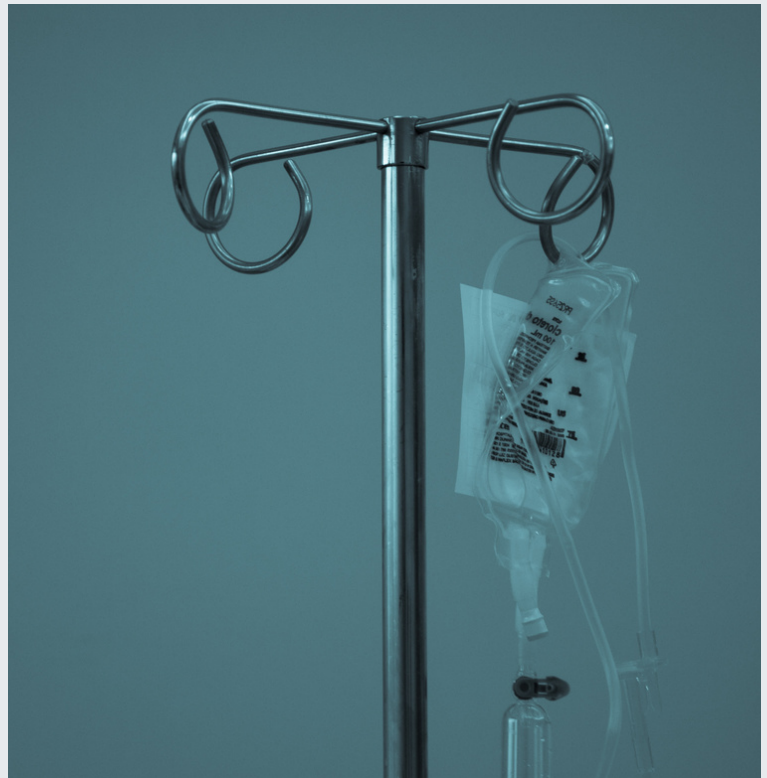


# THE RIGHTS OBSERVER BY CLDH

*Monitoring the Latest Human Rights Violations from the Field*

## IN THIS ISSUE:

1. PATIENTS UNABLE TO RECEIVE MEDICAL ASSISTANCE
2. DETAINEES CONTINUE TO BEAR THE BRUNT OF THE JUDICIAL STRIKE
3. THE DIFFERENT PRICES OF JUSTICE
4. LEBANESE PRISONS CONSTITUTE A STRUGGLE FOR INMATES AND THEIR FAMILIES
5. LANDLORDS EXACERBATE WINTER CHALLENGES



### A WORD FROM THE TEAM

*"As a lawyer and a human rights activist, I will always defend and speak out on behalf of the ones who are unable to. We all have the right to live in dignity."*

**- Josiane Noun, Programs Manager at CLDH**

## 01 PATIENTS UNABLE TO RECEIVE MEDICAL ASSISTANCE

- SYRIAN WOMAN DENIED PROPER TREATMENT

A general practitioner at AUBMC allegedly discriminated against a Syrian patient, shouting at her and claiming that Syrian people are "ruining the country". According to CLDH's team, the nephrologist refused to ask the patient for additional tests, despite telling her assistant – in English – that she would normally require further examination. The doctor also declined providing the patient with a report, telling her that she was okay and it was "all in her head".

- **WITHOUT PAPERS AND WITHOUT TREATMENT**

A Syrian LGBTQ+ man was denied medical care for his broken arm because he did not have enough money. After knowing that he was assaulted, the hospital staff wanted to contact the Internal Security Forces to come and investigate. In response, the man retreated and left the hospital in fear of being detained since he did not have any legal papers to document his residency in Lebanon.

## 02 **DETAINEES CONTINUE TO BEAR THE BRUNT OF THE JUDICIAL STRIKE**

- **JUDGES WHO REFUSE TO WORK**

Most judges work only one day per week, which is insufficient for them to conduct hearings. Several judges have also resorted to treating lawyers badly and have refused to sign releases on urgent matters. Furthermore, the general prosecutor has stopped passing by the courts to sign cases that require his signature. This has forced lawyers to pay additional transportation fees to send the files to the prosecutor through employees.

