

LEBANON

**JOINT SUBMISSION IN VIEW OF
LEBANON'S SECOND PERIODIC REVIEW BY
THE HUMAN RIGHTS COUNCIL**

TORTURE, DETENTION, AND UNFAIR TRIALS

A. Executive Summary

Lebanon has included in the Preamble of its Constitution the Universal Declaration of Human Rights and UN instruments and as such, the rights guaranteed by these instruments constitute constitutional rights. However, Lebanon embodies a complex case where the armed conflicts at its borders, added to the internal challenges it faces as a result of ongoing impunity and sectarian strife, are taking their toll on the deteriorating condition of human rights within the country. Although the government does show its willingness to comply with several human rights as made evident in its ratification of the core covenants that constitute the International Bill of Human Rights, it continues to struggle to meet the required standards as it clearly lacks the capacity and the political will to improve legislation, enforce laws, and report to the UN properly.

Lebanon lacks comprehensive human rights protection legislation, and access to remedies for human rights breaches - especially relating to torture, detention, fair trial, refugees and asylum seekers - is thus limited.

Conditions of detention in Lebanon are known to be far behind acceptable standards. Abuses, including solitary confinement and deaths in custody, whether as a result of mistreatment or lack of medical care, were reported during the covered period. No serious public investigations were carried out into these deaths.

Lengthy pretrial detention affects the majority of suspects. For instance, those detained in relation to the 2007 violent clashes in Naher el Bared, who still suffer from lengthy pretrial detention and have reported being beaten and tortured by security forces. Despite its ratification of the Convention against Torture (UNCAT) in October 2000 and of the Optional Protocol to the UN-CAT (OPCAT) in December 2008, torture is still routinely used by the armed forces and law enforcement agencies. Furthermore, Lebanon has not yet established a national preventive mechanism to visit and monitor places of detention.

With regard to the right to a fair trial, systematic interference of the executive in the judicial matters occurs in violation of the principles of fair trial. International human rights instruments are still not regularly and systematically invoked in courts either by the defense counsel or in the judges' legal grounding and analysis of court verdicts.

B. Progress on UPR 1st Cycle Recommendations accepted by Lebanon

Recommendations:

Strengthen the institutional framework in the human rights area, including through the establishment of a national human rights institution in accordance with the Paris principles¹

¹ Recommendation No. 80.8, similarly the recommendation 80.9 demands the institution of a national human rights institution complying with relevant international standards.

and establish a national mechanism for the prevention of torture, in respect of the Optional Protocol to CAT, to which Lebanon is party since 2008².

1. Lebanese parliamentarians with the support of the Office of the High Commissioner for Human Rights (OHCHR) have held several meetings between 2011 and 2013 between public officials, civil society representatives and major stakeholders to discuss the establishment of Lebanon's National Human Rights Institution (NHRI). Following these public consultations, a draft law for the establishment of an NHRI was presented to the Parliament in 2012. This draft is however currently still under consideration by the Parliament, waiting to be voted and promulgated by the General Assembly.
2. According to drafts shared with NGOs, the NHRI will also co-host the National Prevention Mechanism (NPM) and shall promote its financial and authoritative independence. NGOs have expressed criticism of such a move, which might endanger the independence, and sustainability of the NPM.
3. To this moment legislations required for the establishment of the NHRI and the NPM are still awaiting promulgation by the General Assembly of the Lebanese parliament, and as such not yet established.

Recommendation: Successfully implement the important initiative of the National Human Rights Action Plan (NHRAP)³.

4. In December 2012, the Human Rights Parliamentary Committee presented to the Lebanese Parliament a draft law concerning the adoption of a NHRAP.
5. The NHRAP, launched in 2005 with the support of the United Nations Development Programme (UNDP), defines all legislative, procedural and executive measures defined for areas that have been identified as top priorities necessary to promote and protect human rights in Lebanon including the independence of the judiciary, the principles of investigation and detention, torture and inhuman treatment, forced disappearance, prisons and detention facilities, and the death penalty. However, the NHRAP only comprises general and conceptual statements and does not provide a real plan of action or strategies for implementation. To this date, however, the NHRAP has not yet entered into force.

