



**LEBANON**  
**THE MINISTRY OF DEFENSE DETENTION CENTER:**  
**A MAJOR OBSTACLE TO THE PREVENTION OF TORTURE**  
**Forgotten victims, unpunished executioners**

By  
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SOLIDA wishes to salute in particular the courage of all those victims who dared testify to the atrocities to which they were subjected at the Ministry of Defense, and without whom this report would not have been possible...

May this document begin to shed light on what those victims went through, do them the justice they deserve, and abolish the practice of torture in Lebanon in the future.

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## INTRODUCTION

This report is above all a tribute, a tribute to the silent victims of faceless and nameless executioners, who tried with impunity to break their humanity in the dark basements of the Ministry of Defense.

This report is a tribute to those who died under torture in Lebanon.

This report is a tribute to the families of these victims, who suffered, along with their loved ones, the disgrace and great injustice which is torture.

This report demands truth and justice for the families of the victims of murder, attacks and all sorts of atrocious crimes, who expected the Lebanese justice system to conduct genuine investigations and to whom the only compensation offered was the mere designation of a "guilty party" who had been forced beforehand, under torture, to sign confessions without having even read them.

This report is a cry, a cry that says "Enough!"...

A cry for this not to continue...

A cry that justice be done...

In 1997, thanks to the testimonies of former detainees, the SOLIDA movement published a factual report on arbitrary detention, the ill treatment and torture in the basements of the Lebanese Defense Ministry.

Today, dozens of people are suffering the physical and psychological consequences of the hell to which they were subjected at the Ministry of Defense. Many of them live in fear and are still victims of intimidation and oppression.

The Lebanon under Syrian custody and the Lebanon under Israeli occupation no longer exist. Lebanon is a sovereign state that boasts to have become a democracy. But can a democracy without justice exist? Is a democracy, whose Security Services torture and persecute the citizens with impunity, really a democracy?

SOLIDA will not accept that the suffering of torture victims be reduced to a mere one-line item in the balance sheet of the countless violations of Human Rights to which Lebanese citizens have been subjected. SOLIDA

will not accept that this continue, while the practice of torture is pervasive within the Lebanese Security Services as a method of interrogation and punishment, or as a practice considered ordinary in the “justice” system of the country.

The practice of torture must cease in Lebanon, no matter which security service is guilty of it.

It is time to speak up...

It is time to give this scourge a name and denounce it...in order to be done with it, once and for all.

## TORTURE IN LEBANON

### **Generally:**

According to the Convention Against Torture, torture is defined as follows:

"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. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

The practice of torture in Lebanon is a widespread phenomenon which has been used by virtually all the forces that were parties to the conflict during the 1975 – 1990 war in Lebanon.

After the Taef accord which ended the conflict, three major parties can be named as directly responsible for the practice of torture in Lebanon, namely: The Israeli forces up to their May 25, 2000 withdrawal; the Syrian forces up to their April 30, 2005 withdrawal, and various security services which are still active today and which report directly to the Lebanese State

In 2000, Lebanon ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see Appendix 1), but none of the provisions stipulated by the Convention is implemented in Lebanon.

However, and more importantly, the crime of torture does not exist in the Lebanese Penal Code, which prevents the victims from asserting their rights, and this is in stark contradiction, specifically, of Article 4 of the Convention, which stipulates that "Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture."

This lack of inclusion of the crime of torture in Lebanese domestic law makes a large number of articles in the aforementioned convention unenforceable since those articles stipulate the full spectrum of measures to take in case the practice of torture is identified.

We can also take stock of the fact that, to this day and to our knowledge, no steps have been taken by the Lebanese State to open investigations on allegations of torture, to prosecute those presumed responsible for them, to prevent confessions made under torture from being used as evidence in trials, and to prevent the practice of torture by the Security Services. Information in our possession makes us also believe that persons who risk torture in their country of origin have been expelled from Lebanese territory (see Appendices 2 and 3)

. All these breaches constitute violations of the provisions of the Convention, if not an absolute refusal to implement them in Lebanon.

This reluctance by Lebanese authorities to implement the Torture Convention is confirmed by the behavior of the Lebanese government which, under article 22 of the Convention, did not recognize at the time of the ratification of the Convention the authority of the Committee Against Torture established by the United Nations. This preemption ensures that no victim of torture in Lebanon has the possibility of lodging a complaint with the Committee Against Torture.

The ratification of the Convention Against Torture has therefore not in any way changed the practices that are in force in Lebanon, and cases of torture by the Lebanese Security Services have been reported to us up to August 2006, which suggests that it remains an ongoing practice.

### **To the Lebanese Defense Ministry:**

One of the ways to prevent torture would be to give access to the ICRC (International Committee of the Red Cross) to Lebanese places of detention. In 2002, a presidential decree gave this right to the ICRC, but this has not been implemented because of the refusal of the Lebanese authorities to allow access to the places of detention managed directly by the Intelligence Services of the Lebanese Army, mainly the detention center of the Ministry of Defense located in the basements of the building.

**This is the main reason why we believe that the silence surrounding this place of detention must be broken, which thus becomes a major obstacle to the prevention of torture in Lebanon.**

The second reason motivating SOLIDA's decision to shed light on the situation at the Ministry of Defense in particular is the gravity - and the systematic and chronic nature - of the violations identified in this place. The gravity of the acts of torture and the mistreatment perpetrated against the prisoners are beyond imagination. Hundreds of people have been detained there in secret and have been detained arbitrarily and/or interrogated under torture. SOLIDA has documented cases of torture and cruel treatment perpetrated at the Lebanese Ministry of Defense from 1992 to 2005, which does not entirely exclude serious violations having probably taken place before 1992 and during 2006. The alleged perpetrators of these acts of tortures enjoy total impunity and some are still active in intimidating, and even persecuting their victims with the goal of preventing them from publicly denouncing their practices.

The basements of the Ministry of Defense serve as an interrogation center and a secret detention location since 1992 at least according to the earliest testimonies we were able to obtain.

Those basements were granted legal status by the Lebanese Government in 1995 as "Detention Centers" in the context of the Geagea case, with the goal of legalizing the holding of interrogations and the detention of the accused, and subsequently of the sentenced individuals, in this location. The violations lasted until **at least** July 2005

Today it is extremely difficult to obtain information on this "prison" for a number of reasons:

- It is under the exclusive control of the Intelligence Services of the Lebanese Army.
- Humanitarian organizations are denied access to it.
- In some cases, even the lawyers of the detainees are denied access to it.
- A parliamentary delegation paid a visit to two prisoners and a detainee in 2004, but was unable to gain entry to the entire detention center whose precise dimensions and detention capacity are unknown. The

parliamentary delegation was thus unable to corroborate whether or not other detainees were held there as well.

Over the years, two main categories of detainees were to become prominent, namely: Christian opposition members who are often classified by the Intelligence Services as “Israeli collaborators”, and Sunni opposition members who are often considered as “Islamic terrorists”. To these two broad categories are added those whom the authorities have an interest in pressuring and persons suspected of posing a specific threat. The presumption of innocence does not, in fact, exist in this place.

The Ministry of Defense Detention Center was used in a number of legal cases to “manufacture guilty individuals”, coerced into signing confessions of guilt under torture, and destined to be used by the principal “partners” of the Army’s Intelligence Services, namely the Military Tribunals and the Judiciary Council. None of those cases has been reviewed, and to our knowledge, not one allegation of torture was ever investigated, and anyone today who stands to testify to what they were subjected to, are often subjected to pressures.

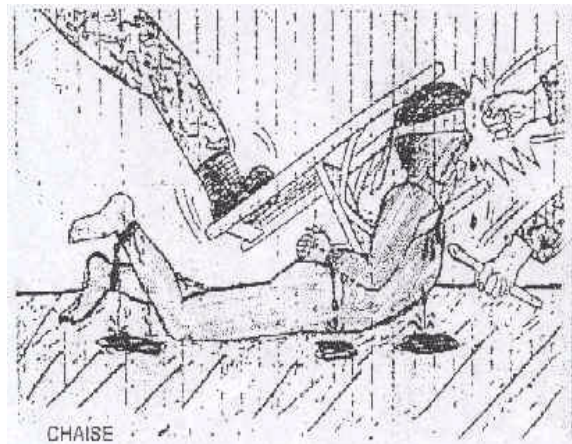
We will not address in this report the interrogation methods and the general detention conditions at the Ministry of Defense, since these were covered in detail in the SOLIDA report of 1997 (See Appendix 4). However, several individual accounts do give an idea of the seriousness of the situation.

In short, this “Ministry of Defense Detention Center”, whose set of practices are flagrant violations of Human Rights, and which is still in operation as an official detention place, represents *the* symbol of all that is arbitrary in Lebanon, a terrifying place that sets itself as an emblem of the “Non-Rights” zone where, at any moment, anyone who dares to disturb the authorities could be dispatched.

**We therefore raise the question openly today: How can we accept that the Ministry of Defense remains an official detention center? And how can we tolerate that such practices continue to go unpunished and, thus, recurrent.**

## **TORTURE METHODS AT THE LEBANESE DEFENSE MINISTRY<sup>[1]</sup>**

The “Chair”



**Drawing: George ALAM**  
**" The Pepsi "**

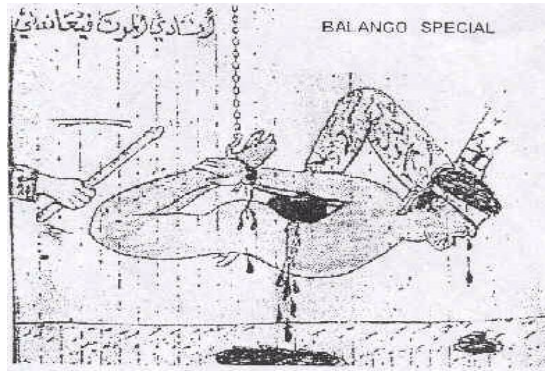


**Drawing: George ALAM**  
The "Balanco"

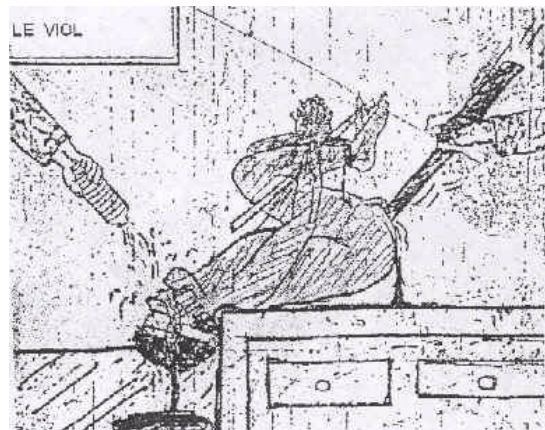


**Drawing: George ALAM**  
The "Special Balanco"

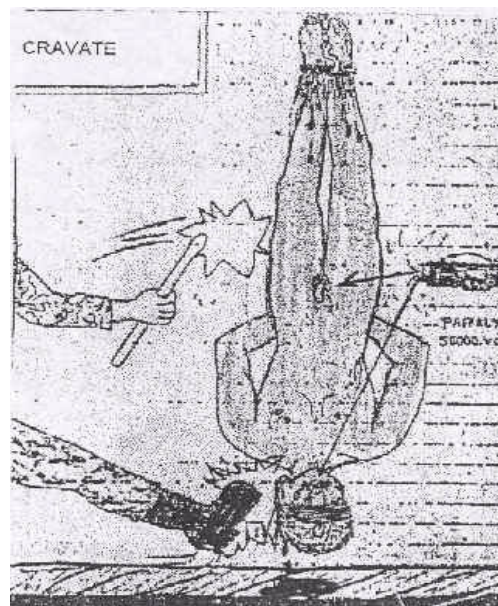




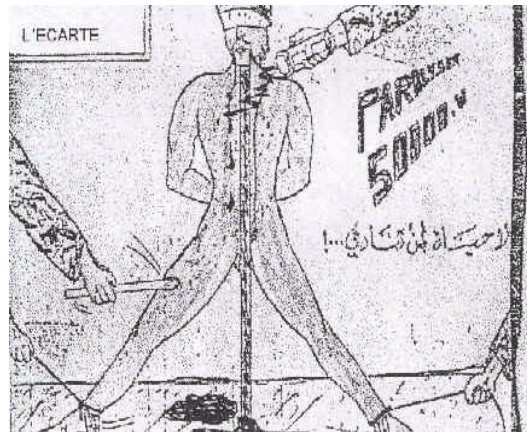
**Drawing: George ALAM**  
The "Rape"



