal requests are referred to the Bar. Therefore, the President of the Legal Aid Committee considered establishing a system of regular visits from members of the Committee to the detention places, in order to ensure a better communication with the Prison Officers and set up a more effective strategy.

The judicial assistance provided by the Lebanese State is insufficient. There are no statistics on legal aid in Lebanon.

The present sources of funding available to the Bar Associations for the delivery of legal aid are uncertain and not secured. They are also way too low for the Tripoli Bar Association to respond to the legal aid needs in the region: 30 Millions Lebanese pounds (20,000 US Dollars) are allocated to the Legal Aid Committee,

which allows the Tripoli Bar Association to take approximately 90 cases per year, which is vastly insufficient considering that the Tripoli Bar Association covers the district of North Lebanon, where several prisons experiencing a problem of overcrowding are located (Tripoli, Halba, Amioun and Zgharta).

The Lebanese State is not involved in the legal aid system in terms of budget. Therefore, the lawyers are paid insufficient amounts that do not systematically cover their real expenses in the cases (transportation, legal fees...). As a result, the appointed lawyers do not have the possibility to effectively defend low-income inmates who are not in a position to cover certain expenses. Besides, lawyers used to receive the fees following the submission of a certificate providing that the case is closed and the Tripoli Bar Association, or the submission of a report at the Beirut Bar Association. Now, in practice, lawyers receive their fees regardless. Unfortunately, some lawyers do not follow the case until the latter is closed.

Besides, the legal aid system relies too heavily on the appointment of trainee lawyers, who, by definition, do not have the experience required in certain cases, and are in need of supervision and mentoring. The legal aid system lacks a proper follow up and monitoring system. No specific supervision is put in place for appointed trainee lawyers. It is rather left entirely to the lawyers with whom the trainee lawyers are doing their internships, which is inadequate in practice.

Concerning the follow up of the appointed lawyer's work in legal aid cases, the Beirut Bar Association used to maintain a committee of experienced



lawyers to monitor legal aid cases and provide guidance and advice for lawyers and trainee lawyers, but this committee no longer exists. At the moment, within the Beirut Bar Association, upon the completion of a case, a report on case proceedings must be submitted to the Committee by the appointed lawyer. However, given the number of yearly cases and information gathered during the interviews, these reports are not in all cases submitted by the appointed lawyers and do not allow a relevant follow up of the cases. On the other hand, when the reports are submitted, there is neither systematic supervision or oversight by the Committee, nor evaluation feedback from the clients. The President of the Legal Aid Committee initiated the creation of five Sub Commissions, one of which will be dedicated to the follow up of the cases and the supervision of lawyers.

The Beirut Bar Association also lacks administrative support: the person in charge of this support is also in charge of the Bar's other commissions. More human resources would be needed given the overload of tasks.

These statements led CLDH to address a number of recommendations to the Beirut and Tripoli Bar Associations, the Lebanese authorities and judges in 2014<sup>cxxxiv</sup>.

Legal aid is still not recognized as a fundamental right in Lebanon. Legal aid is mainly delivered through the Bar Association Legal Aid Committees, and through special projects operated by local NGOs and international organizations. Most of the work of the civil society organizations active in the area of access to justice includes research, assessment and legal counseling. Only a few, such as CLDH, AJEM and Caritas Migrant Center

provide legal representation.

Regularly, riots break out in the Lebanese prisons due to the unfairness faced by the inmates; among them 70% should be released since they are either subjected to a prolonged pretrial detention<sup>cxxxv</sup>, or have been sentenced in contradiction with their rights provided in the Lebanese and international law, or even are foreigners who have already finished their sentence and are pending their handover to the General Security (immigration police) who will decide on their regularization or repatriation.

CLDH provides legal assistance to vulnerable inmates in the Lebanese prisons with the aim to strengthen the rule of law in Lebanon through the improvement of the access to Justice for all and the prevention of arbitrary detention. Every year, CLDH provides lawyers for inmates who cannot afford it and this legal assistance allows dozens of persons to be released, thus safeguarding their fundamental rights. A hotline was launched in order to allow the families of the prisoners and detainees to ask for legal advice and require legal assistance when they do not have a lawyer. This project improves access to justice for all and helps reducing the practice of arbitrary detention in Lebanon, with a specific focus on the protection of marginalized people<sup>cxxxvi</sup>.

In 2014, 98 new cases of vulnerable inmates were referred to CLDH lawyers. Ever since the "legal aid to vulnerable inmates" program started in 2013, the two lawyers in charge dealt with an average of 100 cases per year, and allowed 60% of the detained beneficiaries to be released. Those figures reflect the reality of Lebanese prisons: the regular assessment conducted every two years

by CLDH of the legal situation in prisons reveals that an average rate of 60 to 70% of prisoners are being arbitrarily detained. The vulnerable inmates who could not be released although they benefitted from this program are still provided support to enforce their rights as much as possible, especially their right to a fair trial.