Recommendations:

Amend domestic legislation to achieve full compliance with the Convention against torture (UNCAT) into Lebanese law in particular by reviewing the definition of torture, by

² Recommendation No. 80.17.

³ Recommendation No. 80.11.

criminalizing all forms of torture and ill treatment and ensuring that all allegations of violations are promptly investigated and those responsible are brought to justice⁴.

6. Despite the ratification of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment (UNCAT) in October 2000, Lebanon has not yet amended its laws to criminalize acts of torture. Current legislations vaguely criminalize ill treatment without reference to “torture” and by excluding psychological and mental torture.
7. Since the last UPR, several meetings have been held at the Lebanese Parliament between parliamentarians, representatives of the Ministry of Justice, and representatives of security agencies with the presence of representatives from civil society organizations, the Beirut Bar Association and the OHCHR on how to bring the national legal definition of torture in line with art. 1 UNCAT and criminalize torture. The meetings allowed CSOs to share their concerns on the necessary elements to be included in a law criminalizing torture.
8. A draft law defining torture in compliance with UNCAT and criminalizing this practice was in fact under review by the Lebanese Parliament since 2012 and was finalized in June 2014. The Administration and Justice Committee of the Lebanese Parliament is currently reviewing the draft law aiming at reforming several legislations.
9. However, according to news reports, representatives of security agencies are attending the Administration and Justice’s meetings pushing for certain amendments, which had not been previously discussed in the meetings held with all the other relevant stakeholders. The Committee discussed with the Ministry of Justice the legal definition of ill-treatment, inhuman and degrading treatment in line with the UN documents and General Comments of the Committee against Torture (CAT).
10. However, this torture draft law still contains many gaps and flaws. Most importantly, it does not address the issue of *non-refoulement*, nor does it provide for an appropriate rehabilitation or effective remedies to the victims. The revised version of the draft redefines torture in manner, which may increase impunity. The revised definition adds a conditionality to the UNCAT definition so as to limit it to cases "During the initial investigation, judicial investigation and trials " which strictly narrows down the acts of torture to investigations, and court hearings, excluding as such forms of torture that take place in areas of detention or outside investigations (transport, detention, prison, waiting room, arrest, medical visit, deprivation of liberty in health facilities etc). The definition includes vague concepts as for example the difference between severe pain (الألم الشديد) and severe torment (العذاب الشديد), the difference between intimidation (التخويف) and force (الإرغام). The draft law did not mention any rules about the right of the victims of torture and ill-treatment. The victims can use the current legislation to obtain a compensation of any act of torture led to any damage.

⁴ Recommendations No. 80.13, 80.14, 80.15, 80.16.

11. In practice, the situation of torture in Lebanon remains worrisome, as shown by the large number of complaints and reports received by our organizations, during 2010 and 2014, on the occurrence of acts of torture against individuals.
12. In October 2014, the Committee against (CAT) published the summary accounts of its confidential inquiry conducted on the use of torture in Lebanon, where it describes torture as being “widespread and systematic.”⁵
13. CLDH has been systematically documenting the practice of torture in Lebanon since the beginning of 2009. Up to the end of 2014, statistics by CLDH show a practice of torture during investigations, in addition to very serious reports of ill treatment affecting in average 60% of all the persons arrested every year by the security services for common law crimes. The practice affects equally men and women, of all nationalities and whatever their accusation is. It has to be noted that in security related cases (terrorism and spying), torture is systematic and affects almost 100% of these detainees.
14. CLDH statistics establish a clear relation between the practice of torture and the refusal of suspects to admit to a crime or to sign for the purpose of obtaining “confessions”.
15. Khiam Rehabilitation Centre reported the death (hanging) of two prisoners in Roumieh Prison on 18 January and 25 September 2014 allegedly by other inmates; Lebanese authorities would have failed to protect people under its protection and jurisdiction.⁶ A primary concern is a lack of transparent investigation carried out after the act, which leaves the public opinion uncertain of the accountability of perpetrators.
16. The submitting NGOs raise concerns on the consequences of the counter-terrorism measures policy in Lebanon and leading to an increasing number of arrests. Reports show a continuous and systematic practice of torture and arbitrary detention against suspected terrorists. In an incident, a suspect allegedly died under torture during an investigation at Lebanese Army base⁷. No serious or public investigations took place against perpetrators of torture. This contributes to the perpetration of the impunity pattern.
17. In 2010, ISF established a Committee to Combat Torture, commissioned to investigate torture allegations by any person under the custody of ISF (arrestees and convicted) and follow up on them, as well as to monitor and visit places of detention including police stations, on scheduled and undeclared visits. However, no public information is made available on the results of the Committee’s work or the measures taken against officers it finds guilty of torture. In October 2014, General Antoine Boustany, chair of the Committee, revealed that 68 torture complaints were reported in 2014.

