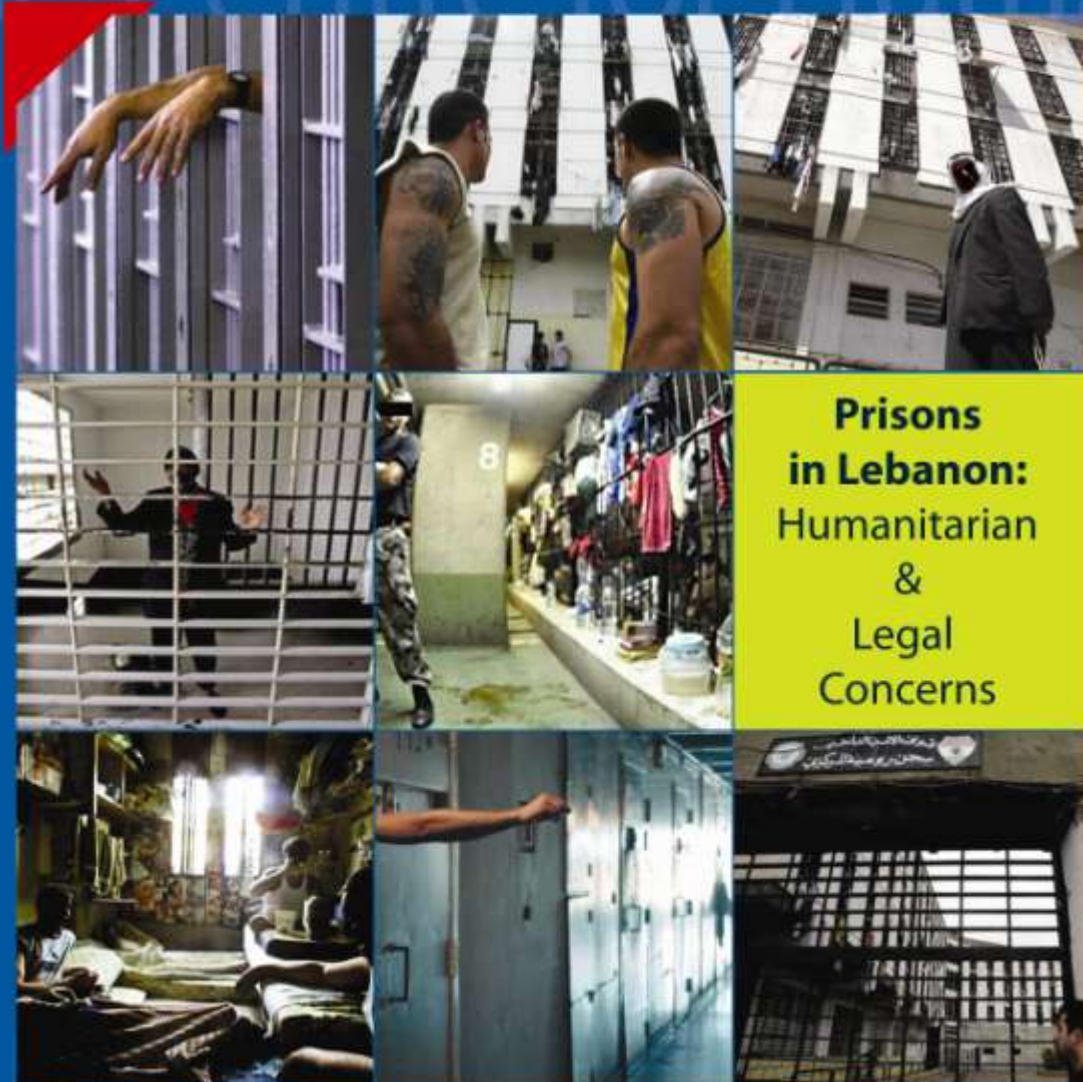


Lebanese Center for Human Rights



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The General Prosecutor Said Mirza, who approved the conduct of this study,

The organizations and institutions that have provided assistance to the inmates that we referred and / or gave us their views on the situation, namely:

- Arc en Ciel
- Norwegian People's Aid – NPA
- The United Nations High Commissioner for Refugees
- Frontiers
- Caritas Migrants
- The International Committee of the Red Cross
- Representatives in Lebanon of embassies and consulates of Sudan, Nepal, Bangladesh, Sri Lanka, Romania, Egypt, Madagascar, Brazil, Canada, Russia, Ethiopia, Morocco and the Philippines.

Glossary

Stateless person

The term "stateless person" means a person who is not considered as a national by any State under the operation of its law.¹

Arrest

The term "arrest" means the act of depriving a person of liberty by a government authority for the purpose of placing that person in custody and accusing this person of a criminal offense.

Official Capacity

In this report, the official capacity of a prison is the total number of inmates it can accommodate according to the authorities, number obtained during the interviews conducted with the prison administration.

Actual Capacity

In this report, the actual capacity of a prison is the total number of inmates it can accommodate, in relation to the total surface area of cells and of available bedding.

Convicted person

Person who is the subject of a definitive judicial verdict imposing a penalty.

Persons incarcerated beyond their sentence

In this report persons who are "kept in detention after the completion of their sentence"² are called persons incarcerated beyond their sentence.

Detention

The term "detention" means the condition of a person who is detained for any reason except as a result of a conviction.

Persons in extra judicial detention

In this report, are qualified persons in custody extrajudicial prisoners without legal justification for continued detention.