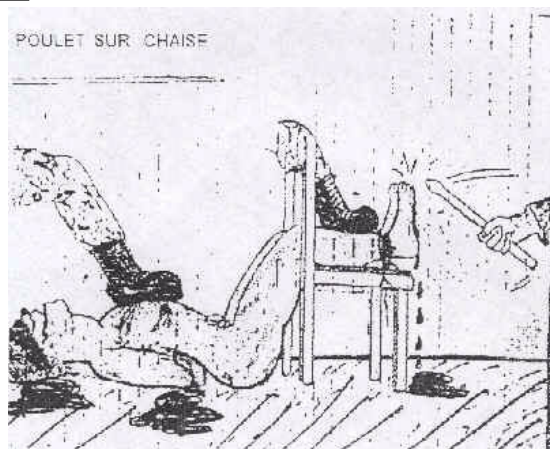
**Drawing: George ALAM**  
The "Necktie"



**Drawing: George ALAM**  
The "Spread"



**Drawing: George ALAM**  
**"The Chicken on the Chair"**



**Drawing: George ALAM**  
**Electrolysis**

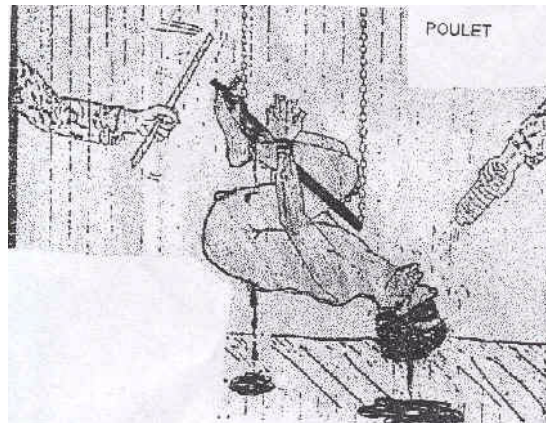


**Drawing: auteur inconnu**  
**"On the Knees"**





**Drawing: George ALAM**  
**"The Chicken"**



**Drawing: George ALAM**

“Every time I heard someone scream when he was on the Balanco or being electrocuted or I heard the squeak of a door I would feel a terrible pain in my stomach. I would shiver. I felt myself at the edge of utter despair trying to shut out the sounds of the screams. Even so I would hear every one of them, every electric shock.”

Jihad Sleiman, May 5, 1995

### JIHAD SLEIMAN’S TESTIMONY

(STATUTORY STATEMENT - May 5, 1995)

I was in charge of the security of Dr. Samir Geagea, the leader of the Lebanese Forces. I would like to speak about the conditions of my incarceration in the Ministry of Defense in Lebanon.

On 28<sup>th</sup> March 1994, we were besieged in Ghodras (the headquarters of the LF). Whilst leaving the area, I was arrested by the Lebanese Army. They gave my name on the wireless then a group arrived, they took hold of me and covered my head with a jacket. I was thrown inside the jeep and taken to the Ministry of Defense.

There was no arrest warrant issued. On the way I was beaten up violently and my covered head was being kicked repeatedly by the soldiers. When we arrived at our destination a soldier took hold of me whilst being blindfolded and ordered me to run rapidly with him whilst guiding me. I smashed my head into the wall and collapsed on the ground in the midst of laughter from the soldiers whom I did not know by name. I was beaten with the butts of rifles until blood came out of my hand. Four to five hours later and whilst I was standing blindfolded, I was summoned for interrogation. After I had been relieved of the blindfold I saw an officer who told me "You're now in the Intelligence Section of the Ministry of Defense, we do not want anything from you but need you to answer every question we ask, it is the only way you will enter decent and respected and you'll walk out clean and whole. Do not give us any reason to show you the other alternative ...". They called out to a jailer (every jailer was called ATTIEH). They shouted "Attieh blindfold him, take him to the bathroom, give him a pad of about one thousand papers and tell him what to do." The jailer took me and threw me onto the floor of a bathroom, he handed me the pad and told me "You've got to fill up all these papers and you've got to tell us all the sh.. you've done, all the atrocities that you've perpetrated in your life, all those you've assassinated, all the drugs you've taken, the thefts, the women you've raped, everything your master Samir Geagea delegated you to perform: the killings, the bombings, the assassinations etc... and if you do not write, you poor thing, you'll never know what will happen to you." I took the pad and started detailing the period of my life with the Lebanese Forces starting from 1980 to the present date. I filled about 20 pages and then handed them to the interrogator. About one minute passed before he shouted at me "What is this? Are you laughing at us? Don't you know we are aware of all this? We want the atrocities you have perpetuated, we want everything your master Samir Geagea ordered you to execute: the people that you killed; tell us how you bombed the church, how you killed President René Moawwad, Dany Chamoun, how you assassinated Rachid Karamah, you have to tell us all that in details, I am going to give you one more chance; go and write again".

I took the pad again wondering what else to write especially when I was certain that we had absolutely nothing to do with all these crimes so I started thinking: I already told everything on the Lebanese Forces and on my role within it, about how the Lebanese Forces changed from a militia to an institution, about the rehabilitation programmes, about the political school, about the military college and the graduation of officers, about the social and charitable programmes like the public transport, the twinning programme, the medical and education subsidies. I even told them about our structure and the who is who in our hierarchy. I detailed my training, the battles I fought, the duties I assumed in the military police and all the details of the period in Ghodras, the guards stations, the different offices, even the details of Dr. Geagea's home.

I felt I had nothing more to say; I knew that the Lebanese Forces had nothing to do with all the killings, the bombings and the atrocities mentioned. I felt that a big scenario is being prepared and that they need to use me in order to arrest Dr. Geagea. I handed him the pad back. He said "Attieh, it seems that this animal is not understanding us. In any case he will be made to understand. Does he think himself more important than Fuad Malek?" And here the long road of Calvary started.

Attieh took me and the torture began. I do not know where to start from. The first thing I remember was being tied to a chair with my feet caught between the seat and the back and being hit on the soles of my feet with an electric wire until my feet were bleeding profusely. He then untied me and threw me into a cell and told me "I'm giving you 10 minutes, think hard and tell us what you've been asked to execute recently by Dr. Samir Geagea. If we do not get what we want after those 10 minutes, you'll experience something you don't like."

The ten minutes passed and I gave the same answers as before. "I was not asked to execute any mission that involved any illegal attack on security or order". The jailer took me and hanged me on the "balanco". It is indeed the most difficult tool of torture that I suffered and I suppose this is true also for all my friends who were detained in the Ministry. The interrogator told me "you will not come down off there until you start speaking". Here I would like to stress that those interrogators arrest people and accuse them all of imaginable crimes.

Their end target was to formulate a scenario and extort all its predetermined elements through degrees of torture little by little until the victim learns the lesson and follows neatly their plan. They started increasing the dose of torture and used a variety of methods. More than once they told me to "Speak and have pity on yourself because you have one of two alternatives: either ending up in the lunatic asylum like Georges Alam or becoming paralyzed and your relatives will visit you in the Centre for the Disabled of Beit Chabab".

I first thought these threats were exaggerated but slowly the Calvary became more and more heavy. After the beatings I progressed onto the "Balanco" and from there a new method called "Magic Carpet" was used at the end of which I was thrown into a cell with bilateral sprained and greatly swollen ankles. A person entered the cell and asked me if I was ill. "Do you need a doctor? Do you lack anything?" I answered "my legs are hurting" and he asked me "why". I did not dare and tell him that the reason was torture. I answered "because of a missed step." He replied "a missed step or a beating on the soles?" I said "the torture Sir". He replied "It seems that you are not accustomed to tell the truth". He started shouting at me "if you do not tell them what they want, you are to suffer even more". He left and I knew this was the medical doctor. The interrogator returned and told me "I will try and speak to you once more. We possess reliable information that you and a few others from Ghodras know details everything about Dr. Geagea. You have to tell us everything." I replied "I said everything I knew already". He called to Attieh and order him to do a good job. Attieh knows very well that in order to please his master he will induce the most suffering imaginable. He asks me to undress completely and wash and then orders me to bend forward in order to introduce a bottle in my back passage. I started begging him and implored him not to; another one arrived and started whipping me; a third one punching me. They brought the bottle and put it underneath me and ordered me to sit on it. I started shouting; here an interrogator came and I begged him to give me time to speak. He took me and said "son, we do not want anything from you personally, you are very small fish. We want the head of your leader; we want to crush him. Nobody is allowed to stand in our way. You will tell us how you bombed the church". I answered "but Sir, I know absolutely nothing about the whole question of the church. I never took part or knew anything that related to it or other illegal activities". He said I am trying to help you, why suffer all this torture because they are determined and they know that you took part in the bombing, tell us or else it will be very difficult on you". I reiterated my innocence and the certainty that we had nothing to do with this. I detailed the meeting of Dr Geagea in support of our innocence. He replied "In this case I wash my hands and let "the butcher" take over".

The butcher is an interrogator. Others were nicknamed Hitler, Romel etc. The butcher ordered to hang me onto the "Balanco" once more. The Calvary started again. He left me hanging for about half an hour during which I was crying and shouting in pain. He came back and said "you have bombed the church isn't it?" I told him "As you wish sir, anything you say sir" and thus in a moment of weakness and pain I crumbled and accepted to say what they wanted me to say in order to avoid any further suffering. I felt that whatever I am obliged to do now I would refute later on in court. From there on I agreed to everything: that I killed President Moawwad (they insisted at first of accusing me and the Lebanese Forces then they dropped this accusation); that we killed Mr. Karami (the Prime Minister). They tortured me very much to confess that I killed Monsignor Khoreish only to realize later after my release that I was in Germany at the time of the killing. They accused me of killing Mr. Dany Chamoun. During all this time I was hearing the same methods of interrogation and the same questions being asked to other friends of mine who were responding that they knew absolutely nothing about it. Returning to the church bombing, and after collapsing into submission, I was asked "you brought the time fuses didn't you?" I answered "yes sir". He said "to whom did you give them". I answered "I bought the time fuses and gave them to Joseph Rizk". Here the interrogator was seemingly satisfied that I was beginning to understand them so they started to increase the level of torture and intimidation he said "son this does not fit in well. It is not Joseph Rizk that took the time fuses it was Dr. Geagea wasn't it?" I answered "Yes Samir Geagea sir. I brought the time fuses and gave them to Samir Geagea." He replied "Samir Geagea is not going to keep the time fuses in his office is he? He told you to give them to an engineering officer isn't it,

animal?"

I felt that everything was being drawn according to a predetermined scenario at the end of which anybody will deduce that Dr. Geagea was behind the bombing of the church. From there on I remember that between each and every word I was being subjected to electric shocks. I still carry on my body the evidence of this.

I was hoping to renounce all these fabricated confessions in front of a Judge of Interrogation or a Court within a fair system of justice. So when they were threatening me about referral to the Judge I hoped, deep into my heart, to be able to escape from the hell I was living in and tell the whole truth. I was looking forward to being moved to a civil jail and then I will be able to consult with a lawyer. I should also stress that until this time I was prevented from receiving any visitor, family or lawyer.