⁵ UN Committee Against Torture, *Summary account of the result of the proceedings concerning the inquiry on Lebanon* ,A/69/44, paras. 100-115 and Annex XIII.

⁶<http://www.naharnet/stories/ar/70011>)

⁷ Amnesty International, *Lebanon: Torture Allegations in Wake of Sidon Armed Clashes*, 9 July 2013, <http://www.amnesty.org/fr/library/info/MDE18/001/2013/en>.

Recommendation: Expand opportunities for training and awareness raising in the area of human rights for members of the security forces⁸.

18. In January 2008, the ISF established a Human Rights Department, that works on training the police on Lebanon's human rights obligations, create a human rights database, coordinate with various stakeholders, including NGOs, and suggest improvements in ISF policies and guidelines to ensure conformity with its human rights obligations, among others.
19. The Human Rights Department has been active in providing an obligatory course on human rights for all newly recruited members of the ISF. Unfortunately, these trainings are not mandatory for other members of the ISF, and have not been incorporated in the institutional framework of the law enforcement body.
20. In January 2012, the department announced that a Code of Conduct (CoC) had been launched and distributed to its personnel. The small booklet, drafted with the assistance of the OHCHR regional Office and the support of the British Embassy, contains professional and ethical standards of behavior that ISF officers must abide by to guarantee the respect and protection of human rights and public freedoms in accordance with national and international laws. Issues such as command responsibility, integrity, impartiality, the use of force and fire arms, the rights of suspects and detainees are all addressed among others.
21. At some instants the CoC was in contradiction to Lebanese laws making the CoC inefficient, in practice. In addition to containing many ambiguities on the forms of implementation of the CoC while also including different terminologies that attenuate the essence promulgated by the CoC.⁹
22. Lebanese and International NGOs played a significant role in building the capacities of different stakeholders in particular lawyers and law enforcement officials. During 2012 Restart Center trained several ISF officers aiming at fostering the culture of human rights.

Recommendation: Continue to strive to obtain international assistance and technical advice to face the pressures in connection with the reception and hosting of refugees, and in this regard strengthen cooperation with relevant international organizations¹⁰.

23. Lebanon has still not acceded to the 1951 Convention on the rights of refugees. The Lebanese immigration control system is based on the Lebanese Criminal Code, the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country and on the Regulations set by the Ministry of Labor.

⁸ Recommendation No. 80.29.

⁹ More information available at: ALEF, *ALEF's Commentary on the ISF Code of Conduct*, January 2012, <http://alefliban.org/sites/default/files/ALEF%20-%20Commentary%20on%20ISF%20CoC.pdf>

