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LEBANON : Guilt and innocence blurred in summary trials

Amnesty International criticised today the summary trials of more than 2,000 former South Lebanon Army militia members and those said to have "collaborated" with Israel as "travesties" of justice.

"Such summary trials, with barely seven minutes spent on each individual, neither allow the innocent to be acquitted nor ensure that those who may be guilty of war crimes will be discovered." Amnesty International said.

"These trials also fail to provide the examination and understanding of the past and the human rights violations committed which would indeed pave the way for a reconciliation throughout society." Amnesty International said.

After the Israeli withdrawal from its self-styled "security zone" in south Lebanon on 23 May 2000 more than 1,500 former members of the SLA and other Lebanese who had worked in Israel were said to have surrendered to the Lebanese army or other government officials or to Hizbullah. Those who surrendered to Hizbullah were handed over to the Lebanese army. Others were arrested. Now more than 2,300 SLA and alleged "collaborators" are said to be held in detention by the Lebanese government.

Some 6,400 residents of south Lebanon, including members of the SLA and their families, sought refuge in Israel. Some have since returned to face trial in Lebanon, but nearly all still remain in Israel or have taken refuge elsewhere.

Among the war crimes under the Geneva Conventions committed in south Lebanon are wilful killings, unlawful deportation, the taking of hostages torture or inhuman treatment, unlawful confinement, and wilfully depriving a protected person of the rights of a fair and regular trial. Hundreds of Lebanese were systematically tortured and held for up to 15 years without trial in Khiam detention centre.

However, the 2,300 facing trial include forcibly conscripted SLA members, Lebanese nationals who worked in Israel, and those who worked in the SLA administration. Given the number of SLA members who escaped, those now facing trial in Lebanon who were implicated in war crimes are likely to be few in number.

Amnesty International delegates visited Lebanon shortly after the withdrawal and attended one session of the trials. The delegates also discussed the trials, which were held before the military court in Beirut, with the military prosecutor general, the military judge, and with defence lawyers.

The reasons given by court officials and politicians are that trials are swift and summary in order to close a page on this period of occupation so as to leave open the route for reconciliation in Lebanon.

"After the occupation of south Lebanon and the gross violations committed by Israel and the South Lebanon Army, the message should be one of justice. Justice cannot be brought by such trials."

Background

The South Lebanon Army (SLA) was Israel's proxy militia which operated in the area of south Lebanon under Israeli occupation. It was founded, funded and under the control of Israel.

Trials started on 5 June 2000 and, barring holidays and the mourning period for President Asad of Syria, have been taking place on Mondays, Wednesdays and Thursdays every week. They have been open to journalists and members of the public and have been monitored by the Lebanese Foundation for Human and Humanitarian Rights, a Lebanese human rights non-governmental organization. On the first day, 73 people were tried and sentenced; since then, between 23 and 43 individuals have been tried each day.

In breach of internationally recognized human rights standards, those who surrendered or were arrested were detained incommunicado for up to 10 days in centres under the Lebanese military intelligence, in centres such as Qasr Noura, Shweifaf, Kfar Shima, the Ministry of Defence and 'Abla, a military camp in the Bekaa valley. Members of their families were not informed where they were; relatives went from prison to prison looking for them without success. The mother of one detainee, from Qlay'a, stated that on 3 June, after her son had been detained for 10 days, she went to the Ministry of Defence, Roumieh Prison, and to Qasr Noura. In each place they told her that he was not present and told her to look elsewhere.

Prolonged incommunicado detention provides the conditions where detainees may be tortured or ill-treated. Although most detainees do not appear to have been badly treated, apart from suffering incommunicado detention itself, some of those detained reported that they were tortured by being beaten or suspended in the "farruj" (chicken) position (when the victim is trussed on a pole like a chicken on a spit). Others reported that they were kept handcuffed, blindfolded, insulted, and sometimes forced

to lie face down on the ground. Once detainees were taken to Roumieh Prison they were held in overcrowded conditions with more than 110 detainees to a room.

From 7 June 2000, the second day of the trials, the accused were allowed to sit in the body of the hall as the dock could not hold the large number. Lawyers who requested an adjournment to study the file were allowed it; however, for the great majority of cases the defence team received the file shortly before the trial and did not argue any defence on an individual basis. The usual generic defence used was that the Lebanese State had not been able to defend its citizens, the south had been under occupation for at least 22 years and those living there had no choice but to work with the occupiers. One of the accused reportedly stated that he had been tortured in pre-trial detention, the judge did not order any medical examination or investigation into these allegations.

The accused were charged under articles of the Penal Code such as Article 273, for taking up arms against the state, an offence punishable by death, or Article 285 which lays down a minimum of one year for trading with an enemy.

After two people who had surrendered and were released were attacked by angry crowds in their southern villages, sentences included orders restricting those sentenced from their home districts for a period of years. Most have been sentenced to between one month and five years, with fines and restriction orders. The highest sentence has been 15 years' imprisonment.

Amnesty International has for years raised concerns that trials before military courts in Lebanon do not meet international standards for fair trials; in particular they are summary; the judgement does not

provide any discussion of the reasons for the verdict, and there is no recourse to a higher court.

Amnesty International has called on Lebanon, Israel and other governments to bring to fair trial, without imposing the death penalty, any Lebanese or Israeli implicated in war crimes whatever their political affiliations or the country they may be in.

See also:

Lebanon: " where is the door?" Letter from an Amnesty International delegation visiting Khiam detention Centre in south Lebanon. (AI Index: MDE 18/08/00, 30 May 2000.)

Israel/ Lebanon: Attacks on Lebanese civilians in south Lebanon by Israeli forces. (AI Index: MDE 02/06/00, June 2000)

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