On one occasion I gathered all my strength again, and whilst praying I decided to fight back. I waited to be seen by the Judge again and told him "all my depositions were made under duress" If you want the truth I do not have anything to do with all these bombings, assassinations or anything else". After this they took me again through the road to Calvary with more and more sophisticated torture. During all the period from 28.94 until 16.4.94 I was kept standing, deprived of food, water and sleep for a span of three to four days at a time. I was naked, blindfolded, my hands tied behind my back whilst I was facing the wall with my legs spread widely apart. They used to walk on my toes, electrocute me at will and at times when I could take no more I used to collapse on the floor. I also experienced a weird feeling of detachment from my environment called in medical terms a Trance or Fugue. I imagined myself back in Ghodras assuming my usual responsibilities. They used here to hit me and kick me in the head. They used to come and wake me up with electric shocks. I know during one of those times I collapsed and was wounded on my head. It was a big deep wound; they carried me; threw me back into my cell and left me to sleep for a long time. They woke me up and asked me to get dressed and try to make myself look smart. I thought my parents or somebody else was coming to see me at least. They took me to a room and removed my blindfold. I saw in front of me a man dressed in civil clothes. I knew him straight away he was the Interrogation Judge Joseph Freiha. I had seen him on TV before my arrest, making declarations and accusing the Lebanese Forces of the church bombing. He said to me "stand up and put your hands behind your back son". I blessed myself and did as he asked. He looked at me and started shaking his head saying "if you see me in civil clothes, do not think you can take advantage". "No sir, but this is a new and different environment. It is only for this reason that I blessed myself", I replied. Then he started the interrogation. I quickly realized that nothing had changed. From the room of Judge Freiha you could still hear the screaming and crying from the other rooms, as before, it was so loud on one occasion that the Judge had to ask the soldiers in the room to go and calm it down so that we could hear each other. Despite all this, I was still hoping the Judge was going to move me into a civil jail and allow me to appoint a lawyer for myself or release me because I was innocent. I was grabbing at straws. All of a sudden after a silence, the screaming commenced from the next room. I recognized the voice of my friend Fawzi Al Rassi. I could hear Fawzi saying "I had nothing to do with the story of Dany Chamoun, I know nothing about it". I heard another voice ordering "Attieh, hang him on the Balanco". I heard a noise which sounded like they were hanging someone on the Balanco. I could hear from the screams that they were electrocuting him. I heard another one say "get the acid and dip his feet in little by little". I could hear Fawzi screaming in terror, "No, No", then suddenly his voice stopped. I heard lots of movements but I never heard his voice again. I didn't know then what happened but I found out after I had been released that he died on that day at their hands. When the judge had finished with me, they took me to a corridor and made me stand facing the wall. Someone gave me a sandwich; a man called "The Big Master", the head of the intelligence unit, the officer Jamil Sayed passed and saw me eating. (They used to call him Abou-Hamam - the father of pigeons). He said "who allowed him to eat or sleep before he tells the truth". I told him "Sir I just told the judge all what I know". He replied "what truth is that". The judge himself asked us to punish you. Now you will not sleep or eat". One of the guards grabbed the sandwich from my hand and I know that for more than three days they

kept me standing with my legs spread open without food or drink until I collapsed unconscious on the floor.

Because of the lack of food and sleep and because of the torture they realized I was beginning to break down. They devised a new method of torture whereby they made me stand, arms and feet apart, and scream "the pigeons are flying" and lower my arms screaming "the pigeons are landing" thus the naming of Abou Hamam. This was repeatedly endlessly for days and nights. I lost my sense of time. Because I was dehydrated, my mouth was so dry at times that I would not speak, they responded by giving me electric shocks or punching or lashing me with the whip. They used to gather, seven or eight of them, to watch the show. The man Abou Hamam was given me for seventy days at least in the Ministry of Defense. They treated me like a clown. When they began to allow me to sleep one of them used to wake me up and told me I had an interrogation. He would blindfold me, cuff me and say to me "fly fly bird". They used to make me sing, I used to hear the "big master" and all his subjects laughing.

Because I was an officer in the headquarters of the Lebanese Forces I knew most of the people who were arrested in this section i.e. around 70 or 80. Every time there was a new prisoner they would make me go into a room with them and say whatever they told me. They would ask me questions and make me repeat pre-prepared answers to demoralize the new prisoners. They would make me say that their wives or mothers were having affairs with X,Y,Z. They would ask the new prisoner "do you know Jihad Sleiman", he would reply "Yes he's an officer in Ghodras" (headquarters of the Lebanese Forces). They would say "look what happened to him. If you don't tell us what we want (meaning their prepared statement) the same thing will happen to you". The interrogator would then scream "bring Abou Hamam". When the boys saw me they were afraid and demoralized and would begin telling stories thinking it would save them from the same torture. They would call me three or four times a day to play this game. I know this is what happened to the prisoners Rafiq Saade, Kamil Karim, Girges El Khoury, Hanna Attiq and many others.

What I want to say now is very important. They were pushing me to admit my involvement in the bombing of the church and the assassination of Dany Chamoun and his family, telling me I would be released if I said that. Because, according to them, I was very small fish and they didn't want me, they wanted (the head) my boss. I denied any involvement. One of the soldiers said "sir, it's okay, the animal in the other room just admitted his involvement in Chamoun's case". The investigator would turn to me and say "admit you've done the church and let's finish. Then you can go home. We know you're just a soldier following orders. We will bring your boss to the prison."

It was one month before I was allowed to see a lawyer and instruct him to defend me. Even then they did not allow him to talk to me. They just asked him to obtain permission from the interrogation judge before he saw me again. After a few days my interrogator said to me "Abou Hamam, they are saying outside you are either dead or crazy and now they are sending one of your religious people in black, you call him what a priest or a bishop, to ask about you. Now you are going to meet him. You will tell him everything is OK and there is no torture whatsoever. If you don't we will kill you when he has gone. You tell him you're here for questioning because the party you belong to is involved in serious allegations." They took me up to see the Bishop, Bechara Al-Rahi, sitting between the two judges Freiha and Hounein and a few other people. The judges were telling him "Don't worry father we're the protectors of the Christians and the boys are OK in here. I had to tell the Bishop that everything was OK. The Bishop told me that they were going to tell this to the press. When we had finished they sent for me. The interrogator said "Good you've done well. Not like this animal Hanna Attiq who said things he shouldn't have. It comes to my mind now that my old friend Hanna Attiq ended up a few days later in hospital in a coma for ten days.

After that event they were easier with me, but I could always hear my friends screaming "I don't know", "this is the truth" or "Mother Mary Jesus please save us". I could hear the interrogator saying to them "forget it, neither



Jesus nor Mary is going to help you here. Screaming won't help. Here you have to say "yes sir" and tell us about the involvement of Samir Geagea.

Every time I heard the screams I couldn't eat or sleep. I stayed there for 90 days hoping that they would move me to a civil prison. Every time I heard someone scream when he was on the Balanco or being electrocuted or I heard the squeak of a door I would feel a terrible pain in my stomach. I would shiver. I felt myself at the edge of utter despair trying to shut out the sounds of the screams. Even so I would hear every one of them, every electric shock.

I will describe this prison for you. There is a long corridor with 16 rooms full of prisoners. In the corridor were 50 prisoners cuffed, blindfolded and lying on the floor. Everyone could hear all the interrogations, the torture and the screams.

Finally, it is really terrible that they are continuing with court cases built on statements signed by us under duress.

After torture we were forced to sign these statements, blindfolded, by a man called Mukhtar (the Mayor). The same man used to stand under that Balanco with a piece of paper; he would say "sign this paper and go home or stay on the Balanco". The same man used to hand those papers to the judge of interrogation. He belongs also to the intelligence services. The interrogators were on very good terms with the Judges and I know the Judges were fully aware of the methods of interrogation used to obtain "depositions". At the end I saw the faces of my interrogators and I recognized them as the men present in the office of Judge Freiha during my first appearance there.

I feel terribly bitter at being tortured for 90 days in the Ministry of Defense, accused of bombing a church I had defended with everything I have for 15 years, only to find that they wanted to put Dr. Geagea in jail. I would like to challenge the Lebanese government through the media present today, that with accurate guarantees I am prepared to face and challenge every person who was mentioned in this press conference with all the facts that were detailed and bear witness to the truth.

‘I was transferred to the Ministry of Defence Detention Centre in al-Yarze. I was full of fear and was praying to God to be dead before my arrival so they could not touch me.’

One of the detainees to Amnesty International, May, 2003<sup>[2]</sup>

### **THE STORY OF Dr. MUHAMMAD KHALED<sup>[3]</sup>**

One of the detainees in the Ministry of Defense, Dr. Muhammad Khaled, a teacher born in Tripoli in 1962, with dual Lebanese and British nationalities, was arrested on 24 January 2000. About three weeks before his arrest, he received anonymous phone calls telling him that he was being sought by the security forces. When he was called a second time, he decided to report to the security forces with his brother and another relative. There he was told that he had to report to the Ministry of Defense. On arrival at the Ministry of Defense, he was forced into a room where he was ordered to take off all his clothes, and then was allowed to put some of them back on. All his belongings, including his mobile phone and money, were taken away. He was moved to another room where he was blindfolded and handcuffed, his hands bound behind his back, and ordered to stand with his face against the wall with his legs stretched apart. He remained in this position for seven hours without food or drink; he was not allowed to talk and was beaten from time to time. He said he was interrogated for hours while being tortured and that this would be interrupted only when he was unable to talk, at which time he would be given some water. The beatings stopped when his left leg and arm swelled severely.

He said he heard the screams of people being interrogated under torture. He stated to Amnesty International: “After about six days of interrogation under torture I was ordered to quickly sign some papers without reading them. I was told that I had no choice but to sign because the other option was torture. When I insisted on reading the documents first, they threatened to rape my wife. At the time, I was blindfolded and handcuffed and they continued to insult and humiliate me. They told me that my wife was also in detention and that they would let me go if I signed the papers. I was then shown where to sign and I put my signature there. Then, mockingly, they told me: ‘You are signing your death warrant.’”

“After that I remained held incommunicado in solitary confinement and was later transferred to a nearby building, apparently to allow the marks of torture, including the swelling, to heal. On 12 February I was taken blindfolded to somewhere which I thought was another place of detention only to be told that I was being brought before the investigating magistrate. I was told that I must not deny or change the statement I signed, otherwise torture would be repeated. The magistrate was accompanied by two plain clothes intelligence officers and a clerk. Later on, we were joined by another man who I was told was a lawyer appointed by my brother to defend me. I told the magistrate that I had not read the papers that I signed and he said that was not a problem. He didn’t appear to take notice of what I said and continued his interrogation on the basis of the papers presented to him, despite what I told him about my torture.”

Apparently detainees were routinely held for prolonged periods in fixed positions in underground cells at the Ministry of Defense Detention Centre. Some were subjected to electric shocks and the balanco (hanging by the wrists which are tied behind the back) mainly to coerce them to make “confessions.”

« I am the scapegoat that spent 11 years and four months in a prison grave... My 3-floor underground prison cell throughout my incarceration was a grave, not only a dungeon without sunshine or fresh air... And in fact it was worse than a grave because I was breathing in it. I would have been much better off dead »

Gerges al Khoury, right after his release, July 21, 2005<sup>[4]</sup>.

<b>GERGES AL KHOURY: 11 years and 4 months in a dungeon – A CASE STUDY</b>
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The detention of Gerges Al-Khoury at the Lebanese Ministry of Defense will undoubtedly remain in our memories of Human Rights defenders as one of the worst series of violations committed against a single individual by the Intelligence Services of the Army and the Lebanese Justice system, with the consent of the political authorities that have remained silent over the case since 1994.

### **An Arbitrary Arrest**

On 15 March 1994, Gerges Al-Khoury, a 25-year old information technologist turned himself in to the Military Intelligence Services which had arrested his father and two of his brothers, and had sequestered his little sister, then 10-years old, to force him to come forward but without ever stating the reason for his summoning. After his arrest, he was made to believe that he was being heard as a witness, but from his role as a witness, he was to quickly be turned into an accused in the February 27, 1994 attacks against the church in Zouk, without any element of the due process that is required by Lebanese law having been upheld. A crime for which he has not stopped claiming his innocence.

### **Extreme Torture for More than Two years**

After his arrest, Gerges AL KHOURY spent more than two years under torture at the Ministry of Defense Detention Center for the duration of his trial. The tortures to which he was subjected were aimed at making him sign his confession of guilt of the charges leveled against him. Among the tortures he was subjected to:

The “balanco”, electric shocks, repetitive sleep and food deprivation, forced to drink dirty water, crushing of the toes, hair and nail pulling, death threats against his family... (See Appendix 5.)

### **Tortured for Denouncing the Practice of Torture**

At the court hearing of 17 February 1995, Gerges Al-Khoury stated to the court that he had been “beaten and tortured into making a confession.” He also described what he had been through after complaining about the tortures to the Prosecutor General.