24. The illegal entry of foreigners, asylum seekers and refugees, in breach of the 1962 law, implies being charged with criminal offences that would lead to administrative detention. Administrative detention is not provided for by the Lebanese law and is practiced irregularly by the General Security (GS). On the basis of discretionary decisions taken by the General Directorate of GS, foreigners including refugees and asylum seekers face prolonged and unjustified imprisonment.
25. Furthermore, relating to the Status of Refugees, asylum seekers and refugees are considered by the Lebanese authorities as migrants subjected to immigration laws. Based on administrative decisions, they are often denied legal status and are at risk of deportation. Refugees and asylum seekers often face severe limitations to their freedom of movement and access to basic services.
26. Palestinian refugees are particularly vulnerable to violations of their basic human rights. Their legal status is regulated under Decree No.319, which confers the Palestinians who sought refuge in Lebanon in 1948 and their descendants the right to reside in Lebanon. However, Palestinian refugees are conferred a foreign status according to which they cannot freely access some Lebanese public services such as health and education and cannot effectively exercise their right to work. The situation is further aggravated in the case of “non-ID” Palestinian refugees. This category of refugees, as a consequence of not possessing an identity card, is prevented from fully enjoying their rights¹¹.
27. Currently, the majority of refugees in Lebanon are Syrian nationals escaping the conflict. According to the UNHCR in 2014, out of 5,779 Syrian refugees born in Lebanon, 72% do not have a birth certificate, further aggravating the access to services.
28. Lebanon has in fact taken additional drastic steps, by adopting policies and regulations that create increasing uncertainty around the regulatory frameworks of refugees that might lead to risks of arbitrary arrests and forced deportations.
29. The Lebanese government has failed to sign a comprehensive Memorandum of Understanding (MoU) with the UNHCR determining the functions of the agency and allowing humanitarian actors to provide protection and assistance to vulnerable refugees.

Recommendation:

Take measure for the submission of overdue periodic reports under the treaties and covenants to which Lebanon has become party¹².

¹² Recommendation No. 80.36 and 80.38 request Lebanon to submit its initial report to CAT.

30. Lebanon has a substantial delay in submitting its reports related to the following treaties: International Covenant on Civil and Political Rights (due since March 2001), the Convention against Torture (due since November 2001), the International Covenant on Economic, Social and Cultural Rights (due since June 1995), the International Convention on the Elimination of All Forms of Racial Discrimination (due since December 2006) and the Convention on the Rights of the Child (due since December 2011).

Recommendation: Explore the possibility of establishing national-level coordination mechanism to assess and monitor implementation of the Government’s treaty obligations¹³.

31. To date, the Lebanese government has failed to establish a permanent coordination mechanism as required. All the initiatives so far were taken out of need on an *ad hoc* basis.

C. Persistent challenges to the protection of the rights to a fair trial, the situation of places of detention, and the rule of law

1- Challenges to fair trials

• Independence of the Judiciary

32. There are three main exceptional courts in Lebanon: the High Court of Justice, the Judicial Council and the Military Tribunal.
33. The High Court of Justice, the highest court in Lebanon, has jurisdiction to try the President and ministers of the country. Thus far, there have been limited cases brought before it while the Judicial Council and the Military Tribunal are notorious for various human rights abuses.
34. The Judicial Council functions under the orders of the Executive branch and has jurisdiction over matters of external and internal State security. Because the executive appoints its members, and because it has jurisdiction only over cases referred to it by the Council of Ministers, the High Judicial Council can clearly not be considered as independent. The lack of an effective appeal in front of a higher jurisdiction is a further blatant breach of international standards for criminal justice and fair trial.
35. The Permanent Military Court is under the jurisdiction of the Ministry of Defense and deals with cases related to crimes of spying, treason, and illegal connections with the “enemy” (Israel) as well as any conflict between civilian and military personnel. It also has jurisdiction to try civilians as well as members of the military such as the Army, ISF, GS and Ministry of Defense officials if the crime in question occurred while on-duty.