Pretrial detention

Measure, exceptional in principle, which consists in placing in prison a person suspected of having committed a crime or a misdemeanor before the definitive verdict

Deprivation of liberty

Deprivation of liberty means the placement of a person in a public or private setting which that person is not permitted to leave at will, by order of any judicial, administrative or other authority. Examples of deprivation of liberty: arrest, custody before charges (police custody), custody after charges and before trial (pretrial detention), imprisonment (serving a prison sentence after definitive verdict has been passed), etc.³

Unconvicted person

Person deprived of his/her liberty who is the subject of criminal prosecution who has not yet been convicted or whose sentence is not definitive due to the exercise of appeals⁴.

¹ Convention relating to the Status of Stateless Persons, Adopted on 28 September, Entry into force: 6 June 1960

² Office of the United Nations High Commissioner for Human Rights, Fact Sheet n°26, The Working Group on Arbitrary Detention, available on the following link :

<http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf>

³ Association for the prevention of torture, *Monitoring places of detention, a practical guide*, May 2005, p.23

⁴ International Observatory of Prisons, *Glossary*, available at the following address : http://www.oip.org/component/option,com_glossary/Itemid,125/

Abbreviations

APT	Association for the Prevention of Torture
BPPAP	Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1988
CC	Criminal Code, decree-law n° 340 of March 1, 1943, and its amendments
CCEM	Committee against Modern Slavery
CLDH	Lebanese Center for Human Rights
CPC	Criminal Procedure Code, law n° 328 of August 2, 2001, amended by law n°359 of 16 August 2001
FEMED	Euro-Mediterranean Federation against Enforced Disappearances
GO n°8	General Observation n°8 of the Human Rights Committee on the implementation of article 9 of the ICCPR, (16 th session) 1982
GO n°20	General Observation n°20 of the Human Rights Committee on the implementation of article 7 of ICCPR, (44 th session) 1992
GO n°21	General Observation n°21 of the Human Rights Committee on the implementation of article 10 of the ICCPR, (44 th session) 1992
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IRCT	International Rehabilitation Council for Torture Victims
ISF	Internal Security Forces
MDM-F	Médecins du Monde - France
NGO	Non-Governmental Organization
NPM	National Prevention Mechanism
NPA	Norwegian People's Aid
OECD	Organization for Economic Cooperation and Development
OMCT	World Organization against Torture
OPCAT	Optional Protocol to the United Nations Convention against Torture
REMDH	Euro-Mediterranean Human Rights Network
SMRPT	Standard Minimum Rules for the Treatment of Prisoners, 1977
SOLIDA	Support for Lebanese Detained Arbitrarily
UN	United Nations organization
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
WGAD	Working Group on Arbitrary Detention of the United Nations

LEBANESE CENTER FOR HUMAN RIGHTS

The **Lebanese Center for Human Rights** (CLDH) is a Lebanese non-political, nonprofit and independent Human Rights organization, based in Beirut.

The CLDH was created in 2006 by the French Lebanese Movement SOLIDA (Support for Lebanese Detained Arbitrarily) that is active since 1996 in the fight against arbitrary detention, enforced disappearance and impunity of the perpetrators of gross human rights violations.

CLDH monitors the **human rights situation in Lebanon**, fights against **enforced disappearance, impunity, arbitrary detention, and racism** and provides rehabilitation to the **victims of torture**.

CLDH regularly organizes press conferences, workshops, trainings and awareness-raising meetings on human rights in Lebanon and records and documents violations of human rights through reports and press releases.⁵

CLDH team on the ground supports initiatives aimed at unveiling the fate of all the missing persons in Lebanon.

CLDH regularly follows up on numerous cases of arbitrary detention and torture in coordination with Lebanese and international organizations, with the United Nations Working Group on Arbitrary Detention and the UN Special Rapporteur on Torture.

In 2007, CLDH opened Centre Nassim, a rehabilitation center for the victims of torture in Beirut, a member of the IRCT (International Rehabilitation Council for Torture victims), that provides multidisciplinary support to the victims of torture and their families.

CLDH compiles and sends a daily press review about human rights violations and ongoing judiciary cases in Lebanon to more than 70 human rights organizations, institutions and embassies, and daily updates several blogs.

CLDH is a founding member of the Euro-Med Federation against Enforced Disappearances (FEMED), a member of the Euro-Mediterranean Human Rights Network (EMHRN) and of the SOS Torture Network of the World Organization against Torture (OMCT).

⁵ Reports and press releases are available on CLDH website at the following address: www.cldh-lebanon.org

Why this Project?

The goal of this project was to gather statistics and detailed information about both the detention conditions and the legal status of inmates in Lebanese prisons, which represents a starting point from which to encourage the Lebanese state to take the responsibilities incumbent upon it, responsibilities that should not fall within the mandate of NGOs.

The specific objectives of this project were:

- To involve the relevant authorities in this project
- To conduct a study in all Lebanese prisons for a global evaluation of the practice of detention
- To submit the conclusions of this study to the authorities and to propose solutions, in view of encouraging the Lebanese Government to take over.

It is well known that Lebanese prisons are overcrowded and that the persons are detained in inhumane conditions for several reasons:

At first, an important number of inmates constitute cases of arbitrary detention, detained for example for excessive periods of time pending trial, or whose trials were not held in conformity with international standards.

Secondly, numerous illegal migrants, asylum seekers and refugees often spend months languishing in cells past their release due date.

Finally, the Lebanese Government is failing in its obligations and its responsibility to find an adequate solution to the above mentioned problems and to improve the detention conditions in prisons.

Many of these problems are regularly brought to the attention of CLDH during its work on individual cases. That is why our organization felt the urgent need to assess the global situation on the issue of detention in Lebanon.

