

# AMNESTY INTERNATIONAL

## Public Statement

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### Lebanon: AI calls for review of Yusef Cha'ban case

Amnesty International has written to the Lebanese authorities calling for an independent review of the case of Yusef Cha'ban, who was sentenced to life imprisonment in October 1994.

A Palestinian refugee resident in Lebanon, Yusef Cha'ban was convicted before the Justice Council of the January 1994 killing of Jordanian diplomat Na'ib 'Omran al-Ma'aita.

On 12 June 2007, the UN Working-Group on Arbitrary Detention declared Yusef Cha'ban's continuing detention to be arbitrary and called for the Lebanese authorities to remedy the matter. The Working Group found that he had been denied a fair trial, notably because he was denied the right to have his conviction and sentence reviewed by a higher tribunal. The UN body found also that the violation he suffered was the more severe because a "confession" accepted by the court as evidence against him, was allegedly extracted under torture and new information appears to support this claim.

Following his arrest, Yusef Cha'ban was held in secret, incommunicado detention for 10 days without access to a lawyer and for a further month without contact with his family. He was initially held in secret by Syrian intelligence officials at the Beau Rivage detention centre they then operated in Beirut before being handed over to the Lebanese Criminal Investigations Police in Forn al-Shabak, Beirut. At his trial, he alleged that while detained he was tortured and otherwise ill-treated to make him "confess," but the court failed adequately to investigate his allegations of torture and other ill-treatment. He was also denied the opportunity to appeal against his conviction and sentence to a higher tribunal, as required by recognised international standards on the right to fair trial.

During his detention, following his arrest on 5 February 1994, Yusef Cha'ban alleges that various torture methods were used against him, including the "German Chair," where the victim is forced to sit in a metal chair with moving parts that stretch the spine, suspension from his wrists while they were tied behind his back (the ballanco), electric shocks, threats and denial of food, water and sleep. His family were not informed of his detention for 40 days.

Amnesty International has previously expressed concern that trials before the Justice Council fail to satisfy international standards for fair trials and has documented a number of trials which were deficient.\* In particular, it is unclear on what criteria cases are selected by the Council of Ministers for referral to the Justice Council, and the latter has failed to order independent investigations into allegations of torture during pre-trial detention made by defendants at trial. Further, as the Human Rights Committee noted in 1997, "the fact that decisions passed by the Justice Council are not subject to appeal" breaches the fair trial requirements of the International Covenant on Civil and Political Rights, and Lebanon's obligations as a party to this treaty.

In the case of Yusef Cha'ban, new developments since 1994 have raised further questions about the safety of his conviction and consequent imprisonment. On 3 December 2001 the Jordanian State Security Court convicted Yasser Muhammad Ahmad Salameh Abu Shanaar, 'Aqaab Namer Suleiman Fuqhaa and Jamal Darwish Mustafa Fatayr of the same killing. The prosecution made no reference to Yusef Cha'ban or to any part that he was alleged to have had in the assassination; indeed, the only reference made to Yusef Cha'ban during this trial

was by one of the accused who explicitly denied that Yusef Cha'ban had participated in the assassination.

Also, the report of a ballistics expert appointed by Yusef Cha'ban's lawyer that was presented to the Justice Council on 23 October 2007, a copy of which Amnesty International has seen, casts serious doubt on the description of events as portrayed at the trial before the Justice Council.

In view of these developments, Amnesty International is urging the Lebanese authorities to ensure that the conviction and imprisonment of Yusef Cha'ban is made the subject of an urgent, thorough and independent review in order to ensure that any miscarriage of justice is remedied at the earliest opportunity and that he is guaranteed a fair re-trial in accordance with international standards or released.

(see Lebanon: Torture and unfair trial of the Dhinniyah detainees [AI Index: MDE 18/005/2003]; Lebanon: Samir Gea'gea' and Jirjis al-Khoury – Torture and unfair trial [AI Index: MDE 18/003/2004])

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