The following is the exchange that took place at that court hearing between the accused Gerges Al-Khoury, the Prosecutor General Mounif Oueydate, and the Presiding Judge Philippe Khairallah<sup>[5]</sup>:

- **Mounif Oueydate** to Mr. **Al Khoury**: “Why have you written your statement of 17 March 1994?”
- **Gerges Al-Khoury**: “I was forced to do it by the surroundings and the people who were with me.”
- **Mounif Oueydate**: “Were there any judges with you?”
- **Gerges Al-Khoury**: “Yourself, you were in the room in the company of Judge Freiha”
- **Mounif Oueydate**: “Yes, and I had a cudgel with me.”
- **Gerges Al-Khoury**: “I never said that it was you who put pressure on me.”
- **Mounif Oueydate**: “After four depositions, when did you feel you could challenge the pressures? Now? In the protection of this Court?”
- **Gerges Al-Khoury**: “A week after my arrest, I told the investigators that I could not go on in this business. They told me I had no choice: Either I was guilty or I was an accomplice. I tried to confront this. But the circumstances were not favorable to this. I could not have a lawyer, nor could I see my parents. About two months after my arrest, after I had recovered physically a little, I repeatedly asked to meet with the Investigating Magistrate Freiha. But this was not possible, perhaps because the investigators knew I was going to deny my previous depositions. When I saw you, Mr. Prosecutor General, I told you everything.”
- **Philippe Khairallah**: “After speaking to the Prosecutor General, were you subjected to pressures?”
- **Gerges Al-Khoury**: “Yes.”
- **Philippe Khairallah**: “Till now?”
- **Gerges Al-Khoury**: “Yes. After I left this building, I was left for 48 days without being able to sleep lying down. I had to either stay standing or sitting. They would beat on the iron door and that would make a noise similar to the explosion of a shell. I began spitting blood. They got me a doctor during the first half of August.”
- **Mounif Oueydate**: “In the medical report, it is written that the accused bears no traces of beatings and that he is healthy. Did this doctor really examine you?”
- **Gerges Al-Khoury**: “Yes, this doctor, Samir Kahwaji, did examine me. I was wearing clothes and I had a Kleenex tissue with which I was wiping the blood that was running from my mouth. I also showed him the blood that was running from my feet. He simply said ‘Bassita’ [Don’t worry about it.]

The accused also stated that “the military investigators made (him) several offers to maintain (his) first depositions in which (he) incriminates Samir Geagea by promising (him), in exchange, a laissez-passer to leave Lebanese territory.”

Gerges Al-Khoury has paid very dearly for his courage to have dared, during the hearings and the trial, to retract his confessions made under duress and to denounce the torture and the pressures.

## **An Unfair Trial**

Gerges al Khoury was sentenced to life on 13 July 1996 on the basis of his confession extracted under torture. He was not taken to court to hear the verdict. The sentence was issued by a special court – the Justice Council – which is under referral by the Council of Ministers and which considers cases of an essentially political nature. Sentences issued by the Justice Council are denied an appeals process, which is counter to the International Covenant on Civil and Political Rights. In its final remarks on Lebanon, published on 1 April 1997 the Human Rights Committee of the United Nations does note: “The Committee considers that some aspects of the State party's legal system do not conform to the provisions of the Covenant. In this context, it points in particular to the fact that decisions passed by the Justice Council are not subject to appeal, which is contrary to article 14, paragraph 5, of the Covenant. The Committee recommends that a comprehensive review be undertaken of the legal framework for the protection of human rights in the State party, to ensure compliance with all of the provisions of the Covenant.”

### **Total and Prolonged Isolation as a Torture Method**

In total, Mr. Al-Khoury was detained for 11 years and 4 months in solitary confinement in a cell of 4.3 feet x 8 feet in the basement of the Ministry of Defense, without natural aeration or light, a set of conditions referred to as an “illuminated grave” by the Parliamentary Commission of Human Rights of Lebanon (See Appendix 6). Throughout his detention, he was able to receive visits only by his father and his brother under close watch. He had no right to have any personal items (clothes, toothbrush, notebook, pencils...), nor to receive food from the outside. No radio or television, no heating and no bed. He slept on the floor, a simple bed sheet serving as mattress and another to cover himself. He had no warm clothes. It was only after 6 years in solitary confinement that he was allowed to read, but for more than 11 years he had no access to any reading material dealing with current news or politics. His detention was carried out in total contrast to any norm pertaining to hygiene (a shower every 15 to 20 days) or access to medical care (he had no right to see an independent doctor).

In sum, the full set of basic rights of the detained was violated for the entire duration of his detention. In its 1992 report entitled “General Comment N°20”, the Human Rights Committee of the United Nations states that “Prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7” (*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*).

We can therefore reasonably consider that Gerges Al-Khoury has spent more than 11 years at the Ministry of Defense subjected to torture, and to cruel, inhuman or degrading treatment.

### **The Position of the “New” Lebanese State, Now Free of Syrian Tutelage.**

It is interesting and extremely important to note the position taken by the Lebanese State on this issue after the Syrian withdrawal. At the time when the Cedars Revolution was in full swing in the streets of Beirut, when politicians were delivering major televised speeches interspersed with promises and “*mea culpas*”, the situation in the basement jail of the Ministry of Defense went on unchanged. Obviously, it was out of question for the government to break off with the Medieval practices that were in place.

In its report entitled, “Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment : Report of the Special Rapporteur, Manfred Nowak,” made public on March 21, 2006, the Commission on Human Rights of the United Nations revisited this file and on the exchanges that took place between the UN and the Government of Lebanon regarding Gerges Al-Khoury.

The report states:

“Gerges Toufic Al-Khoury, 36 years old, residing in the Dbaiye Camp, member of the Lebanese Forces Party, information technologist, detained in the Ministry of Defense Detention Center in Beirut. Since 1994, Mr. Al-Khoury is alleged to be detained in solitary confinement in a cell that is 1.3 m x 2.4 m in size, in a basement, without natural aeration or light, and is allowed only very short periods of walking, handcuffed to a guard. His health appears to be very serious and, in spite of several requests for medical attention, he was not allowed appropriate medical care. Mr. Al-Khoury is said to have been arrested on 15 March 1994 after responding to a summons to serve as a witness by the Lebanese Intelligence Services. At the beginning of his detention, he is said to have been held without visitation rights for 6 weeks and was subjected to interrogations under torture. Mr. Al-Khoury is alleged to have been tried and sentenced for life by the Justice Court, which is a special tribunal where decisions may not be appealed.”

The same report then relates the response of the Lebanese Government to the UN in connection with Mr. Al-Khoury's situation. The Lebanese Government asserts in a correspondence dated **31 May 2005** that Mr. Al-Khoury “is free to consult a physician or a specialist if he wishes.” However, the President of the Beirut Physicians Syndicate, Dr. Mario Aoun, was never able to obtain permission to examine Mr. Al-Khoury, in spite of several requests made to Prosecutor Kaddoura.

In another letter addressed to the United Nations on **23 June 2005**, the Lebanese Government asserts that Mr. Al-Khoury “is in permanent contact with his legal representatives,” when for the duration of his detention Mr. Al-Khoury was able to talk to a lawyer 5 or 6 times in meetings lasting 10 minutes under the watch of the Intelligence Services agents.

### **Persecution after Release**

Mr. Al-Khoury was released on 21 July 2005 under an amnesty law which, it must be noted, denies him any right to a review of his trial and to defend himself against the charges leveled against him.

At the time of his release, the agents of the Intelligence Services who held him tried to oppose his release under pretense that he was to be deposed in an attack case dating back to the beginning of the 1990s. He was finally released by decision of the Prosecutor, but he was summoned back to his detention facility a few weeks after his release to be asked to “forget” everything about his detention. Mr. Al-Khoury and his family were then subjected to various types of intimidation.

He lives today outside the country, and his safety is seriously at risk in Lebanon. The Intelligence Services of the Army have, among other things, notified his family that “**as soon as he returns to Lebanon, Gerges Al-Khoury has to appear at the Ministry of Defense.**”

It must also be noted that several personal belongings, including official documents among which are diplomas, were confiscated from the family who has not been able to recover anything, in spite of the Amnesty Law which applies today to the legal case.

<b>SEVERAL OTHER CASES OF INFRINGEMENT</b>
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If the seriousness and the duration of the violations to which Gerges Al-Khoury was subjected were an exception, one must note that the violations described above are common.



Other individuals, namely George Alam, Hanna Challita, Kamil Karam, Samir Geagea, Rafic Saade and others were also subjected to prolonged isolation, a treatment that varied with the detainee and which most likely was controlled by political decisions.

At least one person, Fawzi Al-Rassi died under torture at the Ministry of Defense.

Detailed testimonies containing egregious cases of torture were reported over the years by individuals or by Amnesty International.

These torture practices are not only used at the Ministry of Defense Detention Center; several Security Services use them.

The story of Antoinette Chahine, who was falsely accused of a murder and convicted on the basis of confessions extracted from her co-defendants under torture, remains etched in the memories (See Appendix 7.)

## WHO IS RESPONSIBLE?

### The Problem of Responsibility

The problem posed by the Ministry of Defense Detention Center is a fact that no one in Lebanon or around the world can ignore. There are too many testimonies of dissidents from all sides, hailing from all the communities and all social strata, or from victims of judicial errors. All denounce torture, ill treatments, and the unfair trials that are derived from them.

What is lacking, in contrast, is the information on the identity of the people responsible. Who are these executioners with no name and no face? Who is hiding behind the nicknames of the interrogators? What do these men look like, these men whose victims are most of the time forbidden from seeing their faces? Who are these executioners, who increasingly try to make themselves forgotten, but who continue to ruthlessly ply their trade, insidiously, with impunity. Some put pressure on the released detainees, refuse to see them recover their rights, threaten them... Others, who have ended their “careers” as executioners, nevertheless continue to enjoy complete impunity, which is itself a form of psychological pressure on the victims, on the victims’ families and an insult to justice and to the basic rights of every human being.

### Determine the Responsibilities

To begin with, one must wonder about the role played over the years by the various **Heads of State, Prime Ministers, Justice Ministers, Defense Ministers and Lebanese Army Chiefs in Lebanon**, all of whom remained silent about practices they ought to have known about. It is impossible for a Human Rights defense organization to conduct a thorough investigation aiming at determining the responsibilities of highly-placed people, but we can only close this first point with a question: **Is the silence of these people in positions of responsibility the silence of accomplices or, worst, a guilty silence?**

Solida has, in the course of the investigation, undertaken to depose several direct witnesses of the practice of torture by the Lebanese Army’s Intelligence Services. Several documents have been collected and the information collated together.

**17 military personnel and 3 magistrates have repeatedly been deemed by the victims of torture as responsible, directly or indirectly, for the tortures and/or ill treatments they were subjected to. We are**

**not authorized by the military laws that are in force in Lebanon to divulge their identities. Nevertheless, all the pertinent information that we have in our possession in this dossier is at the disposal of the competent authorities.**

**Note:** Each piece of information and its sources are available in a compendium stored in a safe location outside Lebanon.

## EXPECTATIONS OF THE VICTIMS

The victims of torture who are released from the Ministry of Defense come out wounded by the experience and the shocks to which they have been subjected, wounded by the difficulties of returning to a society that does not understand them, wounded by the absence of recognition of what they have lived through. They return from hell sick with fear; fear that the unthinkable will happen again, which is often fueled by the pressures they are subjected to. Some choose to leave the country and sever all their ties to rebuild their lives overseas, fleeing a system where it is impossible to have their rights recognized, others try to “make themselves forgotten” in order to escape an unbearable situation.

In order to determine their expectations, we asked them at each meeting the same question: “In relation to what you have gone through, what do you expect today from the Lebanese State?” This question provoked the same reaction from each of the individuals queried: a huge smile and the same spontaneous response: “I expect nothing, nothing at all. What could I expect from the State?” This reaction demonstrates the complete and justifiable loss of confidence of these people in the security and judicial systems of the country. Thus, each time we had to rephrase the question by clarifying: “If the political context of the country allowed it...” Their expectations are the same: they expect answers to their questions, and especially demand truth and justice.

Their questions can be summarized in one word “Why?”

“How could it have come to this, to such extremes? To such violent methods for interrogating people?” one of them asked. “I would like to have my torturers in front of me to explain, to tell me what they had been told about me to subject me to that!” said another, “I want them to explain it to me!”

Contrary to what one may think while reading this report, and noting the atrocities to which the persons detained at the Ministry of Defense have been subjected, the victims of these tortures do not cry out for revenge. On the contrary: they say they feel a great need for justice. All insisted on clarifying that they desire punishment for the guilty parties, but in an equitable manner. One of them had this memorable phrase: “I want them to pay but I don’t want them to suffer as I have suffered. No, I would not wish that on anyone, not even on them; I ask simply that they be tried”.

Certain victims feel the need to “pardon” their executioners, but even if this pardon undoubtedly makes up part of their personal rebuilding, these same victims continue to look for answers to their questions and sometimes consider themselves ready, if that were possible, to testify in a court of law about what they have gone through. One of them said, “I have children, this has to stop. I cannot imagine that one day one of my children would have to be subjected to that!”

