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MEDICAL LETTER WRITING ACTION

**Torture and ill-treatment of women in pre-trial detention
Lebanon**

Key words torture/ill-treatment / women

Summary

Women arrested in Lebanon risk torture and ill-treatment at the hands of police officers, especially during pre-trial detention where they are routinely held incommunicado. Women detainees accused of major criminal or political offences are particularly at risk of ill-treatment or torture and migrant workers, especially domestic workers, are also at risk. Furthermore, conditions in Lebanon's four women's prisons have serious shortcomings including overcrowding, lack of hygiene and inadequate medical attention adding to the risks faced by women in custody in Lebanon.

Recommended actions

Please write politely-worded letters in English or Arabic:

expressing concern at the torture and ill-treatment of women detainees, especially in pre-trial detention, as discussed by Amnesty International representatives with government officials on previous occasions;
calling on the authorities to investigate all allegations of torture against women and to bring perpetrators to justice;
urging the authorities to provide women alleging torture with medical care and counselling, where required, and with appropriate compensation;
calling on the government to provide -- as a matter of urgency -- appropriate training to staff in law enforcement institutions to help prevent ill-treatment of women in custody
improve conditions in women's prisons in accordance with the *UN Standard Minimum Rules for the Treatment of Prisoners* including improving hygiene, sanitation, provision of adequate medical care and accommodation.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you are sending appeals after 5 November, and send copies of any replies you do receive to the International Secretariat (att: medical team).

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and to diplomatic representatives of Lebanon accredited to your country.

Date: 25 September 2001

MEDICAL CONCERN

**Torture and ill-treatment of women in pre-trial detention
Lebanon**

Introduction

Women arrested in Lebanon risk torture and ill-treatment at the hands of police officers especially during pre-trial detention. Widespread torture or other ill-treatment of women detainees, particularly those accused of major criminal offences, takes place in police stations. Women in pre-trial detention are routinely held incommunicado. Those accused of political offences have also been tortured or ill-treated. Another vulnerable category of women are migrant workers, who have frequently been subjected to torture and ill-treatment in detention. Furthermore, conditions in Lebanon's four women's prisons have serious shortcomings including overcrowding, lack of hygiene and inadequate medical attention adding to the risks faced by women in custody in Lebanon.

Gender-based violations and other torture and ill-treatment of women are facilitated by the fact that police stations are staffed by male personnel and there are no women investigators. Police lack training and disregard or abuse the particular needs of women. Women are also more likely to be deserted by their families when they are accused of criminal offences. Female migrant workers, usually domestic workers, are particularly vulnerable as they often do not understand Arabic and are held separately from Lebanese women, who might be able to offer them some help. They have frequently suffered violence in the workplace, only to suffer additional abuses when seeking police protection.

In September 2000 Amnesty International delegates were granted authorisation to visit Ba'abda and Tripoli Women's Prisons and interviewed women about their experiences from the moment of arrest until they were brought to trial. All the women appeared to have suffered from some violations in criminal procedure during their pre-trial detention and approximately half of them reported that they had suffered serious ill-treatment or torture. Further research was then carried out with lawyers, families, social workers, and other witnesses which corroborated most, but not all, testimonies.

Torture methods

Gender-specific torture or other ill-treatment - identified in testimonies of victims collected by Amnesty International - includes, but is not confined to, rape and attempted rape; beating by solid objects and burning of cigarettes on sensitive parts of the female body; forcible stripping and exposing of sensitive parts of the female body by male guards; and use of sexually abusive language. Gender-specific torture or other ill-treatment is frequently under-reported by women who do not want to speak of the "shame" they may have suffered, even to their families.

Non-gender-specific techniques of torture or other ill-treatment used against women includes, for example, *farruj* (chicken) where the victim is strapped to a revolving wooden bar resembling a roasting spit and beaten with sticks; beating by solid objects; and denial of access to medication.