The expected result of this project, to establish a workable database including detailed information on the issue of detention in Lebanon was successfully reached as shown by this report.

This report about all the prisons in Lebanon should be useful not only to our work, but also and foremost to the state authorities, as well as to the NGOs and institutions whose work is more or less related to prisons.

Methodology

Meetings

The preparatory phase of this project at first consisted in several meetings with key persons in the penitentiary arena in order to explain the project to them and / or to get them involved in it – sometimes to request their agreement and opinion – in the scheduled activities.

Persons and institutions consulted:

- Major General Ashraf Rifi
Director of the Internal Security Forces
- General Elias Saadeh
Director of Roumieh prison (at the beginning of the study)
- Omar Nashabe
Human Rights Advisor of the Minister of Interior and head of the Justice column in the Lebanese daily newspaper Al-Akhbar
- Captain Georges Abou Chaaya
Representative of the General Security at the Ministry of Interior
- Said Mirza
General Prosecutor
- Colonel Elie Bou Serhal
Head of the Human Rights Department of the Internal Security Forces
- Renée Sabbagh
National Coordinator of the United Nations Office on Drugs and Crime (UNODC)
- Doctor Hassan Olfat
Central Pharmacy of the prisons
- Representatives of the United Nations High Commissioner for Refugees - UNHCR

Documentation tools

In terms of documentation tools, CLDH created questionnaires⁶ for this study established on the basis of the practical guide of APT (Association for the Prevention of Torture) entitled “Visiting places of detention”⁷ :

- Questionnaire A : Interview with the prison director
- Questionnaire B : Material conditions of detention facilities
- Questionnaire C : Interview with foreign inmates

The documentation work conducted dealt both with the detention conditions in the prisons in general and with the legal status of the inmates.

Visits

The CLDH team that visited the Lebanese prisons was composed of persons from the paramedical, social and legal fields.

All the prisons under the Internal Security Forces’ control have been visited and the detention conditions in the prisons in general have been assessed in depth, systematically following the same procedure:

- Planned visit of the prison
 - Interview with the person in charge of the detention facility at the beginning of the visit
 - Visit of the overall detention facility
 - Interviews with some inmates
 - Consultation of the prison registration books and gathering of all the information relative to the detainees and prisoners.
- Follow up of the visit
 - Writing of a complete report about the visit
 - Follow up activities⁸
 - Data entry of information related to detainees and prisoners in the database.

⁶ Appendix 8 - Questionnaires

⁷ APT, *Visiting places of detention, a practical guide* pp. 291, available at the following address: http://www.apr.ch/component/option,com_docman/task,cat_view/gid,58/Itemid,59/lang,en/

⁸ See. *infra* – Assistance, p.10

Drafting of statistics

The grounds for arrest and convictions have been listed as follows:

Offense against persons and breach of moral standards

- kidnappings
- libel, insults
- threats
- blackmail
- blows and injuries, altercation
- homicides: attempts and participation
- trafficking and consumption of narcotics
- sexual assaults
- prostitution
- hustling

Breach of the peace

- weapons, ammunition
- criminal gangs
- illicit associations
- breach of public order

Irregular stay, illegal entry

Breach of internal state security

- disclosure of army information
- conspiracy, undermining the army
- sabotage
- breach of civil peace
- terrorism
- espionage

Breach of the public trust

- forgery and use of forged documents
- fraud
- falsification
- breach of trust
- impersonation, fake identity
- money and/or public funds embezzlement
- corruption

Offense against the property

- robbery, handling of stolen goods
- arson

Offense against the administration of justice

- bear false witness
- false statements

Contractual obligations

- bad check
- alimony

Other

- escape, jailbreak
- desertion
- begging
- noise pollution
- incitement
- road offenses and accidents

Assistance

In the course of this project, CLDH provided assistance to 253 inmates, either by referring them to other organizations⁹, contacting the various relevant embassies¹⁰, or intervening on behalf of those who were presenting urgent situations. This assistance provision to the persons was indispensable, firstly because from an ethical and humane point of view, some situations could not be left as such, and secondly because we found it necessary to note the position of the security forces vis-à-vis the situation, as well as that of the state, non state institutions and NGOs active in the prison field.

⁹ Caritas Migrants, Frontiers, UNHCR, Arc-en-ciel, NPA, Union for the Handicapped, Kafa, Joy and Giving.

¹⁰ Embassies of Sudan, Nepal, Bangladesh, Sri Lanka, Romania, Egypt, Madagascar, Brazil, Canada, Russia, Ethiopia, Morocco, and the Philippines.

Obstacles Encountered

Access

- The Ministry of National Defense prisons

CLDH team was not granted access to the Ministry of National Defense prisons. A letter was sent by CLDH to the Head of the Lebanese Army on June 18, 2009 to explain the present project and to request access to the Ministry of Defense prisons that are listed since 1995 in the prisons' official list. The military police came to our premises in Dora to bring the negative answer of the army command, which we had the right to read but not to take a copy of.

- Retention Center of the General Security

CLDH was orally granted permission to visit the retention center of Adlieh (Beirut) by General Wafic Jezzini, Head of the General Security (in charge of immigration issues), at the end of July 2009, and to take a copy of the information related to the persons held in this facility. However, the interview with Major Pierre Abi Raad, director of the retention center, happened in a very unsatisfactory way and we decided not to conduct the visit of the facility after this meeting. Indeed, the Major had put, with an important animosity, a lot of limits to our work – he refused that the visit be conducted in the entire retention facility, denied us access to the list of held persons, and requested to be given a copy of our notes – all this in contradiction with the decision of his superiors. Informed by mail of the incident, his superiors did not answer CLDH.

