

EXTERNAL (for general distribution)

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Further information on UA 68/94 (MDE 18/01/94, 22 February 1994) - Torture / Fear of Torture / Health Concern and new concern: Unfair trial

LEBANON: *Georges Habib Haddad, aged 35 *Muhammad Yasin Saqr
 *Magi 'Aql Karam (female) Raymond Jean al-Hayek
 *Sharbel Dib Dib Hamad Shihab Jaber
 *Janette Amin Haddad (female) Majed Jaber Jaber
 *Joseph Pierre al-Anjam Mahmud Muhammad Faqih
 Pierre Tawfiq Makarzel *Camille Samir Haddad

and (new names) *Gabi 'Akl Karam
 *'Ali 'Abdu al-Bazzal

Reports indicate that, in addition to Georges Haddad, the people named above were tortured during detention in the Ministry of Defence in Beirut. Gabi 'Akl Karam was also reportedly tortured in Syria where he was taken after arrest before being returned to Lebanon. Amnesty International is particularly concerned that no attempt appears to have been made to investigate the allegations of torture, and that statements which may have been coerced from the defendants by such treatment may be used as evidence in their trial which continues on 9 July.

The defendants were charged on 15 February 1994. Those marked * (and two others charged *in absentia*) were charged under Article 235 of the Penal Code which forbids contact with the enemy and conspiring with it to assist the victory of its forces, which is punishable by death. Some of them and the others (and one other charged *in absentia*) were also charged with providing a foreign country with secret information and documents under Article 283 of the Penal Code, which is punishable by a minimum of five years' hard labour.

In a letter dated 7 April responding to the original Urgent Action, the Minister of Justice, Bahige Tabbarah, said that the defendants had not been subjected to any ill-treatment. However, the letter did not dispute that Georges Haddad had in fact sustained a broken arm and other injuries as alleged in February, but did not refer to any investigation carried out into the allegations. The United Nations Human Rights Committee has made clear in General Comment 20 that states parties to the International Covenant on Civil and Political Rights are obliged to investigate all complaints of torture promptly and impartially. Moreover, Articles 8 and 9 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment require that allegations of torture should be impartially investigated.

In a reply to the Minister of Justice on 13 June, Amnesty International urged that such an investigation be carried out, pointing out that in the absence of any independent investigation into the allegations of torture, with a public report setting out its findings, the organization could not dismiss such allegations as false or tendentious. No response has yet been received.

Defence lawyers have been seeking an independent medical examination of their clients since 29 March to establish whether or not they were tortured. On 14 April, three doctors from the American University Hospital were appointed to examine the defendants, but they promptly filed petitions asking to be

excused. No other arrangements for an independent medical examination have been made. Petitions for the hospitalization of Georges Haddad to treat his broken arm, and of Gabi Karam, who is reportedly suffering from pain and reduced mobility apparently as a result of his alleged torture, have been rejected.

In the absence of any independent investigation into these allegations of torture, including an independent medical examination, there is a risk that the statements made during detention were made as the result of torture, ill-treatment, or coercion. Therefore, they should not be invoked as evidence.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes and airmail letters:

- expressing concern about the allegations of torture of the people listed above (naming some);
- calling for an immediate, thorough and impartial investigation into these allegations, with public methods and findings, and including a medical examination by independent doctors;
- pointing out that without such an investigation, there is a risk that statements made during detention were made as the result of torture, ill-treatment or coercion and that therefore the statements should not be used as evidence;
- expressing concern at the reports that Georges Haddad and Gabi Karam have been denied medical treatment and calling for all detainees to be provided with adequate and appropriate medical treatment.

APPEALS TO:

President Elias Hrawi
 Presidential Palace
 Ba'abda
 Lebanon

Telegrams: President Hrawi, Beirut, Lebanon

Telexes: 21000

Faxes: +961-1-425-393

Salutation: Your Excellency

Prime Minister Rafik Hariri
 Office of the Prime Minister
 Serail
 rue des Arts et Métiers
 Sanayeh, Beirut
 Lebanon

Telegrams: Prime Minister Hariri, Beirut, Lebanon

Faxes: +961-1-200-469

Salutation: Your Excellency

Mohsen Dalloul
 Minister of Defence
 Ministry of Defence,
 Yarzeh, Beirut
 Lebanon

Telegrams: Defence Minister Dalloul, Beirut, Lebanon

Telexes: 20901

Salutation: Your Excellency

Bahige Tabbara

Minister of Justice
Ministry of Justice
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Salutation: Your Excellency

COPIES TO: diplomatic representatives of Lebanon accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 August 1994.