## ANNEXE I

Ratification of International Human Rights treaties by Lebanon

Treaty	Status	Date
Convention on the Prevention and Punishment of the Crime of Genocide	Ratification	17/12/1953
Convention on the Prevention and Punishment of the Crime of Genocide	Signature	30/12/1949
International Convention on the Elimination of All Forms of Racial Discrimination	Accession	12/11/1971
International Covenant on Economic, Social and Cultural Rights	Accession	3/11/1972
International Covenant on Civil and Political Rights	Accession	3/11/1972
Convention on the Elimination of All Forms of Discrimination against Women	Accession	16/04/1997
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Accession	5/10/2000
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Accession	22/12/2008
International Convention against Apartheid in Sports	Signature	7/11/1986
Convention on the Rights of the Child	Ratification	14/05/1991
Convention on the Rights of the Child	Signature	26/01/1990
Amendment to article 43 (2) of the Convention on the Rights of the Child	Acceptance	14/07/2000
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict	Signature	11/2/2002
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Ratification	8/11/2004
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	Signature	10/10/2001
Convention on the Rights of Persons with Disabilities	Signature	14/06/2007
Optional Protocol to the Convention on the Rights of Persons with Disabilities	Signature	14/06/2007
International Convention for the Protection of All Persons from Enforced Disappearance	Signature	6/2/2007
Protocol amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague on 23 January 1912 at Geneva on 11 February 1925 and 19 February 1925, and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936	Definitive signature	13/12/1946

## ANNEXE II

Reports submitted and reports delay

### **CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment**

3 reports due in 2001, 2005 and 2009

### **CCPR-International Covenant on Civil and Political Rights**

Last report due in March 21, 2001

### **CEDAW-Convention on the Elimination of All Forms of Discrimination against Women**

Last report submitted on April 24, 2014

### **CERD-International Convention on the Elimination of All Forms of Racial Discrimination**

Last report submitted on May 28, 2015

### **CESCR-International Covenant on Economic, Social and Cultural Rights**

Last report submitted on July 20, 2015

### **CRC-Convention on the Rights of the Child**

Last report due in December 12, 2011

### **CRC-OP-SC-Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography**

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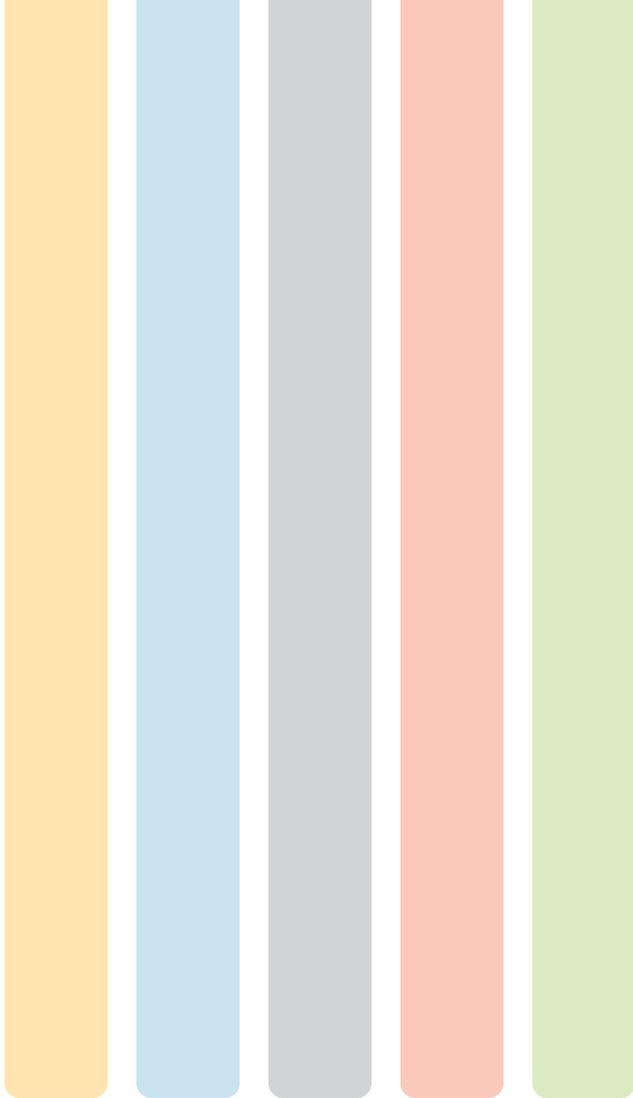
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