

UA 171/02

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LEBANON Ahmad Abu Ghosh (m)  
Wisam al-'Umar (m)  
Sa'id Minawi (m)  
Mumtaz Minawi (m)  
'Azzam 'Amer (m)  
Muhammad Khaled (m)  
'Abd al-Mun'im Za'rur (m)  
Fadi Taybah (m)  
'Umar al-Rifa'i (m)  
Ahmad al-Darj (m)  
and at least nine others

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The men named above and at least nine others have been on hunger strike for more than three weeks at Rumieh Prison in the capital Beirut. They have allegedly been tortured, ill-treated and are being tried before the Justice Council, whose procedures fall short of international standards for fair trial.

According to the lawyers and relatives of three of the men, Ahmad al-Darj has an infected wound on his right leg, which requires surgery. He has been in the al-Hayat Hospital in Beirut since 9 June and is said to be physically very weak and unable to stand. Fadi Taybah is reportedly suffering from bouts of unconsciousness, an irregular heart beat, and numbness in his left hand. Whilst 'Umar al-Rifa'i is said to be suffering from severely low blood pressure.

All the men were arrested in connection with their alleged involvement in violent confrontations between armed Sunnite Islamist activists and the Lebanese security and military forces, in the Dhinniyya area of north Lebanon in February 2000. They were allegedly tortured and ill-treated during the initial stage of their detention at a prison in Tripoli in the north of Lebanon, at the Ministry of Defence in Beirut and after being transferred to Rumieh Prison in Beirut. They were allegedly kicked, beaten and tortured using a method known as the *Ballanco*. This involves the wrists being handcuffed behind the back, a rope being tied to the handcuffs and passed over a beam, so that it can be pulled and the detainee lifted off the ground.

Following their initial arrest, the men were held in incommunicado detention for up to a month and prevented from seeing an examining magistrate, in contravention of Lebanese Code of Criminal Procedures. Many of them were also denied access to their families and lawyers for more than two months. They have now been charged with, amongst other things, resisting the Lebanese army and violating state security. However there are concerns that even though the men have been in detention for over two years, their trial is moving slowly and falls short of international standards for fair trial.

#### **BACKGROUND INFORMATION**

The Justice Council is a special court to which cases are referred at the discretion of the Council of Ministers and not as a result of normal judicial procedure. Its hearings are held only once a week or at weekends. The Justice Council has jurisdiction over cases involving assassinations of, or assassination attempts on, senior politicians, diplomats and religious personalities and cases of political violence. There is no right of judicial review of the sentences passed by the Justice Council, including the death penalty. Amnesty International has expressed concerns about the court's

procedures which are apparently incompatible with fair trial standards as laid down by Article 14 of the the International Covenant on Civil and Political Rights (ICCPR). The UN Human Rights Committee has pointed out that " *decisions passed by the Justice Council are not subject to appeal ... contrary to article 14, paragraph 5, of the Covenant*". Amnesty International is also concerned that defendants tried before this court are routinely held in prolonged pre-trial detention, sometimes for years.

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

- expressing concerns at the allegations of torture by the men named above;
- calling for all such allegations to be investigated impartially and independently, and for those responsible to be brought to justice in fair trials;
- urging that the men named above and all the other detainees held in connection with the Dhinniyya clashes are given a prompt and fair trial in accordance with international standards for fair trial;
- urging that they be allowed immediate access to whatever medical care they may need;
- seeking assurances that they are well-treated at all times and not subjected to torture or ill-treatment;
- reminding the Lebanese authorities that any confessions extracted under duress shall be null and void according to the provisions of the Convention Against Torture to which Lebanon is a state party.

**APPEALS TO:**

His Excellency President Emile Lahoud  
Office of the President  
Ba'abda Palace  
Ba'abda, Beirut  
Lebanon

**Telegram:President Lahoud, Beirut, Lebanon**

**Fax: + 961 1 425 393**

**Telex: 21000**

**Salutation:Your Excellency**

His Excellency Samir Jisr  
Minister of Justice  
Ministry of Justice  
Rue Sami Solh  
Beirut  
Lebanon

**Telegram:Justice Minister, Beirut, Lebanon**

**Fax:+ 961 1 611 142**

**Salutation: Your Excellency**

**COPIES TO:**

Judge 'Adnan 'Addoum  
Prosecutor General  
Palace of Justice  
Beirut  
Lebanon

**Fax: + 961 1 427 819 (if someone answers ask for the fax tone)**

**Salutation: Dear Judge 'Adnan 'Addoum**

and to diplomatic representatives of Lebanon accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 23 July 2002.