

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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URGENT APPEAL: RIGHTS ORGANIZATIONS CALL ON LEBANESE AUTHORITIES TO CEASE THE INTIMIDATION OF HUMAN RIGHTS LAWYER MOHAMMED SABLOUH

This Human rights organizations are gravely concerned by the Lebanese authorities' recent attempts to silence and discredit Mohammed Sablouh, a human rights lawyer defending victims of torture and Syrian refugees facing deportation. The actions of the Lebanese authorities represent an unacceptable infringement on the work of lawyers and other human rights defenders, in light of Lebanon's ongoing failure to meet its legal obligations to prevent and punish the use of torture and to abide by the principle of *non-refoulement*.

Mohammed Sablouh is a Lebanese lawyer and the director of the Prisoners' Rights Center at the Tripoli Bar Association. For nearly 15 years, he has been documenting cases of torture and other ill-treatment in Lebanese detention facilities and advocating on behalf of victims both at the domestic and international levels. Recently, Sablouh's work exposing the torture and other ill-treatment of prisoners in the Military Police prison in Beirut, at the Fakhr El-Din barrack (Ramla al-Bayda), and his advocacy against the forcible deportation of Syrian refugees garnered significant media coverage in the Lebanese press. As a result, he has been subjected to abusive legal challenges and other forms of intimidation, particularly from the General Security Directorate and the Military Prosecution.

On 23 September 2021, the Government's Commissioner to the Military Court, Judge Fadi Akiki and the Military Police, pressured one of Sablouh's clients, a detainee in the Fakhr El-Din facility, to testify that Sablouh's allegations of torture were fabricated, according to family members. On 28 September, the Military Prosecution sent a letter to the Tripoli Bar Association requesting the authorization to prosecute Sablouh under article 403 of the Lebanese Penal Code, which penalizes false accusations. This request indicates that the Lebanese authorities are initiating retaliatory legal proceedings against Sablouh in an attempt to discredit his legally sanctioned work documenting instances of torture.

By obstructing the work of lawyers, Lebanon is violating its own laws and criminal procedures as well as its international human rights obligations. The UN Basic Principles on the Role of Lawyers requires governments to ensure that lawyers "are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference" and that they "shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics." On 8 October, Sablouh's case was submitted to the United Nations Special Rapporteurs on the independence of judges and lawyers and on human rights defenders.

CALL TO ACTION

We, the undersigned national and international human rights organizations, call on Lebanon to respect the work of lawyers and others advocating on behalf of victims of torture and to adhere to its legal obligations to prevent and punish the use of torture.

We call on the Lebanese authorities, and particularly the Military Prosecution and the General Security Directorate, to:

- Take the necessary measures to ensure that human rights lawyer Mohamed Sablouh is able to carry out his legitimate work in a safe and enabling environment without fear of harassment, threats, or acts of intimidation of any kind;
- Stop its attempts to intimidate lawyers and human rights defenders engaged in documenting and reporting instances of torture;
- Respect the right of detainees to have a lawyer present during preliminary investigations in accordance with the Code of Criminal Procedure;
- Immediately investigate any allegations of torture received, refrain from referring torture complaints for investigation to the same agencies accused of torture or to the military justice system, and provide the necessary protection for victims who report such allegations;

- Abide by the Convention against Torture and refrain from deporting any individual without giving them an opportunity to see a lawyer, meet with the UN refugee agency, and to present their argument against deportation in a competent court;
- Ensure the swift and complete implementation of Lebanon's Anti-Torture Law.

BACKGROUND

Lebanon ratified the UN Convention against Torture in 2000. In 2017, Lebanon passed a new law, that while short of international standards, criminalizes torture (Law No. 65 of 2017). In 2020, Lebanon also amended Article 47 of its Code of Criminal Procedure to further expand defense guarantees and uphold the right of lawyers to attend initial investigations, an important safeguard against torture. However, despite these important legislative reforms, torture continues to be used systematically. The Tripoli Bar Association released a booklet documenting torture cases that took place with impunity from 2017 to 2020. Moreover, lawyers in Lebanon continue to be barred from attending preliminary investigation sessions with detainees, especially in military facilities, under the pretext of administrative routine and the confidentiality of investigations.

Further, as a party to the Convention against Torture, Lebanon is obligated not to deport, return, or extradite anyone in danger of being tortured. Lebanon is also bound by the customary international law principle of non refoulement not to return people to places where they risk persecution. Yet, between mid-2019 and the end of 2020, General Security deported over 6,000 Syrian refugees, putting them at risk of torture, enforced disappearance, and extrajudicial killings.

TORTURE AND ILL-TREATMENT AT AKHR AL-DIN (RAMLA AL-BAYDA) BARRACK

On 14 August 2021, witness testimonies indicated that detainees in the Fakhr El-Din (Ramla al-Bayda) facility, which is under the authority of the Military Police, staged a protest against the lack of food in the prison by banging on iron bars with spoons. The protest started after the detainees had not received bread for three days, and after the water supply and electricity had been cut in the facility. Prison officials responded to the protest by beating the prisoners with sticks and rifle butts, leading to head, neck and back injuries, witnesses and families of the detainees confirm. The detainees were not given medical treatment for their injuries and were subsequently prevented from communicating with their families.