- Barbar el Khazen prison

The administration of Barbar el Khazen prison for women that seems to be run by Beirut Police, showed reluctance to the conduct of our study. Not less than four meetings with the prison administration had to be conducted as well as negotiations through the direction of the Internal Security Forces to be finally allowed to visit the prison premises.

- Tebnine prison

The director of Tebnine prison denied our team access to the cells of the prison, and the visit was restricted to the prison's corridors.

- The Security Situation in Roumieh Central Prison

The security situation, following the escape of a detainee on August 18¹¹, and the sanctions taken by the Minister of Interior against ISF prison personnel have represented an important obstacle to the project. Mainly, the visits of “Maalumet” building and of the medical section of Roumieh prison could not be negotiated and conducted.

Analysis of the collected data

CLDH had to overcome several obstacles in order to be in a position to realize an exact analysis of the data collected in the course of the project.

In spite of the permission granted to this project by the relevant authorities, it has been very difficult to realize a uniform data collection; CLDH therefore established the statistics of this study taking into consideration the following elements:

- Non-standardization of prison registers

The way the data was compiled in the prisons registers¹² created some discrepancies regarding the type of data collected. For example, several prisons do not mention in their registers the appeals jurisdiction, and we would have had to return to each individual’s file to collect this information.

- Calculation of the alleged due date of release of foreign inmates

Mainly we will clarify here the way the alleged due date of release of the foreign inmates was calculated, which is:

$$\text{Date of Arrest} + \text{Length of sentence (number of days)}$$

The sentences are often coupled with a fine¹³. To mention this fine in the prison registers is important for the calculation of the alleged release due date of the foreign inmates. Indeed the nonpayment of the latter represents additional days in prison¹⁴; the fine usually varies between 100,000 and 200,000 LL; that is to say between 10 and 20 additional days in prison.

¹¹ See L’Orient le jour, *Jailbreak of a Leader of the Small Group Fateh el-Islam from Roumieh Prison: Order for Arrest of Two ISF Officers*, August 19, 2009.

¹² This is in contradiction with rule 7 of SMRPT, principle 12 of BPPAP (Appendix 6), and GO 20 § 11 (Appendix 7).

¹³ CC, Articles 53 and 64 (Appendix 4). These articles apply to all inmates but in the case of the foreigners this has a particular importance, given the increased risk of prolonged detention for this category of inmates.

¹⁴ CC, Article 62 (Appendix 4)

But the prisons registers do not always record the existence of a fine, or its amount, making the calculation difficult. Moreover, the payment of the fine or its purging in prisons days does not allow the release of the prisoner, who will anyway have to wait (often for months) his/her handover to the General Security¹⁵.

The choice was therefore made not to take into consideration the existence or not of a fine.

- Also, some issues such as detention conditions in the Ministry of Defense and at the Retention Center of the General Security, interrogations in police stations and the practice of torture were assessed on the basis of individual cases brought to CLDH's attention.

¹⁵ Under circular 4662/2/2004 of 16/12/2004, any foreign inmate has to be transferred to the General Security at the end of his/her sentence.

PRISONS IN LEBANON

Geographical Distribution of Prisons in Lebanon

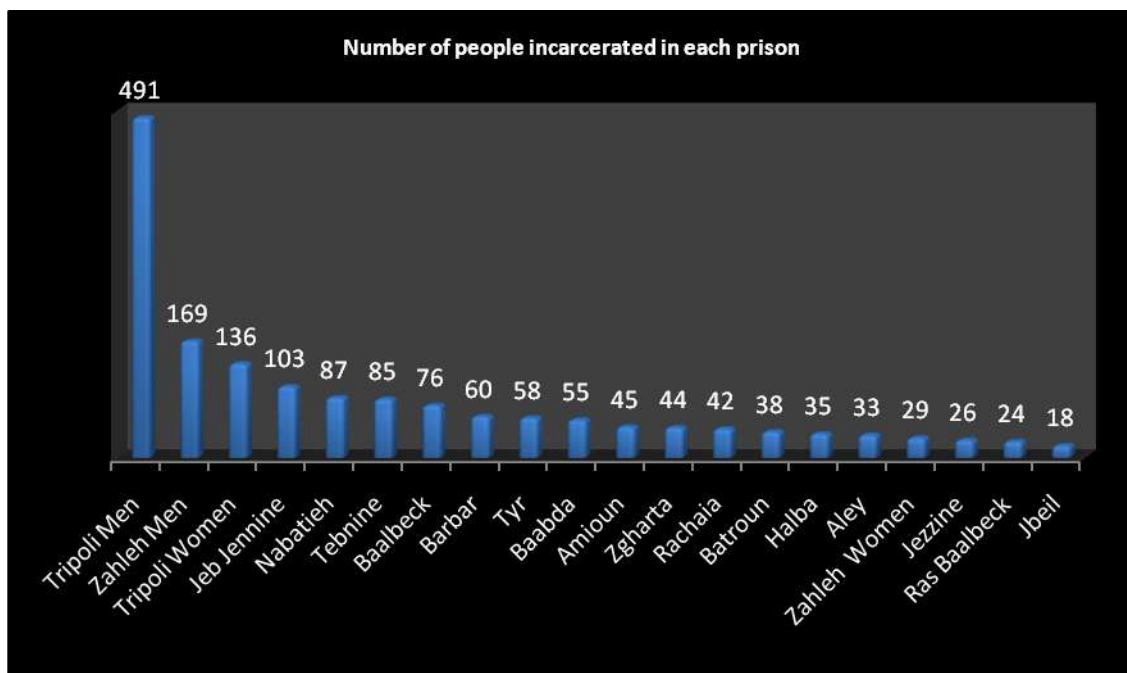


Distribution of the Prison Population in Lebanese Prisons



Roumieh central prison for male adults and minors is Lebanon's largest prison and tallied **3500 inmates** during the studied period of time.