Cruel and inhuman prison conditions

There are four women's prisons in Lebanon. Conditions in all four institutions may amount to cruel, inhuman and degrading treatment. There are serious shortcomings, particularly regarding a large number of sick prisoners who are not receiving adequate medical attention and are held in conditions falling short of international standards, including the UN Standard Minimum Rules, as well as provisions of Lebanese law. Conditions in these institutions, especially as regards hygiene, sanitation, and ventilation, are said to be seriously inadequate. Dormitories are overcrowded and damp, leading to serious health hazards including infestation by insects. For example, in one of the prisons more than 40 detainees are held in such conditions in four rooms well beyond their original capacity. Detainees are reportedly locked up most of the time. They have no access to beds and sleep on the floor using sponge mattresses. The prisons visited by Amnesty International delegates, Ba'abda and Tripoli Prisons, allowed prisoners no access to fresh air or exercise.

Furthermore, women of different age groups, including children, are held in the same place, and there are no adequate facilities in women's prisons for catering for the needs of pregnant detainees and those with children.

Recently the Lebanese authorities have started to take seriously calls by NGOs and members of parliament for the improvement of prison conditions. In May 2001, members of the Parliamentary Human Rights Committee and the Parliamentary Committee on the Rights of Women and Children (PCRWC) visited all prisons in Lebanon, including women's prisons in Ba'abda and Barbar al-Khazen. Following this visit they called on the Government to take immediate action to rectify the "appalling situation" in these institutions. The Chairperson of the PCRWC and member of parliament, Naila Mu'awwad, described two women's prisons as "unfit for human beings". She said that the Lebanese people would have been "shocked" had they been exposed to the "reality of conditions" in women's prisons through the eyes of TV cameras.

Access to a doctor

Many detainees alleged that they were accompanied to the examining magistrate by members of the police, sometimes by the very people who had ill-treated or tortured them, and who threatened further torture if they spoke of any ill-treatment before the examining magistrate. Even if the detainee complains of torture before the examining magistrate, the magistrate is under no obligation to ensure that the detainee is examined by a doctor. Yet, this would not only provide protection for the detainee against torture and ill-treatment, it would protect the police from false accusations of physical torture.

If the examining magistrate receives a report of torture in the police station, he or she must discard confessions made under torture and proceed to a new interrogation. Yet, in a serious failure of law, there is no obligation on the examining magistrate to investigate the allegations by ordering an inquiry or even a medical examination. If the examining magistrate fails to order a medical examination, the detainee has no recourse or appeal against this decision.

Three groups of particularly vulnerable women

Women accused of common law offences - the case of Fatima Yunes

Amnesty International delegates visited female common law detainees in Ba'abda and Tripoli Women's Prisons in September 2000. Women accused of common law offences often risk being abandoned by their relatives and this means, among other things, that they cannot secure the financial means needed to hire lawyers. This in turn contributes to the lengthening of their pre-trial detention and risk of an unfair trial when brought before a court.

Fatima Yunes, born in 1966 and the mother of three children, was arrested by members of the State Security (*Amn al-dawleh*) officers on 26 October 1998 in connection with the killing of her husband.

She was held in the state security office in Tyre for four days without access to a lawyer or the outside world. During that time she stated that she was tortured by about eight people wearing civilian clothes. She alleged that they kept her sitting on a chair and beat her; she was also beaten in the *farruj* position and interrogators lifted up her skirt as she was bleeding and stubbed out cigarettes on her legs. She lost consciousness and later signed the confession. She was then held for a further nine days in Tyre. When she was brought before the examining magistrate she stated that she was tortured and showed the marks of the torture on her body and legs; the magistrate proceeded to a new investigation of her case but did not order any medical examination. She described her torture also to Mme Andrée Lahoud, the Lebanese President's wife during a visit she made to the prison.