- **DELIBERATE OBSTRUCTION OF JUSTICE**

Although a few judges in Baalbek have ended their strike and resumed going to court once a week, they are taking decisions that harm detainees. For instance, some judges have declined release demands without any legal basis and in violation of Article 108 of the Code of Criminal Procedure. In addition, the Public Prosecutor's Office appealed a release decision even when the detention had become arbitrary and not legally justified. Other judges are holding online hearings without informing the lawyers.



*"With the exception of a person previously sentenced to at least one year's imprisonment, the period of detention for a misdemeanour may not exceed two months. This period may be extended by, at a maximum, a similar period where absolutely necessary."*

**ARTICLE 8 OF THE CODE OF CRIMINAL PROCEDURE**





- **NO DECISIONS SINCE AUGUST**

In Zahle, appeal and release deadlines are being overlooked. Out of the court's two investigative judges, one is on strike and the other only comes to court once per month. Consequently, Zahle's criminal court has yet to issue any decision since August.

### **03 THE DIFFERENT PRICES OF JUSTICE**

- **UNABLE TO FIND AND AFFORD STAMPS**

Courts in Tripoli and Baalbek are only accepting release demands sent from prisons if they have stamps, which is not the case in Beirut and Baabda. Moreover, although the newly imposed fee for judges' stamps is 50,000 LBP, Beirut's courthouse is obliged to utilize stamps that cost 100,000 LBP since all cheaper stamps were pulled out of circulation. As such, many prisoners have been unable to afford the new price of the stamps as they do not have money in prison, and many of them do not have family members who can help them.



- **UNPRECEDENTED BAIL FEES**

Some judges are issuing unprecedented bail fees for cases handled by NGOs. In Baabda, a judge from the accusation chamber issued a decision to release a minor on bail for a staggering 400,000,000 Lebanese pounds, noting that the judiciary usually orders a high bail to guarantee the rights of the plaintiff, but by law it is not possible to sue a minor for compensation. His parents must be called in this case to be charged for compensation. When the registrar was asked why such a decision was made, he replied quoting the judge: "because his case is being handled by an NGO."





*"After twenty-four hours have elapsed, the officer in charge of police custody shall automatically conduct the defendant to the Public Prosecutor, who shall request the Investigating Judge to question him. If the latter refuses, if he is absent or if he is precluded from questioning the defendant by a lawful impediment, the Public Prosecutor shall request the First Investigating Judge to question him or to appoint an Investigating Judge to do so.*

*If it proves impossible to question the defendant, the Public Prosecutor shall order his immediate release. If he is held in custody for more than twenty-four hours without being brought before the Public Prosecutor, the detention shall be deemed arbitrary and the responsible officer shall be prosecuted for the offense of deprivation of personal liberty."*

**ARTICLE 7 OF THE CODE OF CRIMINAL PROCEDURE**



**• UNABLE TO MAKE IT TO COURT**

Transporting detainees from their respective prison to court has become a tedious endeavor due to the inadequate number of cars, the incompetence of security agencies, and the absence of fuel in light of the economic crisis. This issue has been further exacerbated by placing detainees in prisons that are far from the courts that have jurisdiction to look into their cases.

**• DISREGARDING PROVISIONS OF THE CODE OF CRIMINAL PROCEDURE**

In Lebanon, defendants are being kept in detention centers without proper questioning, which constitutes a deprivation of personal liberty and a violation of Article 107 of the Code of Criminal Procedure.

According to Article 108, the period of detention for a misdemeanor may not exceed two months, and a period of detention for certain felonies should not exceed six months. These periods may be renewed once on the basis of a reasoned decision if deemed absolutely necessary. Nevertheless, as a result of the judicial strike and the lack of follow-up with cases, the aforementioned periods are passing without releasing the detainees.