Other Lebanese prisons tallied **between 18 and 491 inmates** (see table below).



Management of Lebanese Prisons

Prisons under Internal Security Forces (ISF) control

Roumieh central prison for adult and minor males falls under ISF control; and Baabda prison for women as well as Dahr el Bachek for minor females fall under Roumieh central prison's management.

The 19 other regional prisons (16 for men¹⁶ and three for women¹⁷) as well as a detention center for minor males¹⁸ are also under ISF control.

Special Prisons

Several prisons are ruled by intelligence services and are used as « private » prisons, where the inmates remain under the authority of the same services that arrested and investigated them, under a limited or nonexistent supervision of the Judiciary.

- The Ministry of Defense prisons

The prisons of the Ministry of Defense, under the control of the Lebanese military intelligence services, are also part of the Lebanese official list of prisons¹⁹.

- “Maalumet” Building

A building inside Roumieh central prison is also used as an incarceration place. It seems to be under the exclusive control of the ISF intelligence and is called “Mabna Maalumet”, but it is not officially registered as an independent prison.

Retention Center of the General Security

Because of the large number of persons detained in it, because of the prolonged duration of their detention and the role played by this structure in the Lebanese prison system, we also raise in this report the “Retention Center of the General Security”, under the authority of the General Security (in charge of immigration issues).

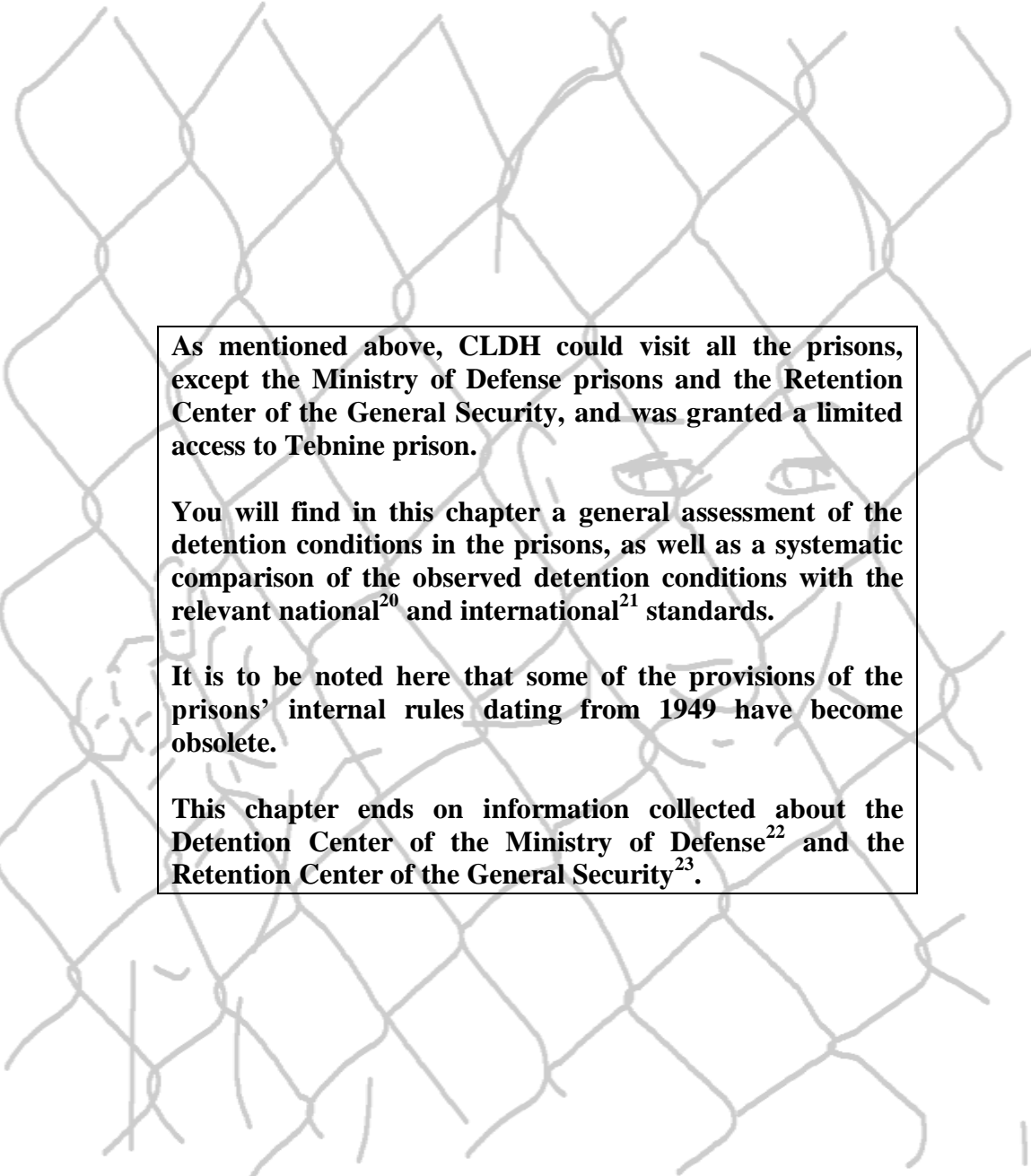
¹⁶ Tripoli, Nabatiyeh, Tyr, Jeb Jennine, Rachaia, Baalbeck, Ras Baalbeck, Zahleh, Tebnine, Jbeil, Batroun, Halba, Amioun, Zgharta, Jezzine, Aley.