36. The Military Tribunal is headed by a military officer assisted by four other judges, three of which are military officers. The latter are appointed by the Ministry of Defense based on the recommendations of the heads of the main security institutions. The appointment of the military judges does not require legal studies or a law degree. This appointment procedure clearly undermines the judges' independence, and their professionalism and qualifications, which in turn leads to inappropriate trials.
37. The Military Tribunal's administration of justice therefore raises several concerns with regard to the right to a fair trial. This includes the right to be tried before a competent, independent and impartial court established by the law and the right to a public hearing, which cannot be guaranteed by the Military Tribunal. This is of great concern, because the Military Tribunal often tries civilians connected with crimes against members of the security forces.
38. During trials in front of these exceptional courts, in a large number of cases, confessions were obtained under torture, when the accused was being held *incommunicado* by the security forces, and are admitted as material evidence. When the accused formulates allegations of torture, they hardly are the subjects of a prompt and impartial investigation.
39. Forensic doctors are not independent from law enforcement agencies. Medical staff including forensic doctors serves under law enforcement or prison sector may have conflicted loyalty between their employer and professional obligation to report torture or ill-treatment. Forensic doctors fear reprisal or the loss of their job.
40. Additionally, forensic doctors are not trained to apply the Istanbul Protocol. Forensic, physical and psychological examination upon arrest is carried out by CSOs and not by state initiatives.¹⁴
41. According to the statements of forensic doctors: the public prosecutor rarely appoints forensic doctors to examine detainees in places of detention and the majority are being applied in officer's offices or under custody in police stations. When entering places of detention, forensic doctors are subjected to inspection and are prohibited from using their cameras to document their inspection. Additionally, these examinations are guarded by police officers in contradiction with the Lebanese law.

2-Fair Trial standards

42. Legal aid is only provided by the Beirut or Tripoli Bar Associations and is usually limited to cases of felony. Defendants may ask the court to assign a legal aid lawyer, or in felony cases

¹⁴ Restart Center is currently working on the implementation of a forensic unit in Tripoli Palace of Justice, to guarantee physical and psychological examination for all arrested persons during the interrogation period when torture is more practiced.

the judge would appoint a lawyer automatically. As such, access to legal aid is not automatically provided to those in need.

43. The quality of legal aid, whether by the Bar Associations or NGOs, is questionable. There is no judicial or other control on the quality of the legal aid provided, no support to lawyers and no functional complaint mechanism.
44. Migrants and refugees are not always provided with sworn interpreters, greatly hampering the fairness of trials. Additionally sentences in such cases are often standardized and decisions are sometimes issued prior to hearings.
45. In violation of the principle of individual hearing, migrants and asylum seekers are often tried *en masse*, in particular for cases of illegal entry or stay.
46. Criminal trials, mainly in serious felonies, are lengthy and individuals are held for extensive period of pre-trial detention.
47. The Lebanese Code of Criminal Procedures features no special provisions on the right of the detainee to resort to courts on the legality of his arrest.

- **Situation of places of detention**

48. Places of detention do not meet the Standard Minimum Rules for the Treatment of Prisoners, especially in relation to food, exercise, medical services, and separation of categories of prisoners. In particular, nutritional guidelines are not followed by the prison administration especially as far as nutritional needs of diabetic inmates are concerned.
49. Moreover, prisons remain significantly overcrowded. The primary reason is the length of pre-trial procedures – which can be indefinite in some cases as per article 108 of the Code of Criminal Procedure. In 2011 the rate of convicted detainee was 42.6% while in 2013 this rate decreased to 39% in 2013. Throughout the years the rate of pre-trial detainees was always superior to convicted detainees.
50. As of March 2014, a total of 6,400 individuals were deprived of their liberty and distributed to 25 prisons and places of detention under the jurisdiction of the MoJ. The overall capacity of Lebanese prisons is 3,653. According to an ISF official, among the 6,400 individuals, 3,930 are Lebanese, 1,400 are Syrian nationals, 800 are non-Syrian foreigners, and 270 women.
51. Roumieh, the central prison, hosts the highest number of inmates. The overcrowding in Roumieh is due to a multitude of reasons among which the use of one of the buildings by the army as a weapon's deposit, which creates risks and danger on inmates.
52. Roumieh prison, as well as other correctional institutions, witnessed intense riots in 2013. The overcrowding, long delays in trials procedures, weak law-enforcement inside prisons,

and poor conditions of detention have been considered to be among the most important reasons behind the unrest in prisons.