Female political detainees - the case of Huyam 'Ali 'Alyan

Women detainees held on charges of "collaboration" with Israel can be detained incommunicado for weeks in detention centres staffed only by male personnel. After arrest they are normally taken to the Ministry of Defence Detention Centre where they are held in cruel, inhuman and degrading conditions compounded by a constant risk of sexual abuse and the invasion of their privacy. While held in such conditions women are subjected to violent interrogation by male staff in the absence of any female staff at this stage of their pre-trial detention. It appears that the duration of incommunicado detention, which varies from one prisoner to another, is determined by the length of time it takes to obtain "confessions". Detainees may also be detained for longer periods so that the physical scars resulting from torture or ill-treatment may heal. These factors have led to a situation whereby judges would not, in most cases, allow allegations of torture to be investigated or for medical examinations to be carried out. However, in certain cases, as the case of Huyam 'Ali 'Alyan below illustrates, a medical examination may be ordered before the trial gets underway.

Huyam 'Ali 'Alyan, aged 29, was arrested in March 2001. She was taken to the Ministry of Defence Detention Centre where she was held incommunicado for 16 days and subjected to violent interrogation by male officers; she was said to have been physically and psychologically tortured including by severe beating, threats, and the use of sexually abusive language. She was said to have been beaten on many parts of her body including her back, abdomen and around the genitals, resulting in bleeding. Despite her requests she was not given access to medical care and was denied the use of sanitary towels. During her incommunicado detention she was ordered to sit on a chair in a corridor continually and deprived of sleep. More than 40 women and men were reportedly being held at the corridor at the time of her detention. Food was meagre, and access to the toilet was restricted and delayed.

Psychological torture included listening to the screams of her uncle as he was being tortured in a separate room and seeing him being tortured again in front of her. Even though she was forced to confess to "collaboration" with Israel, her torture did not stop. She was later moved to a separate room, and then referred by the Military Prosecutor to a forensic doctor. According to a medical report issued on 11 April 2001, there were bruises on her arms and wrists consistent with the use of violence. She is currently detained at Barbar al-Khazen Prison in Beirut. In June 2001 she was brought before the Military Court in Beirut which indicted her; the prosecution demanded a prison sentence on charges of "collaboration" with Israel. Her trial is scheduled for September 2001.

Women migrant workers

According to the Lebanese Ministry of Labour statistics for 2000 there were 54,272 foreign nationals allowed to work in Lebanon. However, unofficial figures cited by the media and NGOs put the figure of the foreign population in Lebanon (including those without legal residence) at around 150,000. The majority of these, estimated at around 80 per cent, are women domestic workers originating from Asian and African countries including Sri Lanka, India, the Philippines and Ethiopia.

In recent years there have been recurrent reports of systematic ill-treatment or even torture of a large section of these workers. These violations are perpetrated by both employers and agents of the state which they approach to complain about their ill-treatment at the hands of their employers and employment agencies. This may include beatings, locking up, deprivation of food,

verbal abuse and overwork. Many are also subjected to gender based violations including sexual abuse. They may be forced to sign undertakings forfeiting salaries which end up in the employment agencies' coffers, or have their salaries arbitrarily withheld by their employers.

Instead of having these abuses redressed by the police, women migrant workers may face further violations, such as torture and ill-treatment. The judiciary has sometimes attempted to safeguard the rights of these workers and dismissed cases where it has been clear that confessions were extracted under duress. In one such case, a young Filipino woman said that she was repeatedly beaten in a police station in Beirut, for alleged theft, until her legs were swollen. As a result she was admitted to hospital. The case against her was later dismissed by a judge on the grounds that the police officer who reportedly beat her did so to obtain a confession. Those who had beaten her were never brought to justice.

International law

The Lebanese Constitution prohibits torture and ill-treatment. Lebanon has also ratified the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). However, violations continue to be carried out with impunity.

CEDAW obliges Lebanon to condemn discrimination against women in all its forms (Article 2). The Committee on the Elimination of Discrimination against Women noted in General Recommendation 19 that gender-based violence impairs or nullifies a number of rights, including:

- the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment;
- the right to equal protection according to humanitarian norms in time of international or internal armed conflict;
- the right to liberty and security of person;
- the right to equal protection under law.