¹⁷ Barbar el Khazen, Tripoli, Zahleh.

¹⁸ Fanar for minors.

¹⁹ See. *infra*, Ministry of Defense, p.41

DETENTION CONDITIONS IN PRISONS



As mentioned above, CLDH could visit all the prisons, except the Ministry of Defense prisons and the Retention Center of the General Security, and was granted a limited access to Tebnine prison.

You will find in this chapter a general assessment of the detention conditions in the prisons, as well as a systematic comparison of the observed detention conditions with the relevant national²⁰ and international²¹ standards.

It is to be noted here that some of the provisions of the prisons' internal rules dating from 1949 have become obsolete.

This chapter ends on information collected about the Detention Center of the Ministry of Defense²² and the Retention Center of the General Security²³.

²⁰ Internal rules of the prisons, detention places, and juvenile centers, Decree n°1430 of February 11, 1949 and its amendments (Appendix 1) ; Internal rules of the prisons under the Ministry of Defense authority, Decree n°. 6236 of January, 17, 1995 (Appendix 2)

²¹ See International Legal Framework (Appendix 7)

²² See *infra*, p.41

²³ See *infra*, p.44

Material Conditions of Detention

An evaluation of the material conditions in the prisons visited by CLDH during this study²⁴ shows that the four prisons that suffer the **worst conditions** in terms of installation and equipment were:

1. **Ras Baalbeck** prison
2. **Zahleh** prison for men
3. **Halba** prison
4. **Jezzine** prison

Then follow **Aley** and **Jbeil** prisons.

Capacity

The official capacity of the Lebanese prisons is of 3,653 inmates²⁵, whereas the total number of inmates is of 5,324, that is to say almost 1.5 times over the official capacity.

Nevertheless, the official capacity appears to be largely overestimated if compared to the effective capacity of the prisons, in total contradiction with the rule 10 of SMRPT, that provides that all *“accommodation provided for the use of prisoners (...) shall meet all requirements of health, due regard being paid to (...) cubic content of air (... and) minimum floor space (...).”*

Most of the prisons have a capacity that does not fit with the minimum surface requirement. For example, the official capacity of Baabda prison for women is of 50 places²⁶, while the prison has only 36 beds.

In their current situation, the actual capacity of the Lebanese prisons should be of 2,714 inmates²⁷. However, there are in Lebanon around 5,324 inmates which is almost twice the effective capacity of the Lebanese prisons.

²⁴ Evaluation carried out on 7 evaluation criteria: availability of bunk beds, access to adequate ventilation and light, need of general renovation, availability of prepaid-card phones, a proper visiting room, an activity system and a library.

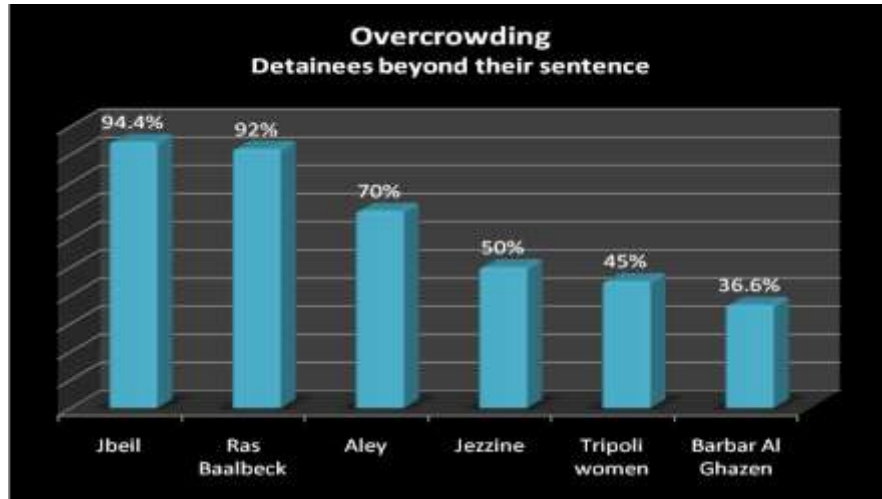
²⁵ Daily Star, *A Report Sheds Light on the Dreadful Conditions of Lebanese Prisons*, September 26, 2009.

²⁶ Data collected during the interview of the prison direction, on April 22, 2009.

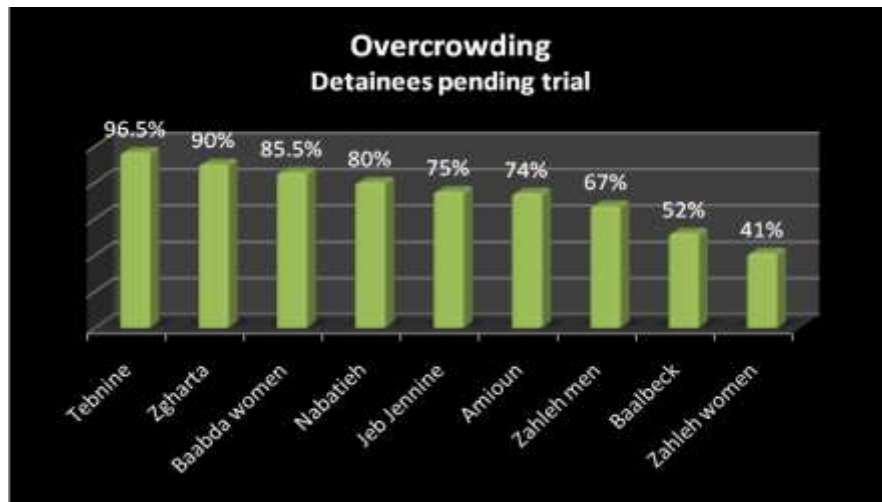
²⁷ This capacity is calculated according to the recommended capacity of each of the prisons, and considering that Roumieh could hold 1500 inmates. This capacity could be revised upwards once the prisons are all equipped with bunk beds.