- **MINORS PUT AT RISK**

Three minors were detained and the judge did not proceed with their case for three months, which violates the provisions of Law 422/2002 on the Protection of Juveniles in Conflict with the Law and/or at Risk. One of the minors has diabetes and requires three insulin shots per day. Although Baabda's police station was able to provide a few insulin shots that it had received from NGOs, CLDH's frontliners contacted the World Health Organization to secure the remaining amount. A hearing was later assigned for the case after it gained prominence on social media.

- **OFFICIAL EMPLOYEES FAIL TO FULFILL THEIR RESPONSIBILITY**

Official employees have halted the transfer of files from one court to another under the pretext of a lack of stationery and a photocopying machine. Consequently, these files are blocked and detainees are deprived of their rights to be sentenced or released. Additionally, numerous employees are either refusing to take release demands or registering them in the case record, both of which are unlawful and violate Article 14 of Decree No 112 of 1959, which is related to civil servants regulations.

- **TARGETING SYRIAN PEOPLE AND MINORS**

CLDH's frontliners have noted an unprecedented harshness in decisions involving Syrian people and minors. Recent decisions for minors have included a sanction, deportation, and a precautionary measure. Moreover, minors as young as nine years old are being detained, which constitutes an infringement of Articles 5 and 6 of the Law 422/2002 on the Protection of Juveniles in Conflict with the Law and/or at Risk.

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*According According to Articles 5 and 6 of Law 422/2002 on the Protection of Juveniles in Conflict with the Law and/or at Risk, if the minor has reached the age of seven and has not yet reached the age of twelve on the date of the commission of the crime, any of the non-custodial measures may be imposed. However, with respect to custodial measures, the minor can only be imposed for reformation purposes and cannot be imposed for the purposes of discipline and reduction of sentence.*

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## LEBANESE PRISONS CONSTITUTE A STRUGGLE FOR INMATES AND THEIR FAMILIES

- **INMATES PURPOSEFULLY HARM THEMSELVES TO RECEIVE MEDICAL ASSISTANCE**

In Dahr el Beshek and Roumieh prison, the lack of medical services has forced inmates to hurt themselves in order to be sent to a doctor. According to CLDH's team, one inmate resorted to self-mutilation because they needed to see a pneumologist.

- **MISTREATING VISITORS AND FAMILIES**

CLDH's legal team has noted that prison employees have been treating detainees' families disrespectfully when they visit inmates. One of CLDH's frontliners reported that a female guard in Roumieh's prison recounted allegedly addressing an inmate's visiting father saying, "Are you the one whose son sexually assaulted X?" The female guard does not have the right to publicly divulge personal and confidential information from a juvenile's file. Furthermore, the guard only allowed the father to see his son and refused to let the mother enter without any justification.

- **FORGOTTEN BY THE PROSECUTION OFFICE**

The cases of inmates who have lost contact with family members tend to be forgotten, leaving them imprisoned until an organization interferes, or the warden refers their case, or they pass away in prison. In theory, every prison can request information briefs from the prosecution office to demand updates regarding undocumented records. In practice, the prosecution office has stopped acknowledging these appeals, forcing many lawyers to take on additional administrative work, track the file themselves, and follow up on the case.



**CLDH'S LEGAL AND PROTECTION TEAM PROVIDES LEGAL ASSISTANCE AND CONSULTATIONS FOR VULNERABLE GROUPS IN LEBANON.**





# 05

## LANDLORDS EXACERBATE WINTER CHALLENGES

- **NO ROOF FOR WARMTH**

After the roof of his small rented apartment collapsed, one of CLDH's beneficiaries could not afford to fix the damage nor relocate. Moreover, the landlord refused to take care of the reparation costs or assist the residents, noting that a little girl was harmed due to the collapse. As such, the family is now subjected to harsh winter conditions with no alternative solution.

- **FORCED TO LEAVE**

A land owner where refugees reside in Hellaniya demanded that the inhabitants leave the land and seek shelter in a different location. Despite asking to stay and offering an increase in the rent of up to \$6000, the refugees were forced to relocate to a different land, aggravating the challenges that they were already faced with, including economic and weather-related concerns.



**CLDH'S NASSIM TEAM PROVIDES REHABILITATION SERVICES FOR VICTIMS OF TORTURE AND ENFORCED DISAPPEARANCES.**

