

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

26 June 2022 MDE 18/5763/2022

# JOINT STATEMENT CALLING ON LEBANON TO ENFORCE ANTI-TORTURE LAW

On the International Day in Support of Victims of Torture, we, the undersigned organizations, call on the Lebanese authorities to effectively protect everyone in its territory, including those in detention, from torture and cruel, inhuman and degrading treatment or punishment. The authorities should investigate all allegations of torture and ill-treatment and the perpetrators of such acts should be prosecuted, brought to trial and, if found guilty, sentenced to appropriate punishment.

Lebanon ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter UN Convention against Torture) in 2000 and its Optional Protocol in 2008. On 19 September 2017, the Lebanese Parliament passed national law No. 65/2017 criminalizing torture (hereafter the Anti-Torture Law), and in July 2019, the government appointed the five members of the National Preventative Mechanism against Torture (NPM). In 2020, parliament amended article 47 of the Code of Criminal Procedure to explicitly allow lawyers to be present with detainees during their initial interrogation at security agencies.

Lebanon strengthened its anti-torture protections on paper, in practice, torture remains prevalent. Complaints rarely reach court, and most cases are closed without an effective investigation.

The Anti-Torture Law itself fails to meet Lebanon's obligations under the UN Convention against Torture. The law adopts a statute of limitations of 3 to 10 years for prosecuting torture that begins to run upon the victim's release from custody or detention, in contravention of international standards that state there should be no statute of limitations for torture. In addition, the sentences imposed by the law do not adequately reflect the grave nature of the crime of torture. The law does not criminalize cruel, inhuman, and degrading treatment or punishment, which are prohibited under the UN Convention against Torture; and it fails to explicitly prohibit the referral of torture complaints to the military courts, which human rights organizations have found do not respect the right to a fair trial and lack independence.

The NPM, which is tasked with monitoring the implementation of the Anti-Torture Law and which has the authority to conduct regular, unannounced visits to all places of detention, has not yet been allocated a budget so that it can commence its work.

Furthermore, human rights organizations in Lebanon have documented repeated failures of the security forces and the judiciary to enforce the Anti-Torture Law and provisions of the Code of Criminal Procedure that aim to protect the rights of detainees.

For example, Lebanese judicial authorities failed to adequately investigate serious torture allegations made by Hassan al-Dika prior to his death in custody on May 11, 2019 and violated the provisions of the Anti-Torture Law by tasking the same security agency that he accused of torturing him with investigating his allegations. Similarly, the criminal justice authorities have yet to take any serious action to investigate the credible allegations of torture and enforced disappearance that the actor Ziad Itani – accused but later exonerated of spying for Israel – has made against State Security officers.

In December 2019, following the submission of torture complaints by 17 protesters of the 17 October Protests, the General Prosecutor referred the complaints to the Military Prosecution, an exceptional judicial body that is not deemed impartial. The Military Prosecution did not conduct investigations into the complaints, but instead referred them for investigation to the security agencies suspected of acts of torture in clear violation of the Anti-Torture Law. Upon the refusal of the plaintiffs to provide testimonies to the security agencies, the Military Prosecution decided to close the investigations without any further action, in clear violation of the obligation to investigate torture complaints enshrined in article 12 of the UN Convention against Torture.

Further, security agencies have often violated article 47 of the Code of Criminal Procedure, denying detainees the right to have a lawyer present during their interrogation, and in some cases subjecting those detainees to physical violence.

Instead of seriously investigating torture allegations and holding those responsible to account, the authorities have subjected lawyers and activists to reprisals for exposing torture.

The most prominent case is that of Mohamed Sablough, a lawyer registered with the Tripoli Bar Association who represents victims of torture and arbitrary detention. Sablough has been threatened and harassed by both the General Security Directorate and the Military Prosecution in relation to his work. On 28 September 2021, after he filed a complaint on behalf of a client regarding torture and other ill-treatment under the Anti-Torture Law, the military prosecution asked the Tripoli Bar Association to lift Sablough's attorney immunity so it could prosecute him on charges related to fabrication of information. The Tripoli Bar Association rejected this request.

Following its second visit to Lebanon in May 2022, the UN Subcommittee on Prevention of Torture expressed concerns about how little progress had been made on the prevention of torture. The experts highlighted the persistent problems of prolonged pretrial detention, overcrowding, and the deplorable conditions at detention sites.

In view of the above, we call on the Lebanese authorities to:

- Ensure prompt, independent, impartial and effective investigations into complaints of torture and of cruel, inhuman and degrading treatment or punishment;
- Refer all torture cases to non military courts as stated in article 15 of the Code of Criminal Procedure and ensure the right of all concerned to independent, fair, and transparent proceedings;
- Ensure that all detainees are able to have a lawyer present during their initial interrogations at security agencies, in compliance with the amendments to article 47 of the Code of Criminal Procedure;
- Adopt a law that guarantees the independence of the judiciary in compliance with international standards;
- Ensure that victims can file complaints of torture and ill-treatment without fear of reprisals and end the harassment of lawyers exposing acts of torture in line with paragraph 16 of the Basic Principles on the Role of Lawyers and article 13 of the UN Convention against Torture;
- Amend the Anti-Torture Law in line with Lebanon's obligations under international law, especially the UN Convention against Torture;
- Allocate a sufficient budget and issue the necessary governmental decrees to allow the National Human Rights Institute, including its National Preventive Mechanism against Torture, to fulfill its mandate;
- Make public thereports transmitted by the UN Subcommittee on Prevention of Torture to Lebanon;
- Submit Lebanon's second periodic report to the UN Committee against Torture, overdue since May 2021, and accept the request of the UN Special Rapporteur on Torture to visit Lebanon, pending since February 2017.
- Recognize the competence of the UN Committee against Torture to receive and consider individual complaints by victims, as foreseen in article 22 of the UN Convention against Torture.

**List of signatories (Please add the name of your org if you would like to endorse this statement)**

Access Center for Human Rights (ACHR)

Active Lebanon

Alkarama Foundation

Amnesty International

Association Justice & Mercy (AJEM)

Ceasefire Centre for Civilian Rights

Human Rights Watch

Justices for Human Rights (JHR)

Khiam Rehabilitation Center for Victims of Torture

Lebanese Center for Human Rights (CLDH)

MENA Rights Group

Shams Beirut

The Association for Victims of torture in the UAE (AVT-UAE)

The Legal Agenda

Tripoli Bar Association