Finally, among the expectations of some of the released people – some of whom were released long ago – from the Ministry of Defense, is the expectation to finally be able to claim their rights: some expect to recover belongings and documents confiscated by the Intelligence Services; others expect that the pressures they continue to be subjected to by the Intelligence Services will finally cease; and finally, others expect to be cleared of the crimes for which they were sentenced with no other evidence than their confessions extorted

under torture.

## RECOMMENDATIONS

The full range of measures to be implemented is compiled in the “ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law” adopted and proclaimed by UN General Assembly resolution 60/47 of 16 December 2005 (Appendix 8).

We demand that the Lebanese Government take the following measures:

1. Integrate into the Internal Code of Lebanon the totality of the provisions stipulated by the Convention Against Torture (see Appendix 1).
2. Immediately shut down all “official” detention centers that are still managed by Military Intelligence, and primarily the Ministry of Defense Detention Center.
3. Authorize without delay access by the International Committee of the Red Cross to all detention centers in Lebanon.
4. Take all necessary measures to prevent torture in detention locations, regardless of the victims or the practitioners of the torture.
5. Ensure that inquiries are conducted on allegations of torture.

We demand that the Ministry of Justice, specifically, take the following measures:

1. Commission inquiries on all allegations of torture.
2. Put in place a mechanism allowing the review of all trials in which torture was practiced, regardless of the Security Service that carried out the torture.
3. To ensure the effective compliance of the Justice Council and the Military Tribunals with the international norms that are in force.
4. Guarantee that victims can be heard in the respect of the totality of their rights.
5. Ensure that sanctions are imposed to the practitioners and/or known accomplices of acts of torture. Public apologies would be particularly welcome.

We demand that the Ministry of Defense, specifically, take the following measures:

1. Put an immediate end to the practice of torture in all detention centers affiliated with this Ministry and give unrestricted access to them to humanitarian organizations.
2. Take the initiative of closing the detention centers affiliated with the Ministry of Defense
3. Ensure that personnel of the Army’s Intelligence Services cease their intimidations and threats of former detainees, and restitute all documents and personal belongings that were illegally confiscated from them.
4. Further the cause of justice by ordering internal inquiries on presumed practitioners of torture, then take the required measures against them in all transparency with respect to the justice system. Here again, public apologies would be particularly seen as evidence of goodwill.

We demand that the Ministry of Social Affairs, in agreement with the Lebanese Government and civil society at large, adopt measures allowing the reparation of the prejudice suffered by the victims of torture in Lebanon.

Finally, we request a visit to Lebanon by the Special Rapporteur on Torture of the United Nations.

## APPENDIX 1

# **CONVENTION AGAINST TORTURE and Other Cruel, Inhuman or Degrading Treatment or Punishment**

United Nations - ratification and accession by General Assembly resolution 39/46  
of 10 December 1984

entry into force 26 June 1987, in accordance with article 27 (1)

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975 (resolution 3452),

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

## ***Part I***

### **Article 1**

1. For the purposes of this Convention, 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. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

## **Article 2**

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

## **Article 3**

1. No State Party shall expel, turn back 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.
2. For the purpose of determining whether there are such grounds, 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.

## **Article 4**

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

## **Article 5**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
  1. When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
  2. When the alleged offender is a national of that State;
  3. When the victim was a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in Paragraph 1 of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

## **Article 6**

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present, shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, to the representative of the State where he usually resides.
4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the



States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said State and shall indicate whether it intends to exercise jurisdiction.

## **Article 7**

1. The State Party in territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found, shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

## **Article 8**

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested state.
4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

## **Article 9**

1. States Parties shall afford one another the greatest measure of assistance in connection with civil proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

## **Article 10**

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such persons.

## **Article 11**

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

## **Article 12**

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

## **Article 13**

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

## **Article 14**

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.
2. Nothing in this article shall affect any right of the victim or other person to compensation which may exist under national law.

## **Article 15**

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

## **Article 16**

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.

## **Article 17**

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable

geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

## Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that
  1. Six members shall constitute a quorum;
  2. Decisions of the Committee shall be made by a majority vote of the members present.
3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The State Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement of the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 above.

## Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention,

within one year after the entry into force of this Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken, and such other reports as the Committee may request.

2. The Secretary-General shall transmit the reports to all States Parties.
3. [Each report shall be considered by the Committee which may make such comments or suggestions on the report as it considers appropriate, and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
4. The Committee may, at its discretion, decide to include any comments or suggestions made by it in accordance with paragraph 3, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1.]

## **Article 20**

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

## **Article 21**

1. A State Party to this Convention may at any time declare under this article 3 that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, references to domestic

procedures and remedies taken, pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Committee and to the other State.
3. The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
4. The Committee shall hold closed meetings when examining communications under this article.
5. Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in the present Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission.
6. In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information.
7. The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing.
8. The Committee shall, within 12 months after the date of receipt of notice under subparagraph (b), submit a report.
  1. If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached.
  2. If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## **Article 22**

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party to the Convention which has not made such a declaration.
2. The Committee shall consider inadmissible any communication under this article which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.
3. Subject to the provisions of paragraph 2, the Committee shall bring any communication submitted to it under this article to the attention of the State Party to this Convention which has made a declaration

under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
5. The Committee shall not consider any communication from an individual under this article unless it has ascertained that:
  1. The same matter has not been, and is not being examined under another procedure of international investigation or settlement;
  2. The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
6. The Committee shall hold closed meetings when examining communications under this article.
7. The Committee shall forward its views to the State Party concerned and to the individual.
8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit parties thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

### **Article 23**

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on missions for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### **Article 24**

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

## ***Part III***

### **Article 25**

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### **Article 26**

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### **Article 27**

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-

General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

## **Article 28**

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

## **Article 29**

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to this Convention with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the State Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

## **Article 30**

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other States Parties shall not be bound by the preceding paragraph with respect to any State Party having made such a reservation.
3. Any State Party having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

## **Article 31**

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation



becomes effective. Nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

### **Article 32**

The Secretary-General of the United Nations shall inform all members of the United Nations and all States which have signed this Convention or acceded to it, or the following particulars:

1. Signatures, ratifications and accessions under articles 25 and 26;
2. The date of entry into force of this Convention under article 27, and the date of the entry into force of any amendments under article 29;
3. Denunciations under article 31.

### **Article 33**

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

## **APPENDIX 2**

**Amnesty International Urgent Appeal**  
**PUBLIC AI Index: MDE 18/013/2002**  
**UA 325/02 Forcible return 4 November 2002**  
**LEBANON/TUNISIA Tareq Souid (m), aged 30**

Tareq Souid, a Tunisian refugee in Lebanon, is at high risk of being forcibly returned to Tunisia. Amnesty International is concerned for his safety as Tareq Souid would be in danger of arrest, torture and unfair trial in Tunisia.

Tareq Souid, who left Tunisia in 1993, is a political sympathizer with the unauthorized *Ennahda* (Renaissance) opposition movement in Tunisia. He was recognized as a refugee by the United Nations High Commissioner for Refugees in Lebanon in September 2001. On 25 September 2002, Tareq Souid was arrested and then detained in al-Roumieh prison by the Lebanese authorities, reportedly on charges of illegal entry into the country.

On 1 November, Tareq Souid was reportedly taken to Beirut airport by members of the Lebanese authorities who were attempting to forcibly return him to Tunisia. However, this attempted deportation was apparently averted at the last minute. Tareq Souid was then taken to a military hospital. He is now being held by the Lebanese authorities in the General Security Department and has no access to his lawyer. Reports indicate that Lebanese immigration officials may attempt to return Tareq Souid to Tunisia in the next few days, unless he is resettled to a third country under emergency resettlement procedures with the help of the United Nations High Commissioner for Refugees (UNHCR).

## **BACKGROUND INFORMATION**

International law prohibits all states, whether or not they have ratified the Refugee Convention, from forcibly returning a person to a situation where their life or freedom would be in danger. This prohibition applies irrespective of their mode of arrival, including illegal entry. It is well recognised in international law that it is often necessary for asylum seekers to enter a country illegally in order to seek protection.

The Lebanese government's record of protecting refugees is poor. The arrest and detention without charge of refugees is becoming increasingly common on the basis of illegal entry or residence, notably since early 2001. Lebanese law does not make special provision for the protection of refugees. Amnesty International has many names of recognized refugees of different nationalities who are currently being held in detention in Lebanon.

While Lebanon is not a party to the 1951 Convention relating to the Status of Refugees, it is nonetheless bound by the principle of *non refoulement*, which prohibits the forcible return of persons to a country where their life or freedom would be threatened. This is a principle of customary international law, binding all states. As a party to the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Lebanon is also bound to ensure that a person is not forcibly returned to a situation where they may face torture, cruel, inhuman or degrading treatment or punishment.

### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English, French or your own language:**

- urging the authorities to ensure that Tareq Souid is not forcibly returned, directly or indirectly, to Tunisia;
- noting that Tareq Souid is a refugee, recognised by UNHCR as having well-founded fear of persecution if he were returned to Tunisia;
- recalling that Lebanon is bound by the principle of *non refoulement*, a principle of customary international law binding on all states, irrespective of whether they have ratified the 1951 Convention relating to the Status of Refugees;
- calling on the authorities to ensure that all steps are taken, including access to a lawyer, UNHCR and third country consular officials, to facilitate Tareq Souid's resettlement to a third country, as a matter of urgency, and to guarantee his safety and well-being, pending resettlement;
- also urging the authorities to ensure that no refugees or asylum seekers of other nationalities are forcibly returned in violation of international human rights law.

## **APPENDIX 3**

### **Amnesty International Urgent Appeal**

**PUBLIC AI Index: MDE 18/003/2001**

**UA 53/01 Forcible Return/Detention and Ill-Treatment 12 March 2001**

### **LEBANON Asylum seekers from Sudan, Iraq, Somalia and possibly Eritrea**

The Lebanese authorities are forcibly returning people to countries where they may be tortured and killed, in violation of international law. On 8 March security forces surrounded the United Nations High Commission for Refugees (UNHCR) office in the capital, Beirut, and arrested 10 asylum seekers and refugees, mainly Sudanese. They and many others now face forcible return.

In August 2000, the Lebanese authorities gave "illegal" residents two months to regularize their status or face deportation. This was extended until the end of February.

Since this announcement over 300 asylum-seekers have reportedly been forcibly returned to their countries of

origin, more than 100 of them in February and March alone. Almost all had been arrested on charges of illegal entry and residence in Lebanon. Some had reportedly been recognised as refugees by the UNHCR, while others had been registered, and their cases were pending. Some were reportedly beaten or otherwise tortured or ill-treated in custody.

Among those in custody facing deportation is Sudanese asylum-seeker Mageer Aro, apparently recognized as a refugee by the UNHCR, who was reportedly beaten on 8 March. He and his wife, Rogaih, have been in custody for around five months. More than 100 Sudanese asylum-seekers and refugees have reportedly been forcibly returned so far this year.

## **BACKGROUND INFORMATION**

Lebanon supports a large population of asylum-seekers and refugees, mostly from countries suffering from war or systematic human rights violations, such as Iraq, Sudan and Somalia. Hundreds of them now face arrest, torture in custody and forcible return. There have been reports of asylum-seekers being tortured to force them to drop their asylum claims and leave Lebanon.

Although Lebanon is not a state party to the 1951 UN Refugee Convention, of which Article 33 sets out the principle of *non refoulement*, it is a member of the UNHCR's Executive Committee (EXCOM), the main international body setting standards on refugee protection. There has been a UNHCR office in the country since 1963.

Like all other countries, Lebanon is bound by international customary law, including the principle of *non refoulement*: countries may not forcibly return people to countries where they might face serious human rights violations.

## **RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English, Arabic or your own language:**

- asking the authorities to confirm reports that over 100 asylum-seekers and refugees have been returned to Sudan during 2001, and over 300 returned to various countries since September 2000;
- urging the authorities not to forcibly return asylum-seekers and refugees to countries where they would be at risk of serious human rights violations, which is a violation of international law;
- expressing concern that asylum-seekers and refugees are being arrested in Lebanon, including the 10 arrested outside the UNHCR offices in Beirut on 8 March;
- urging the authorities to allow all asylum-seekers and refugees access to the UNHCR;
- expressing concern at reports that asylum-seekers have been tortured and ill-treated, and asking for assurances that those now in custody, including those arrested on 8 March, (naming Sudanese refugees Deng Deng and 'Abdallah Nuok Deng), will be properly treated in custody;
- reminding the Lebanese authorities of their obligations under the United Nations Convention against Torture, which it ratified in May 2000.