53. Trials are in addition being delayed or missed for various reasons, including the absence of transportation to the court hearings (70% of a sample of 1,000 detainees in 2013), climatic, security and health-related reasons (30% of a sample of 1,000 detainees in 2013).
54. Those figures include among the “convicted inmates” the foreigners who remain detained illegally in the prisons after termination of their sentences pending their handover to GS. The percentage of such inmates is unknown. However, CLDH has noted that a delay of at least 3 weeks was observed at the end of 2014 resulting in a systematic arbitrary detention of foreigners after the termination of their sentences.
55. Following security incidents and attacks allegedly planned from Roumieh, the Ministry of Interior has adopted security measures inside and outside the prison. These measures are affecting the inmates’ contact with the outside world. In January 2015, the Ministry of Interior authorized a security raid in Roumieh, reportedly aiming at ending years of impunity and chaos inside the prison. However, impunity continued to prevail with most of the security officials and inmates responsible for the problems reportedly not being held accountable.
56. Police stations and places of detention designed to be solely for *garde à vue* functions are currently being used as prisons. In the Baabda Judicial Palace, the detention cells are underground with lack of natural light or aeration, among others. In June 2013, CLDH reported on the situation in the Jdeideh Palace of Justice where 30 migrant women were locked in 6-square-meter cells hosting up to 6 female detainees kept by male guards, without sunlight, without being allowed to go out of their cells, without drinkable water and depending totally on their outside acquaintance to bring them food. Medical service or NGO presence is not available in this facility. The detainees could be kept up to one month pending their transfer to GS. The same situation in Bickfaya police station was reported to CLDH in November 2014.
57. GS is using the police station under the authority of the Bureau of Investigations and Procedures (Da’irat al-TahqiqwaTahqiqwa al-Ijra’) under the Adliyah Bridge in Beirut as a long-term detention facility despite the absence of any clear law or directive authorizing it to detain foreigners. Foreigners are systematically detained at this facility straight after their arrest or at the end of their sentence. This facility is known for its harsh and inhumane detention conditions and for the absence of legal basis authorizing GS to detain individuals in it. Furthermore, if this facility is a temporary holding location, detentions in it should be very brief and should not exceed the legally prescribed temporary holding period of 48 hours with one-time renewal. In practice, for most of the cases the duration of detention in GS facility is of 2 weeks to up to a year and more.

58. Every year around 3, 500 migrants¹⁵, refugees and asylum seekers are detained in this facility illegally pending their release in Lebanon if they manage to find a sponsor or their deportation to their country of origin even when they are UNHCR-recognized refugees.
59. Public prosecutors authorize the detention of individuals in consignment to different security agencies in violation to the law. Judicial authorities justify such method in order to decrease overcrowding.
60. Prisoners with mental health disorder do not receive exceptional treatment inside prison and only NGO initiatives fill the gap.¹⁶
61. In Yarze prison, under the authority of the Ministry of Defense, and the detention facilities run by the Information Bureau of the ISF, detainees are arrested, investigated and then spend their sentence in the same places of detentions, diminishing any chance for inmates to report torture practices before of judicial authority risking as such forms of reprisal and punishment.

3- Challenges to safe houses and psychiatric hospitals:

62. There are neither written procedures nor monitoring system of psychiatric hospitals. Patients are admitted without their consent and are subject to physical restraint that would amount to torture. Admissions are not prescribed on judicial warrants, which might lead to an indefinite period of treatment.
63. The misuse of safe houses administered by CSOs, such as Caritas Lebanon Migrant Center (CLMC), is worrisome, since these centers might amount to a form of detention lacking legal provisions and judicial oversight. The safe house is, in principle, a preventive measure and a safe haven for women intended to temporarily house victims of human trafficking. CLMC's safe house operates on the basis of a memorandum of understanding (MoU) with the GS and requires that beneficiaries be foreign female victims of human trafficking seeking aid on voluntary basis with no coercion. However, certain organizations fear that the safe house may be misused as an alternative place for detention, without any judicial oversight.
64. The Safe House is shrouded in secrecy reportedly in order to protect the women staying there. While they wait for their voluntary return to their countries of origin, they are not allowed to leave or communicate with the outside world.

65.

