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## PUBLIC STATEMENT

### LEBANON : LACK OF JUDICIAL REVIEW IS A DENIAL OF FAIR TRIAL

Amnesty International welcomes the decision by the Lebanese Criminal Court of Cassation on 24 June 1999 to acquit Antoinette Chahin and one of her co-defendants, Jihad Abi Ramia in the re-trial of the case of the 1992 killing of Father Sam'an Boutros al-Khoury. However, Amnesty International regrets that no proper investigation has been ordered in the torture allegations.

The organization also notes with concern the lack of judicial review of the Justice Council's verdict handed down on 25 June 1999 in the case of the 1987 killing of former Prime Minister Rashid Karami.

In January 1997, the Criminal Court of Mount Lebanon convicted Antoinette Chahin and five other defendants, two *in absentia*, for the politically motivated murder of Father Sam'an al-Khoury and sentenced her to death, commuted to life imprisonment with hard labour. Three of the other defendants, Rashid Daw, Sa'd Jibra'il, and Jihad Abi Ramia, were each sentenced to 12 years' imprisonment. Jean Chahin, Antoinette's brother, and George Bakhous, were each sentenced to death *in absentia*.

The court based its decision almost entirely on a confession by two defendants who later retracted their statements saying they had been extracted under torture. Antoinette Chahin herself was also reportedly tortured during interrogation. An appeal against the verdict before the Criminal Court of Cassation was successful, and a re-trial was ordered in August 1997. Amnesty International had issued a report in July 1997 expressing its concerns regarding the fairness of the trial, calling for Antoinette Chahin and her co-defendants to be re-tried in accordance with international fair trial standards, and calling for an impartial investigation into allegations of torture.

Amnesty International welcomes the acquittal by the Criminal Court of Cassation of Antoinette Chahin and Jihad Abi Ramia as an important step towards redressing human rights violations, such as unfair trials. However, the organization regrets that the Criminal Court of Cassation has not ordered a proper inquiry into torture allegations by defendants, particularly as confessions allegedly extracted under torture have formed the main body of evidence in this case. As the former UN Special Rapporteur on torture, P. Kooijmans, stated in his 1991 report: "Under circumstances in which torture is practised or condoned by the authorities, it is the judiciary which forms the last bastion for the protection of citizens' rights".

In the case of the killing of Rashid Karami, the Justice Council sentenced Samir Gea'gea, leader of the banned *Lebanese Forces* (LF), the main Christian militia during the war, to death, commuted to life imprisonment, and Khalil Matar, the Brigadier in the Lebanese army to death, commuted to 10 years' imprisonment. Nine other LF members were also convicted in absentia, three to death and six each to 20 years' imprisonment. Other defendants, such as Antoine al-Shidyaq, Aziz Salih, Camille al-Rami, and Kaytel al-Hayek, were acquitted or have the charges against them dropped. Samir Gea'gea is serving three life sentences, two of which were passed by the Justice Council in 1995 and 1997 respectively.

Amnesty International maintains its concerns that some aspects of the trials before the Justice Council are incompatible with international standards for fair trial. In particular, the organization has repeatedly expressed its concerns at the lack of review by a higher tribunal of the verdicts and sentences of the Justice Council, in contravention to the principle set forth in Article 14(5) of the International Covenant on Civil and Political Rights (ICCPR) to which Lebanon acceded in 1972. The trial of Antoinette Chahin and her co-defendants, following a successful appeals is a testimony to the importance of an adequate and fair judicial review.

Amnesty International is calling on the Lebanese authorities to ensure the fair trial of political detainees and suspects in accordance with international standards such as the ICCPR, and the UN Basic Principles on the Independence of the Judiciary.

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