## **APPENDIX 4: 1997 SOLIDA REPORT**

### **LIBAN**

#### **Détention arbitraire, mauvais traitements et tortures dans les sous-sols du Ministère de la Défense**

**...Novembre 1997...**

### **Sommaire**

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## Introduction

Le Ministère de la Défense libanais est situé dans la banlieue de Beyrouth à Yarzé. Il sert depuis 1990 de lieu de détention de civils et d'interrogatoire, en particulier dans les affaires à caractère politique.

De nombreux civils y ont été et y sont en effet illégalement détenus et torturés par des militaires syriens et libanais, durant des périodes illimitées, avant d'être déférés devant la justice militaire, ce qui n'en est pas moins illégal.

Deux mois après l'arrestation, en 1994, du chef d'une milice chrétienne, M. Samir Geagea, le gouvernement libanais a alors tenté de légaliser le maintien en détention de celui-ci dans les sous-sols du Ministère de la Défense en publiant un arrêté ministériel déclarant ce lieu "Prison Légale"...

Cependant le mouvement franco-libanais SOLIDA... (Soutien aux Libanais Détenus Arbitrairement) constate:

1. Que les personnes placées en détention au Ministère de la Défense sont en grande majorité des opposants - ou de présumés opposants- au régime actuel prosyrien du Liban (membres des Forces Libanaises, partisans du Général Michel Aoun, sunnites de Tripoli opposés à l'occupation syrienne, mineurs ayant distribué des tracts anti-gouvernement ou fait des graffitis sur les murs etc...) et parfois des défenseurs des Droits de l'Homme.
2. Que la plupart de ces personnes y subissent des tortures
3. Qu'un certain nombre d'entre elles finira par signer sous la torture des aveux, sur la base desquels elles seront condamnées par le Tribunal Militaire de Beyrouth, sans aucune autre forme d'investigation, avant d'être incarcérées, parfois à perpétuité, dans l'une des prisons du Liban.

Sur la base de ces éléments, nous sommes en droit d'affirmer que le gouvernement libanais a créé dans les sous-sols de son Ministère de la Défense un centre d'interrogatoires et un lieu de détention secret hors pair, pour faire taire ses opposants en toute impunité.

Ce rapport a pour but de faire la lumière sur une partie des atrocités que subissent en silence les opposants -et présumés opposants- libanais depuis 1990...

## **A. Conditions de vie des prisonniers dans les sous-sols du Ministère de la Défense.**

### **A1. D'une façon générale:**

Les cellules étant toujours pleines les prisonniers en surplus sont gardés dans les couloirs, les mains ligotées dans le dos et les yeux bandés, et ce pendant plusieurs mois parfois.

Une visite médicale est effectuée tous les quinze jours par le médecin militaire de la prison, lequel assiste parfois aux séances de tortures, pour une éventuelle intervention médicale. Ce médecin exerce également sur les détenus des pressions et du chantage, lorsqu'ils sont à bout.

Les médicaments et les régimes alimentaires spéciaux sont à la charge du prisonnier lui-même.

Un changement de cellule a lieu tous les quinze jours avec inspection de la cellule.

En dehors de sa cellule, le prisonnier a toujours les yeux bandés et les mains ligotées dans le dos. Pour se déplacer il est guidé par un gardien qui le tient par la nuque.

Avant chaque visite, le prisonnier sera informé des sujets qu'il lui est permis d'aborder avec les visiteurs. Après la visite il sera interrogé sur les détails de ce qu'il a pu dire à ses visiteurs.

Tout journal ou livre doit passer à la censure politique, il sera inspecté minutieusement à l'entrée et à la sortie.

Dès qu'il entend la porte de sa cellule s'ouvrir, le prisonnier doit se mettre debout, la face contre le mur et les mains derrière le dos pour être ligotées. Ses yeux seront bandés afin qu'il ne puisse jamais voir son gardien. Toute infraction à la règle entraîne une punition.

La vaisselle des gardiens est faite chaque jour par un prisonnier.

Les médicaments, le savon, le shampooing etc... sont conservés chez les gardiens.

La lumière étant toujours allumée dans les cellules, et comme il n'a pas de montre, le prisonnier ne sait jamais ni le jour, ni la date, ni l'heure, ni même s'il fait jour ou nuit.

Le prisonnier est le souffre-douleur des gardiens qui ne se privent pas du plaisir de l'humilier et de le battre. Il est par ailleurs soumis à un continuel lavage de cerveau à la gloire de la Syrie.

La torture est pratiquée par un interrogateur expérimenté. Cependant, si le prisonnier arrive à un état nécessitant son hospitalisation, des éléments de la Moukafaha (troupe d'intervention relevant de la direction des renseignements) l'accompagnent dans une ambulance aux Urgences de l'hôpital Militaire où il recevra les soins nécessaires à son état. Ensuite il sera ramené au Ministère de la Défense avec un rapport médical anonyme,

c'est-à-dire qu'à la place de son nom est inscrit seulement "prisonnier". Ainsi il ne restera aucune trace écrite de la torture et de son passage à l'hôpital.

Aucun des examens médicaux subis par le prisonnier à l'hôpital ne sera jamais mentionné devant le prisonnier, ni devant l'avocat, ni devant le juge.

Des pressions morales sont en permanence exercées sur le prisonnier, auquel on fait croire que des membres de sa famille sont arrêtés et torturés.

Pendant la promenade quotidienne d'une demi-heure du prisonnier dans la cour du niveau -2 (voir annexe 3, n° 19), le prisonnier reste attaché à un soldat de la Moukafaha. Il lui est interdit de parler.

Café, cigarettes... sont interdits dans les cellules, même pour les prisonniers condamnés à la prison à vie.

Les habits et le linge des prisonniers sont lavés par les parents qui les prennent lors des visites.

L'aération de la prison se fait par un simple apport d'air frais par l'extérieur, ce qui rend les cellules brûlantes en été et glaciales en hiver.

La douche se passe sous le regard des gardiens, et tellement vite que le prisonnier a à peine le temps de se laver.

Tous les gardes se font appeler "Atieh".

## **A2. Les "droits" des prisonniers.**

Tout déplacement du prisonnier vers le Tribunal militaire se fait les yeux bandés et les mains ligotées dans le dos. Le prisonnier reste ainsi jusqu'à son arrivée devant le juge.

Le prisonnier n'est jamais informé des séances au Tribunal Militaire. Ainsi, il ne peut pas demander à voir son avocat pour préparer sa défense. Le choix de l'avocat n'est pas libre. Sous les pressions de la Direction des Renseignements, le prisonnier est obligé de prendre l'avocat qu'ils lui donnent et qui est toujours prosyrien.

Dans les cas importants, le passage devant le juge d'instruction se fait sans avocat. Si le prisonnier insiste pour avoir un avocat, il sera soumis à toutes sortes de pressions physiques et morales jusqu'à ce qu'il accepte un interrogatoire sans avocat.

La torture n'a pas toujours pour but d'extorquer des aveux au prisonnier. Parfois elle servira à distraire un gardien ivre, une autre fois elle servira à tester une nouvelle position de torture ou un nouveau matériel.

Tous les prisonniers ne passent pas systématiquement au détecteur de mensonges, seulement sur quelques sujets choisis.

## **B. Les interrogatoires**

### **B1. Déroulement des interrogatoires**

Première étape:

Dès son arrivée, le prisonnier est pris en charge par une équipe d'interrogateurs que l'on appellera équipe active. Il lui est donné un crayon et du papier et il lui est demandé d'écrire son histoire. Puis, il est battu et humilié même s'il a dit la vérité (voir annexes 4 à 14). Ensuite on le laisse debout, les yeux bandés et les mains ligotées derrière le dos pendant une période pouvant atteindre 5 jours et jusqu'à épuisement total.

#### Deuxième étape:

Une deuxième équipe d'interrogateurs, que nous appellerons passive va prendre en charge le détenu et essayer de le convaincre sans brutalités de reconnaître les faits tels qu'on les lui présente. S'il accepte, on le passe dans une salle où il signera des aveux les yeux fermés. S'il refuse, l'équipe active le reprend en main. Ensuite il repassera alternativement d'une équipe à l'autre jusqu'à ce qu'il signe tout ce qu'ils veulent. A la fin il passe devant l'interrogateur officiel, le Lieutenant Edmond ABBAS, pour signer, les yeux bandés, sa déposition finale écrite avec la terminologie juridique convenable.

### **B2. Variations dans le traitement des détenus.**

#### Nourriture:

Pendant la période des interrogatoires: pas de nourriture, ni de boissons.

Après la période des interrogatoires: pain + riz au déjeuner, pomme de terre au dîner. Possibilité d'avoir un sandwich (payé par le prisonnier) avec la permission du juge.

#### Les visites:

Pendant la période des interrogatoires: interdiction absolue de recevoir des visites.

Après la période des interrogatoires: 2 visites par semaine, de 15 minutes chacune pour les très proches parents.

#### Hygiène :

Pendant la période des interrogatoires: ni douche, ni toilette, ni rasage.

Après la période des interrogatoires: une douche par semaine, toilettes une fois par jour, rasage une fois par semaine, coiffeur une fois par mois (rasage de la tête).

#### Distractions:

Pendant la période des interrogatoires: ni livres, ni journaux, ni radio, ni montre, ni promenades, et interdiction de dormir pendant parfois plusieurs jours.

Après la période des interrogatoires: un journal par semaine, un livre par semaine, pas de papier ni de crayon, pas de radio, pas de montre, une demi-heure de promenade par jour tout seul et attaché à un gardien avec des menottes.

### **C. Quelques conséquences de ces traitements sur la santé des détenus.**

Les prisonniers souffrent pour beaucoup de dépression nerveuse liée aux manque de repères temporels qui



entraînent une très grande fatigue, mais aussi aux tortures et aux cris des autres prisonniers torturés, audibles depuis toutes les cellules, et à la séparation totale du milieu social durant une durée illimitée. 80% des détenus ne peuvent plus se passer de tranquillisants après leur passage au Ministère de la Défense.

Lorsqu'un prisonnier est blessé par ses tortionnaires, sa blessure s'infecte dans les jours qui suivent faute de soins et par manque d'hygiène.

Au bout d'un mois environ, les détenus sont atteints d'hémorroïdes, notamment dues au régime alimentaire sans légumes sans fruits et pauvre en liquides.

Ceci sans aborder l'aggravation dramatique, liée aux tortures et au manque de soins, des maladies chroniques telles que le diabète, l'hypertension artérielle, les insuffisances cardiaques, rénales et respiratoires...

#### **D. Organigramme très sommaire**

En général, les interrogateurs sont inconnus des prisonniers qui ne les voient jamais ayant toujours les yeux bandés. Cependant, certains sont vus et connus. Ainsi:

1. Le chef du département des interrogatoires est le lieutenant Imad KAAKOUR.
2. Le chef adjoint est le Capitaine ALAM.
3. Le lieutenant Edmond ABBAS (aujourd'hui à la retraite), secrétaire du chef et scribe. Il n'assiste jamais aux interrogatoires et recueille la déposition finale des prisonniers.
4. Adjudant Elie CHOUKINI, spécialiste du détecteur de mensonges.
5. Un adjudant qui décide du traitement à appliquer à chaque prisonnier. Il est en contact direct avec le Colonel Jamil EL-SAYED.
6. Cinq adjudants qui interrogent et torturent et qui ne sont jamais vus par les prisonniers. Ils ne sont jamais cités dans la presse ni convoqués au tribunal comme témoins.
7. Deux adjudants responsables des équipes de gardiens.
8. Deux équipes de six gardiens chacune.
9. L'adjudant RAMADAN chef de la prison.

#### **Conclusion**

***"Nul ne sera soumis à la torture ni à des peines ou traitements cruels inhumains ou dégradants."*** Article 5, Déclaration Universelle des Droits de l'Homme, 1948.

***"Nul ne peut être arbitrairement arrêté, détenu ou exilé"*** Article 9, Déclaration Universelle des Droits de l'Homme, 1948.

***"Toute personne a droit, en pleine égalité, à ce que sa cause soit entendue équitablement et publiquement"***

***par un tribunal indépendant et impartial qui déciderait soit de ses droits et obligations, soit du bien-fondé de toute accusation en matière pénale dirigée contre elle"*** Article 10, Déclaration Universelle des Droits de l'Homme, 1948.