According to the first UN Special Rapporteur on Torture, Peter Kooijmans, "it [is] clear that rape and other forms of sexual assault against women in detention are a (...) violation of the inherent dignity and right to physical integrity of the human being, [and] constitute an act of torture".

Istanbul Protocol

For the effective investigation of torture, Amnesty International believes that doctors need to be given adequate resources to enable detailed medical and psychological examinations of the person alleging torture to be carried out. The principles for such examinations, as well as details of the required methodologies, are set out in a recently adopted international standard on the medical investigation of torture allegations, *'The Istanbul Protocol: Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'*. The Protocol includes the *'Principles for the Effective Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment'*. These Principles make clear that a doctor's medical report following examination of a person alleging torture should include:

- a history, *"including alleged methods of torture or ill-treatment, the times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms"*;
- a physical and psychological examination; and
- an opinion, *"an interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment"*.

[See the appendix for the *Principles for the Effective Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*].

Appendix I

**Principles on the Effective Documentation
of Torture (Istanbul Protocol)
(1999)**

The following Principles evolved in the drafting of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was submitted to the United Nations by an ad hoc coalition of professional and human rights bodies and individuals in August 1999.

**Principles for the Effective Documentation of Torture and Other
Cruel, Inhuman or Degrading Treatment or Punishment**

The following principles represent a consensus among individuals and organizations having expertise in the investigation of torture.

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman, or degrading treatment (hereafter torture or other ill treatment) include the following:

- (i) clarification of the facts and establishment and acknowledgment of individual and state responsibility for victims and their families;
- (ii) identification of measures needed to prevent recurrence;
- (iii) facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture shall be promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken if there are other indications that torture or ill treatment may have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by, impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards, and the findings shall be made public.

3a. The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry. Those persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those allegedly involved in torture to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved and to demand the production of evidence.

3b. Alleged victims of torture, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture shall be removed from any position of control or power, whether direct or indirect over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill treatment and their legal representatives shall be informed of, and have access to, any hearing as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

5a. In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse, or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a

commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.

5b. A written report, made within a reasonable period of time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. On completion, this report shall be made public. It shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, either reply to the report of the investigation or indicate the steps to be taken in response.

6a. Medical experts involved in the investigation of torture should behave at all times in conformity with the highest ethical standards and in particular shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials.

6b. The medical expert should promptly prepare an accurate written report. The report should include at least the following:

- i. Circumstances of the interview: name of the subject and names and affiliations of those present at the examination; the exact time and date, location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g. detention centre, clinic, house, etc.); and the circumstances of the subject at the time of the examination (e.g. nature of any restraints on arrival or during the examination, presence of security forces during the examination demeanor of those accompanying the prisoner, threatening statements to the examiner, etc.); and any other relevant factor;
- ii. History: A detailed record of the subject's story as given during the interview, including alleged methods of torture or ill treatment, the times when torture or ill treatment is alleged to have occurred and all complaints of physical and psychological symptoms;
- iii. Physical and psychological examination: A record of all physical and psychological findings on clinical examination including, appropriate diagnostic tests and, where possible, color photographs of all injuries;
- iv. Opinion: An interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill treatment. A recommendation for any necessary medical and psychological treatment and/or further examination should also be given;
- v. Authorship: The report should clearly identify those carrying out the examination and should be signed.

6c. The report should be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process should be solicited and recorded in the report. It should also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report should not be made available to any other person except with the consent of the subject or on the authorization of a court empowered to enforce such a transfer.

The *Istanbul Protocol* (including the Principles) can be downloaded at: (In English): <http://www.unhchr.ch/pdf/8istprot.pdf> ; (In French): http://www.unhchr.ch/pdf/8istprot_fre.pdf