Reasons for the overcrowding of prisons

In the course of our study, we could note that out of 20 regional prisons, six were clearly overcrowded by foreign inmates who had finished their sentence and were pending transfer to the General Security. These inmates were representing an average rate of 64,6% of these prisons' population (see table below).



Also, out of the 20 regional prisons, 9 were clearly overcrowded because of the presence of an average rate of 73,4% of inmates pending trial (see table below).



This overcrowding of the Lebanese prisons is an issue that should be addressed and solved urgently, not by building new prisons, but by tackling its roots at the administrative, legal and judiciary levels.

Health Conditions

Hygiene and health conditions in a large majority of the Lebanese prisons do not comply with international requirements. The health gaps to which the inmates are subjected are mainly related to the obsolescence of certain institutions.

- Light and ventilation

In half of the Lebanese prisons (10 prisons²⁸ out of 20²⁹), the windows are not large enough to enable the inmates to read or work in natural light, neither to renew the air satisfactorily, in contradiction with rule 11 of SMRPT.

No provision related to light and ventilation conditions seems to figure in the prisons' internal rules.

The lack of natural light might cause inmates to suffer from ophthalmic damages, nervous disorders and vitamin deficiencies that have long term consequences on their bone density.

Also, the lack of airing and ventilation causes moisture problems that might have dermatological and pulmonary consequences, without mentioning that the lack of ventilation causes stasis of tobacco smoke in the living areas of inmates.

²⁸ Namely, Aley prison, Baalbeck, Halba, Jbeil, Jezzine, Nabatiyeh, Ras Baalbeck, Tyr, Zahleh for women, Zahleh for men. The situation in Tebnine prison has not been assessed.

²⁹ Already, in 2006, Médecins Du Monde - France was noting that: “ *during the evaluation conducted in March and April 2006, we noticed that access to fresh air (and thus to an outdoor yard) was inexistent in 5 prisons out of 20 and in one of the buildings of Roumieh central prison (building D); Access to sun or to natural light was insufficient in 13 prisons out of 20*”, Dr Reem Mansour, *Organization of Care in the Lebanese Prisons*, HUMAN & HEALTH Magazine - # 6 - January 2009, pp.33-36

- Personal Hygiene

The sanitary facilities of the majority of the prisons are antiquated; the bathrooms are small, dirty and inadequate to ensure descent living conditions for the inmates. Notably, they are often deprived of toilets seats, showers or hot water, in contradiction with rules 12, 13, 15, 16 of SMRPT.

The prisons' internal rules only mention the sanitary facilities in these terms: "*the toilets must be disinfected with a special product*"³⁰; regarding hygiene conditions, the inmates have to "*wash their faces and hands every morning, (...) and take showers twice a week in winter and three times a week the rest of the year.*"³¹

Female inmates often complain of a lack of basic hygiene products such as sanitary towels, deodorants and undergarment, in contradiction with rules 15 and 17 of SMRPT.

The internal rules of the prisons provide that the inmates have to change their underwear at least once a week³² and are provided with a daily soap dose of 20 grams.³³

- Prison Hygiene

More than half of the Lebanese prisons would need a general renovation, and present humidity on their walls as well as dirtiness in various rooms, in contradiction with rule 14 of SMRPT.

Each inmate, according to the internal rules, has to deal with the cleaning of his/her cell and dormitory, sweep in turn cells and dormitories as well as their annexes,³⁴ and perform all public works to maintain the cleanliness and hygiene of the prison.

In six prisons³⁵ the staff and/or the inmates were complaining of a lack of cleaning products and tools.

Halba Prison

At the date of our visit, the humidity rate of Halba prison was unbearable; the walls sweated and drops of water were trickling from the ceiling.

³⁰ Internal rules of the prisons, of the detention places, and juvenile centers, Decree n°. 1430 of February 11, 1949 and its amendments, Article 112 (Appendix 1)

³¹ *Ibid.*, Article 109 (Appendix 1)

³² *Ibid.* (Appendix 1)

³³ *Ibid.* Article 111 (Appendix 1)

³⁴ *Ibid.*, Article 89 (Appendix 1)

³⁵ Jezzine, Nabatiyeh, Zahleh for men, Tripoli for men, Tyr, Ras Baalbeck.

- Bedding

15 of the Lebanese prisons³⁶ are not equipped with beds (the inmates sleep on the floor on mattresses that have to be bended during the day to allow them to move within the cell), in contradiction with rule 19 of SMRPT that provides that *“Every prisoner shall (...) be provided with a separate bed (...)”*. Some inmates declared having been forced to sleep head to toe, their bodies stuck to each other, on mattresses placed side by side.

The internal rules do not provide beds in the cells, but one mattress per inmate. Nevertheless, the internal rules’ provisions are obsolete, taking into consideration what it stipulates namely that *“the stuffed straw mattress and a pillow (...) with straw or dry grass (...) the equipment shall be renewed every time it is rotten following the suggestion of the prison director and the approval by the Ministry of Finance”*³⁷.