Le mouvement franco-libanais SOLIDA... (Soutien aux Libanais Détenus Arbitrairement) demande aux autorités libanaises:

La fin des arrestations, poursuites et persécutions à l'encontre des opposants au régime actuel du Liban.

La révision des condamnations prononcées à l'encontre de civils par le tribunal militaire. Ceux-ci doivent être déférés devant la justice civile ou relâchés lorsque leur condamnation n'a pour base que des raisons d'opinion ou des aveux extorqués sous la torture.

L'arrêt immédiat des tortures et mauvais traitements perpétrés à l'encontre des personnes aujourd'hui détenues au Ministère de la Défense.

Que des poursuites soient engagées contre les militaires ayant pratiqué ou fait pratiquer des mauvais traitements sur les détenus.

SOLIDA appelle également les autorités internationales à ouvrir des enquêtes impartiales sur les persécutions perpétrées ou cautionnées par les autorités libanaises, à savoir la détention arbitraire et les tortures en territoire libanais, mais aussi les enlèvements massifs de citoyens libanais par les forces armées syriennes et israéliennes.

## **ANNEXES**

### **ANNEXE 1. La cellule individuelle**

La cellule individuelle mesure 2m.x 3m et est haute de 3 m.. Elle est éclairée 24 heures sur 24 par un tube fluorescent dont l'interrupteur se trouve sur un mur extérieur, inaccessible au prisonnier.

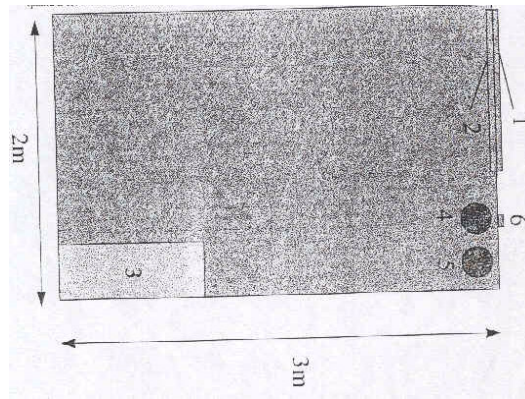
Le parquet de la cellule est recouvert de 2237 petites dalles de céramique blanche.

L'entrée de la cellule se fait par deux portes successives (1) et (2)

La première porte venant de l'extérieur est en fer et porte deux verrous dont l'un est muni d'un poussoir, l'autre d'un cadenas. La deuxième porte est en bois recouvert de tôle et est munie d'un verrou à poussoir. Les deux portes sont percées dans leur partie inférieure de 25 trous de 6 mm de diamètre et disposés de façon à interdire toute vue vers l'extérieur. Ces deux portes sont munies de deux petites fenêtres coulissantes dont celle de l'intérieur reste ouverte et celle de l'extérieur reste toujours fermée de dehors.

La cellule ne comporte aucun meuble, ni table, ni chaise, ni lit. Le prisonnier ne dispose que d'une seule couverture (3) qui lui sert en même temps de matelas.

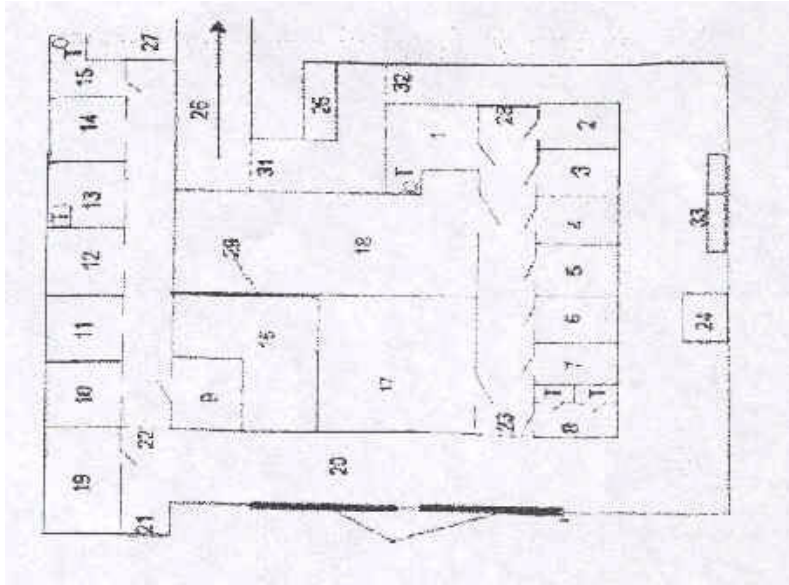
Pour boire, une bouteille en plastique (4) sans bouchon est fournie, elle est remplie une fois par 24 heures. Une deuxième bouteille (5) sert à uriner, elle est vidée une fois par 24 heures par le prisonnier, quand il est emmené aux toilettes.



Cellule individuelle

## **ANNEXE 2: Le troisième sous-sol**

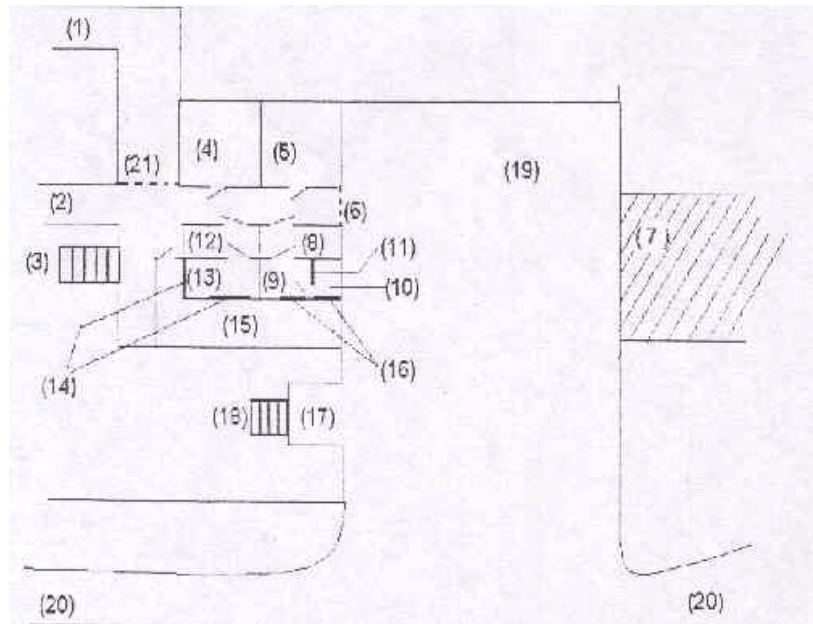
- (1) Cellule de Samir Geagea avec toilettes (T)
- (2), (3), (4), (5), (6), (7) cellules des prisonniers \*
- (8) cellule utilisée par le coiffeur et comme douche et toilettes
- (9) cellule temporaire?
- (10), (11), (12), (14), (15), cellule des prisonniers \*
- (16) salle d'interrogatoire et de tortures.
- (17) salle d'interrogatoire.
- (18) salle de photographie et de vidéo
- (19) salle d'interrogatoire dans laquelle se trouvent un central téléphonique et un terminal informatique.
- (20) emplacement du palan "balango" pour la torture
- (21) petite cuisine pour interrogateurs et gardiens
- (22) (23) portails en fer à claire-voie
- (24) bureau du chef de garde
- (25) emplacement des lits des gardes
- (26) entrée et sortie de la prison (pente de 30 % environ)
- (27), (28) portes.
- (29) cloisons en verre fumé avec des rideaux séparant les salles (16) et (18)
- (30) deux portes en fer coulissantes très épaisses, jamais ouvertes.
- (31), (32) portails en fer à claire-voie.
- (33) lit du chef de garde et du responsable logistique.



\*\_ parmi les prisonniers : Kamil Karam (arrêté en avril 1994), Gerges al Khoury (arrêté en mars 1994), Rafic Saade (arrêté en avril 1994), Hanna Challita (arrêté en juin 1994)

### ANNEXE 3: Le niveau -2

- (1) Pente de 30 % venant de du (26) du niveau -3 et menant à la porte (21) du niveau -2.
- (2) Toilettes pour visiteurs et gardiens
- (3) Escaliers vers le niveau -1, entrée arrière de la direction des renseignements de l'Armée
- (4) Salle d'attente des visiteurs
- (5) bureau du chef de la prison
- (6) porte en fer à claire-voie
- (7) Parking pour les voitures du général Rahbani, directeur des renseignements et de son adjoint, le Colonel Sayed
- (8) chambre dans laquelle les gardiens observent les chambres en verre (9) et (10) pendant les visites
- (9) chambre en verre pour les visites des parents et des avocats
- (10) chambre en verre dans laquelle on fait entrer le prisonnier avant l'arrivée des visiteurs
- (11) fenêtre en verre double perforée
- (12) chambres des aides du chef du département des interrogatoires, le commandant Imad Kaakour.
- (13) Chambre du polygraphe (détecteur de mensonges)
- (14) miroir sans tain permettant d'observer discrètement la chambre du polygraphe
- (15) chambre technique permettant de filmer les visites et les séances de polygraphe
- (16) miroir sans tain pour observer discrètement les visites
- (17) entrée principale de la direction des renseignements
- (18) escalier menant aux bureaux de la Direction au niveau -1
- (19) cour entre les bâtiments du Ministère de la Défense qui sert pour la promenade des prisonniers (chacun tout seul)
- (20) route circulaire entourant les bâtiments du Ministère de la Défense.



## **APPENDIX 5: Excerpt from Amnesty International's Report**

**November 23, 2004**

**Lebanon**

**Samir Gea'gea' and Jirjis al-Khouri: Torture and unfair trial**

"Following his incommunicado detention and during the course of almost one year, Jirjis al-Khouri was allowed to see his lawyer only three times, briefly and in a very restricted manner. While held incommunicado he was not informed of the charges brought against him and only knew of them when the indictments were issued. During interrogation while held incommunicado, he was made to believe that he was a witness rather than a defendant, and was not informed as required by law of his rights in pre-trial detention nor of the charges being brought against him.

Jirjis al-Khouri told the court he was tortured during incommunicado pre-trial detention, and stated that "confessions" - which he retracted - were extracted as a result. He said he was tortured by members of military intelligence who used many techniques including: the *balanco* (hanging by the wrists which are tied behind the back); electric shocks; having his toe nails crushed; having his hair pulled out; repeatedly being deprived of food and sleep over a period of more than 40 days; being forced to drink dirty water; and hearing threats to kill members of his family. As a result of torture, he said he was unable to stand for about one month, bled from parts of his body including his mouth, suffered hallucinations and forgot his name. He said he was being beaten in the presence of judges and the Public Prosecutor. He was told that he had to choose one of two options: to confess that he had himself bombed the church or that he had participated in the bombing. He told the court that finally he signed papers presented to him because he could no longer stand the effects of torture which were compounded by pain from a back operation he had had in 1987."

## **APPENDIX 6:**

**Press Conference**

**By the Parliamentary Human Rights Committee**

The Parliamentary Human Rights Sub-Committee, which is mandated with visiting the prisons of the Ministry of Defense, held a press conference in Parliament after its visit to the prison located on the premises of the Ministry of Defense on November 27, 2004.

The Committee included Members of Parliament Nehmatallah Abi Nasr, Atef Majdalani, Ghassan Moukhaiber and the Secretary of the Committee, Mona Kamal.

Committee coordinator, M.P. Nehmatallah Abi Nasr, speaking on behalf of the committee, said: “Our decision, as a committee, to visit this prison was taken five months ago, as part of the visits to all prisons. At the time the prison of the Ministry of Defense was excluded from the schedule of visits, because initially this prison was not classified as a prison and we consider it as an illegal prison because the administration of prisons is usually assigned to the Ministry of the Interior. Decree no. 6236 was issued on January 17, 1995 allowing the legalization of the Defense Ministry prison during the trial of Samir Geagea and his companions in the case of the church bombing. We consider this matter as a violation because this prison was not a legal prison when Samir Geagea, **Gerges Khoury** and their companions were arrested following the bombing of Notre Dame of Deliverance Church on February 27, 1994. The Parliamentary Committee knew from the intelligence officer in charge of the prison at the Defense Ministry that there were only two prisoners: Samir Geagea, “leader of the Lebanese Forces”, and **Gerges Khoury**, “Member of the Lebanese Forces”. So they asked about why all this attention on this prison? It has only two prisoners.