Sablouh acted as legal counsel for one of the prisoners who was allegedly beaten. On 17 August 2021, he submitted a complaint of torture and other ill-treatment to the office of the Public Prosecutor, which was then transferred to the Military Prosecution. The complaint requested an investigation into the beating of prisoners following the protest incident as well as the general conditions in the facility, including power cuts, water and food shortages, the lack of sunlight, mismanagement and cruel treatment. Under Lebanon's Anti-Torture Law, the Public Prosecutor is required to appoint a forensic doctor within 48 hours of receiving a complaint of torture.

On 22 September 2021, over a month after the alleged incident, the Government Commissioner to the Military Court, Judge Fadi Akiki, instructed the Military Police – the body whose officers were the alleged perpetrator in the torture complaint – to investigate the victim's complaint. He instructed them to interrogate the victim about his allegations and to appoint a forensic doctor to examine evidence of torture. This instruction flagrantly violates the Lebanese Anti-Torture Law which forbids law enforcement from conducting investigations into torture allegations and requires that medical examination is conducted within 48 hours of the submission of the complaint. The forensic doctor and the prison doctor who examined the victim 40 days after the incident concluded that there were “no signs of bruises”.

The victim, who currently remains in detention, was interrogated by the Military Police and by Judge Akiki without the presence of his lawyer, contrary to Article 47 of the Code of Criminal Procedure. According to his family members, the victim initially insisted that the allegations of torture were true. However, he was pressured to deny the allegations after he was told that the complaint could harm him and was promised to get an early release, according to his family. The victim was later forced to sign an investigation report that he was not allowed to read. The investigation report, seen by the Tripoli Bar Association, falsely claims that the victim was treated well in prison, that he did not witness any beatings by the officers, and that he was unaware that Sablouh had submitted a complaint of torture on his behalf.

On 28 September, the Military Prosecutor, Judge Akiki, sent a letter to the Tripoli Bar Association requesting the authorization to prosecute Sablouh under article 403 of the Penal Code, which penalizes false accusations, in a clear attempt to discredit his work. On 5 October, the Tripoli Bar Association officially informed Sablouh of this request and opened an investigation into the request.

TREATMENT OF SYRIAN REFUGEES

In addition, Sablough has been intimidated while defending Syrian refugees held by the Lebanese General Security Directorate (the immigration authorities) and at risk of deportation to Syria as well as while documenting cases of alleged torture.

In March 2021, Amnesty International published a report on Syrian refugees arbitrarily detained on terrorism-related charges and tortured in Lebanon, which included information provided by Sablough.

Following the publication of the report, the caretaker Minister of Justice convened a meeting on April 14, 2021, with heads of security agencies and members of the Beirut and Tripoli bar associations. Sablough attended the meeting as rapporteur of the Prisons' Committee of the Tripoli Bar Association. During the meeting, Sablough mentioned that he had provided Amnesty International with information on human rights violations, including for their latest report, and that he had done so after exhausting all domestic avenues, to no avail. At the end of the meeting, a General Security high-ranking official informed Sablough that he "should not communicate with international NGOs" and added that he was accused of committing "high treason".

In another instance, Sablough was intimidated while defending two Syrian refugees detained by the General Security Directorate and at risk of deportation to Syria. After being sentenced by the Lebanese judiciary for terrorism-related offences allegedly committed in Syria, the two refugees' case files were transferred to the General Security Directorate, which issued deportation orders against them without judicial permission and without granting them the right to defend themselves or challenge the orders. On 2 October, Al Modon published an article about the General Security's handling of Syrian refugees, including the above-mentioned case of Sablough's client. The article extensively cited Sablough.

In response to the media outcry around the case, the General Security Directorate responded on 4 October, stating that the Lebanese state could no longer bear the presence of "terrorists" on its territory after all the terrorist operations carried out by people "disguised under the cloak of Syrian displacement." Referring specifically to Sablough's role in the case, the General Security Directorate further stated that "the right of defense requires that the Syrian's file be followed up through legal means, but the counsel has no right to issue judgments or spread unlawfully acquired and inaccurate information."

List of Signatories:

Access Center for Human Rights (Wousoul)

Amnesty International

Act!ve Lebanon

Association for Victims of Torture in the UAE (AVT-UAE)

Cairo Institute for Human Rights Studies

Ceasefire Centre for Civilian Rights

Economic Development Solutions S.A.R.L

EuroMed Rights

FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders

Front Line Defenders

Impunity Watch

Khiam Rehabilitation Center for Victims of Torture

Lawyers for Lawyers

Lebanese Center for Human Rights (CLDH)

Legal Agenda

MENA Rights Group

Rights for Peace

Shams Beirut

Syrian Center for Media and Freedom of Expression (SCM)

The Tahrir Institute for Middle East Policy (TIMEP)

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Zaza Consulting