Access to detention places

¹⁵ Source : <http://english.caritasmigrant.org.lb/our-action/projects/migrants-inside-the-detention-center/>

¹⁶ Psychiatric consultations and psycho-medications are provided in Tripoli prison by Restart Center.

66. Certain buildings in Roumieh, in particular building D and the section administered by the Information Branch of the ISF, are not accessible by service providers, with the sole exception of the ICRC. The submitting organizations raise concerns on the number of people detained in such sections and their human rights situation.
67. The number and conditions of detainees in the prisons handled by the military intelligence and the ISF Information Branch are unknown.
68. There is no access for NGOs and no automatic access for lawyers to police stations and courts detention cells. The same goes for the Ministry of Defense prison and the detention facility of the ISF Information Bureau.
69. Detainees at police stations do not have automatic access to doctors or lawyers. In some prisons individuals are often held incommunicado for days.
70. Detainees in the GS holding facility do not enjoy the right to automatic visitation by NGOs, UNHCR, and lawyers. Such visits are tightly regulated and done only with the GS permission and at its strict discretion. Lawyers' difficulty accessing clients led the Beirut Bar Association to sign a MoU with the GS in 2006 regulating lawyers' entry into its centers. Despite this MoU, lawyers are not always granted permission to visit every time they apply. More recently, the General Security issued a new directive further restricting lawyer's access to its main detention facility (Letter No. 27 issued on 5/4/2012)

Monitoring of places of detention

71. NGOs access to prisons (only prisons run by ISF may be accessed by NGOs) requires annual authorizations by the ISF, which may not be considered as automatic or unlimited access, as the authorization may be declined at ISF discretion. NGOs that do not have authorizations have to resort to individual members to be able to visit detention places upon an individual authorization by the public prosecutor and to visit a specific detainee.

- **The Death Penalty**

72. Death penalty is still legal in Lebanon. Despite the fact that the latest executions dates back to January 2004, there are still approximately 71 persons awaiting execution in Lebanon.
73. Lebanon has not yet abolished the death penalty. Nevertheless, Lebanon has declared a moratorium on public executions.
74. The Judicial Council issued 22 death sentences in a single session on 6 February 2015.

- **Enforced and Involuntary Disappearances**

75. 17,000 persons are believed to have disappeared on the Lebanese territory between 1975 and 1990. The practice of enforced disappearance continued after the end of the Lebanese war with no statistics made public.
76. However, in spite of the continuous claims of their families and 3 investigation commissions set-up by the Lebanese state, thousands of families never got proper answer regarding the fate of their loved ones.
77. A draft decree for the creation of a National Independent commission on Enforced disappearance and missing of the war is pending approval by the Council of Ministers. Two draft laws were submitted to the Parliament in 2012 and then in 2014 which are still pending at the Human rights commission level.
78. The law that should allow the government to ratify the ICAED is still awaiting the Parliament's approval since 2007.

D. Recommendations

- **To submit the Lebanese overdue periodic reports to the different treaty bodies in particular the initial report to the CAT;**
- **To respect the rule of law principles and addressing a legacy that includes displacements, enforced disappearances and/or abductions by all parties, as well as a persistent culture of impunity;**
- **To promote measures in the code of criminal procedures and the penal code that would take into consideration alternatives to deprivation of liberty, the latter being only for last resort and for the purpose of the public good. Such detention should serve the purpose of higher rehabilitation decreasing the rate of recidivism;**
- **To ensure that all allegations of torture are investigated in an impartial and independent body bringing those responsible to justice with guarantees of a fair trial, in order to put an end to the pattern of impunity for human rights violations and provide remedies to victims.**
- **To adopt a law criminalizing torture in line with the UNCAT and other international standards removing all forms of impunity or derogation that would limit the preventive and criminal responsibility nature of the law**
- **To reform the criminal justice system by ensuring more independent mechanisms for the nomination of judges, and an efficient state-led legal aid system.**
- **To abolish the death penalty sentence from all legislations and be replaced with greater humane sentences.**

- **To establish a National Prevention Mechanism in line with the derogations of the OPCAT.**

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