The MPs began their visit to the prison by stopping at prisoner Samir Geagea's cell for half an hour, although Samir Geagea has been in “solitary” confinement since April 21, 1994. The cell is located on the ground floor. Natural air and light enter through a window. This cell is heavily armored and was specially equipped for Samir Geagea. He was moved to it recently, although he spent ten years and three months in an underground cell similar to the cell of **Gerges Khoury**. The present cell is 9 square meters and is fully equipped. It includes a lavatory, a shower, a bed, a table, chairs, and a small library that comprises religious, philosophy and scientific books.

The committee asked Samir Geagea about his medical condition. He answered that some medical tests were performed on him and the results were good. Then he was asked about his requests. He answered, “If the matter is about human rights, then I want to be in my home”. He spoke with the MPs about the report by the organization Amnesty International entitled, “Samir Geagea and **Gerges Khoury**: Unfair Trial and Torture”. Then Samir Geagea told the MPs he was the leader of the largest armed organization during the war in Lebanon and then he joined the entente project for ending the war in Lebanon, so why do I remain in prison?

After finishing their visit to Samir Geagea's cell on the ground floor, the MPs headed with the intelligence officer to the prison basement in order to check the condition of prisoner **Gerges Toufic Khoury** who is serving a “hard labor for life” sentence for the crime of involvement in bombing the Notre Dame of Deliverance Church. After going down several steps down a staircase, they reached an armored metal door. The intelligence officer opened the door and they saw a frail person with pale white skin because he was deprived of sunlight. He said: “My name is **Gerges Toufic Khoury**, 36 years”. He often repeated, “I'm innocent. Get me out of here. They implicated me in the church case”. He said he was sick and suffers from severe pain in the spinal column because of a vertebral transplant operation done in 1986. The pain spread to his neck and feet. He asked for medical treatment but the Intelligence Services have refused him any treatment. They also didn't allow his lawyer to visit him since July 13, 1996, although his lawyer is currently the MP Georges Najm. They also denied him visits by a clergyman to pray with him. They only allow his parents to see him. Since March 15<sup>th</sup> 1994 he is in solitary confinement. He doesn't speak with anyone. He was then asked if violence and torture were perpetrated against him. He answered that “from the day I was arrested until

the verdict came down, I suffered the worst kinds of torture. But after the verdict was rendered and to this date, I suffer from continuous psychological torment because I am deprived from everything”.

The MPs described **Gerges Khoury's** cell as a “grave”, in which neither light nor natural air or sun enters. It is full of humidity, and ventilation comes into the room through an opening in its high ceiling, mixed with foul smells. He sleeps on the floor. There is nothing in the room: no table, chair, light, or anything. The surface area of the cell doesn't exceed 2 square meters and a width of 1.3 meter. The MPs noticed that **Gerges** was desperate because his words were brief and he was absent minded most of the time. Our visit to **Gerges's** cell lasted 10 minutes. As we departed, **Gerges** grabbed our hands saying: “Don't leave me. I'm innocent. Get me out of here. I'm innocent”. The MPs confirmed that **Gerges Khoury's** cell doesn't comply with the simplest human rights standards. His situation is critical and his health is degrading. They then asked why is it forbidden to bring in TV, radio, newspapers and magazines? Why is he forbidden from speaking with others? Why do Samir Geagea and **Gerges Khoury** remain in solitary confinement? The prison warden usually resorts to the punishment of solitary confinement when the prisoner acts in violation of the internal regulations of the prison, and this punishment does not last for more than one month. But ten years is grave injustice. Where are human rights and the rights of prisoners in Lebanon? What are the international standards that officials and government people speak of and brag about in Lebanon?

We also found out that the International Committee of the Red Cross was prevented from visiting the prison of the Defense Ministry (by the Directorate of Intelligence), in spite of the issuance of Decree no. 8800 in October 2002 bearing the signatures of the President of the Republic and the Ministers of Justice, the Interior and Defense. If there is nothing that they really fear, we wonder why they do not allow this International Organization, which is recognized internationally, to visit the prison of the Defense Ministry?

As a Parliamentary Committee for Human Rights, our visit to the prison of the Defense Ministry unveiled some facts that were hidden from us, from public opinion, and from humanitarian organizations in Lebanon and the world. The MPs demanded the transfer of both political prisoners, Samir Geagea and **Gerges Khoury**, to Roumieh prison and to provide adequate security for them. They asked for a re-trial in the shortest term possible of both the cases of Samir Geagea and **Gerges Khoury**, because they were tried under moral and physical duress or to amend the amnesty law in order to release them. The MPs also asked the Intelligence Services Director to improve the prison conditions for prisoner **Gerges Khoury** because it doesn't comply with the simplest human rights, and to begin medical treatment for him because his health is degrading and his situation is very critical.

Beirut, November 27, 2004

**APPENDIX 7: ANTOINETTE CHAHINE**  
**AMNESTY INTERNATIONAL**  
**WORLDWIDE APPEALS**  
**August 1997**

**LEBANON: Torture and unfair trial**

On 7 January 1997, **Antoinette Yusuf Chahin**, a Lebanese student born in 1971, was sentenced to death - commuted to life imprisonment with hard labour - on charges of involvement in the assassination of Father Sam'an Boutros al-Khoury in May 1992. According to the prosecution and court verdict, the killing of Father



Sam'an Boutros al-Khoury was planned and carried out by the Lebanese Forces (LF); Antoinette Chahin was alleged to have been a member of the LF. The LF were the main Christian militia during the Lebanese civil war, which lasted from 1975 to 1990, and were banned by the Lebanese Government in 1994.

The primary evidence brought against Antoinette Chahin was the confessions of two co-defendants, who later retracted these confessions claiming that they had been extracted under torture. The two co-defendants now claim that they never even knew Antoinette Chahin.

During her detention she was hospitalized several times. A medical examination carried out eight days after her arrest in June 1994 found injuries consistent with her claims that she had been tortured. No adequate judicial investigation appears to have been ordered into the allegations of torture.

- ***Please write***, expressing concern that the trial of Antoinette Chahin and her co-defendants appears to have been deeply flawed; calling for a retrial in accordance with international fair trial standards; and urging an impartial investigation into the allegations of torture of Antoinette Chahin and her co-defendants; to: His Excellency Rafiq al-Hariri /Prime Minister/ Office of the Prime Minister/ Grand Sérail/ Rue des Arts et Métiers/ Sanayeh/ Beirut/ Lebanon

## **APPENDIX 8**

### ***Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005***

*The General Assembly,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

*Affirming* the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

*Recognizing* that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

*Recalling* the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005 and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines,

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;

2. *Recommends* that States take the Basic Principles and Guidelines into account, promote respect thereof and bring them to the attention of members of the executive bodies of government, in particular law enforcement officials and military and security forces, legislative bodies, the judiciary, victims and their representatives, human rights defenders and lawyers, the media and the public in general;

3. *Requests* the Secretary-General to take steps to ensure the widest possible dissemination of the Basic Principles and Guidelines in all the official languages of the United Nations, including by transmitting them to Governments and intergovernmental and non-governmental organizations and by including the Basic Principles and Guidelines in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

64th plenary meeting  
16 December 2005

## **Annex**

### **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

#### **Preamble**

*The General Assembly,*

*Recalling* the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular article 8 of the Universal Declaration of Human Rights, 1 article 2 of the International Covenant on Civil and Political Rights, 2 article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 39 of the Convention on the Rights of the Child, and of international humanitarian law as found in article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, and articles 68 and 75 of the Rome Statute of the International Criminal Court,

*Recalling* the provisions providing a right to a remedy for victims of violations of international human rights found in regional conventions, in particular article 7 of the African Charter on Human and Peoples' Rights, article 25 of the American Convention on Human Rights, and article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms,

*Recalling* the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanating from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and General Assembly resolution 40/34 of 29 November 1985 by which the Assembly adopted the text recommended by the Congress,

*Reaffirming* the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims,

*Noting* that the Rome Statute of the International Criminal Court requires the establishment of "principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation", requires the Assembly of States Parties to establish a trust fund for the benefit of victims of crimes within the

jurisdiction of the Court, and of the families of such victims, and mandates the Court “to protect the safety, physical and psychological well-being, dignity and privacy of victims” and to permit the participation of victims at all “stages of the proceedings determined to be appropriate by the Court”,

*Affirming* that the Basic Principles and Guidelines contained herein are directed at gross violations of international human rights law and serious violations of international humanitarian law which, by their very grave nature, constitute an affront to human dignity,

*Emphasizing* that the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms,

*Recalling* that international law contains the obligation to prosecute perpetrators of certain international crimes in accordance with international obligations of States and the requirements of national law or as provided for in the applicable statutes of international judicial organs, and that the duty to prosecute reinforces the international legal obligations to be carried out in accordance with national legal requirements and procedures and supports the concept of complementarity,

*Noting* that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,

*Recognizing* that, in honouring the victims’ right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,

*Convinced* that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law, as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,

*Adopts* the following Basic Principles and Guidelines:

I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law

1. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law emanates from:

(a) Treaties to which a State is a party;

(b) Customary international law;

(c) The domestic law of each State.

2. If they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by:

(a) Incorporating norms of international human rights law and international humanitarian law into their

domestic law, or otherwise implementing them in their domestic legal system;

(b) Adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;

(c) Making available adequate, effective, prompt and appropriate remedies, including reparation, as defined below;

(d) Ensuring that their domestic law provides at least the same level of protection for victims as that required by their international obligations.

## II. Scope of the obligation

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

(a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;

(b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;

(c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and

(d) Provide effective remedies to victims, including reparation, as described below.

## III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

5. To that end, where so provided in an applicable treaty or under other international law obligations, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction. Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

## IV. Statutes of limitations

6. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law.

7. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

#### V. Victims of gross violations of international human rights law and serious violations of international humanitarian law

8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

#### VI. Treatment of victims

10 Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.

#### VII. Victims’ right to remedies

11 Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms.

#### VIII. Access to justice

12 A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected

in domestic laws. To that end, States should:

- (a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;
- (b) Take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims;
- (c) Provide proper assistance to victims seeking access to justice;
- (d) Make available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law.

13 In addition to individual access to justice, States should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation, as appropriate.

14 An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

## IX. Reparation for harm suffered

15 Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

16 States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.

17 States shall, with respect to claims by victims, enforce domestic judgements for reparation against individuals or entities liable for the harm suffered and endeavour to enforce valid foreign legal judgements for reparation in accordance with domestic law and international legal obligations. To that end, States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgements.

18 In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non repetition.

19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

20 *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;
- (e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21 *Rehabilitation* should include medical and psychological care as well as legal and social services.

22 *Satisfaction* should include, where applicable, any or all of the following:

- (a) Effective measures aimed at the cessation of continuing violations;
- (b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;
- (c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;
- (d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;
- (e) Public apology, including acknowledgement of the facts and acceptance of responsibility;
- (f) Judicial and administrative sanctions against persons liable for the violations;
- (g) Commemorations and tributes to the victims;
- (h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

23 *Guarantees of non -repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:



- (a) Ensuring effective civilian control of military and security forces;
- (b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;
- (c) Strengthening the independence of the judiciary;
- (d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;
- (e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;
- (f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;
- (g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;
- (h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

#### X. Access to relevant information concerning violations and reparation mechanisms

24 States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

#### XI. Non-discrimination

25 The application and interpretation of these Basic Principles and Guidelines must be consistent with international human rights law and international humanitarian law and be without any discrimination of any kind or on any ground, without exception.

#### XII. Non-derogation

26 Nothing in these Basic Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Basic Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Basic Principles and Guidelines are without prejudice to special rules of international law.

### XIII. Rights of others

27Nothing in this document is to be construed as derogating from internationally or nationally protected rights of others, in particular the right of an accused person to benefit from applicable standards of due process.

Resolution 217 A (III).

Resolution 2200 A (XXI), annex.

A/CONF.157/24 (Part I), chap. III.

See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

Resolution 2106 A (XX), annex.

United Nations, *Treaty Series*, vol. 1465, No. 24841.

Ibid., vol. 1577, No. 27531.

See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

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Ibid., vol. 1144, No. 17955.

Ibid., vol. 213, No. 2889.

[1] Excerpted from the report published by SOLIDA in November 1997

[2] Excerpt from the Amnesty International report <http://web.amnesty.org/library/index/ENGMDE180052003>

[3] Excerpt from the Amnesty International report <http://web.amnesty.org/library/index/ENGMDE180052003>

[4] Source : Naharnet

[5] Excerpted from “Défense de Samir Geagea”, by Maître Wallerand de Saint-Just, 1996