Five prisons³⁸ among those we visited were equipped of bunk beds, which resulted in additional surface. But these bunk beds should not be used in a way that further develops the problem of the prisons’ overcrowding.

Zahleh prison for men

Zahleh prison for men is equipped of 81 beds. Each wall has two rows of triple bunk beds, in contradiction with the right of inmates to a minimum air space and some privacy. At the date of our visit, 169 inmates were present in the facility. As a result of it, 88 inmates were sleeping on the floor and the presence of bunk beds could be seen as facilitating the overcrowding.

- Food

Meal quality and composition

Unanimously, the inmates insisted on the bad quality of the food served in the prisons, which often does not contain enough proteins, lacks variety, and is often served cold due to a lack of organization, in contradiction with the rules 20 and 26 of SMRPT.

³⁶ Aley, Amioun, Baalbeck, Halba, Jbeil, Jeb Jennine, Jezzine, Nabatiyeh, Ras Baalbeck, Zgharta, Roumieh, Tripoli for men, Tyr, Zahleh for women, Rachaya.

³⁷ Internal rules of the prisons, of the detention places, and juvenile centers, Decree n°. 1430 of February 11, 1949 and its amendments, Articles 86 and 87 (Appendix 1).

³⁸ Baabda, Barbar el Khazen, Zahleh for men, Tebnine, Tripoli for women, Batroun.

Provisions on meals are extremely precise in the internal rules, detailing the doses (in grams) and the composition (classification in eight categories: meat, fruits, vegetables...) of the meals served daily to each inmate. For example, each inmate should be served 300 grams of potatoes per week, 100 grams of pasta twice every two weeks, two eggs per week, or 500 grams of Lebanese bread per day...³⁹

Halba prison

In Halba prison, several inmates complained of being served the same meal every day, made of lentil soup and rice.

Disparities between inmates

Important disparities exist between inmates who do not receive food on behalf of their family members and those who do.

The internal rules specify that *“the detainees are allowed to bring meals from outside provided that they shall respect the rules and the timelines established by the prison director.”*⁴⁰

There also seems to be a notable disparity of treatment between male and female inmates.

Under prison regulations, three meals should be served at the time fixed by the prison director⁴¹.

Prisons for women

However, while in all prisons, prison staff mentions 3 meals a day served to detainees, many women interviewed in custody have said that despite statements by the administrator and guard, only one meal, or an insufficient amount of ingredients was provided in prisons for women. And many women complained of being hungry.

³⁹ Internal rules of the prisons, of the detention places, and juvenile centers, Decree n° 1430 of February 11, 1949 and its amendments, Article 77 (Appendix 1)

⁴⁰ *Ibid.*, Article 81 (Appendix 1)

⁴¹ *Ibid.*, Articles 75 and 78 (Appendix 1)

Communication

Communication with lawyers

Access of the lawyers

Principles 17 and 18 of BPPAP, and rule 93 of SMRPT provide the access of the lawyers to their clients in custody, and principle 15 of BPPAP provides that “*communication of the detained or imprisoned person (...) with (...) his counsel, shall not be denied for more than a matter of days.*”

The internal rules of the prisons under the control of the Ministry of National Defense stipulate that any lawyer can ask to speak with his client any day.⁴²

These provisions do not appear to be met by the General Security and the Military Intelligence. The CLDH team was indeed able to document many cases where the lawyer has been denied access to his client. At the detention center of the General Security, this practice appeared more as a de facto rule.

Under the internal rules of prisons, visits are made pursuant to a written permit issued by the competent authorities⁴³, and hours and days of visits are determined by the superintendent of the prison; visits of lawyers to the defendants can be held in the reception room at any time (except at night). The duration of the visits cannot exceed 15 minutes, except for the unconvicted inmates.⁴⁴

Conditions of meetings between the lawyers and their clients

Meetings between inmates and lawyers often take place in the director's office where they are not confidential, in contradiction with principle 18 of BPPAP, rule 93 of SMRPT, and the internal rules under which the visits of the lawyers can take place “*without the presence of a guard if the detainee or the lawyer so requests.*”⁴⁵

⁴² Internal rules of the prisons under the Ministry of Defense control, Decree n° 6236 of January 17, 1995, Article 51 (Appendix 2)

⁴³ Internal rules of the prisons, of the detention places and juvenile centers, Decree n° 1430 of February 11, 1949 and its amendments, Article 68 (Appendix 1)

⁴⁴ *Ibid.*, Article 69 (Appendix 1)

⁴⁵ *Ibid*

Communication with families and relatives

Although the visits' right granted to the families and relatives is in conformity with principle 19 of BPPAP, and with the rules 37 and 92 of SMRPT, the conditions and ease of the visits do not meet those international requirements.

Visiting rights of the families

Visits are allowed for the convicted inmates twice a week (Thursdays and Saturdays) for 15 minutes, and for the unconvicted inmates on Tuesdays after authorization from the general prosecutor. Visits can also take place any day of the week, after authorization of the general prosecutor.

Under internal rules, the visit permit is granted only to the parents and relatives of the inmate, and is valid only once per day. The number of visitors cannot exceed 4 except if they are ascendants, descendants or spouse of the inmate.⁴⁶ Specific provisions are also made for female inmates; thus, visits to female inmates are allowed only for very close relatives, and the female detainees can receive visits of the representatives of feminine organizations (...).⁴⁷

Visiting rooms

Nine⁴⁸ out of the 21 Lebanese prisons are not equipped with proper visiting rooms that would allow the inmates to communicate privately with their relatives and lawyers through interphones.

Jbeil Prison

Jbeil prison was, at the date of our visit, deprived of a visiting room, the inmates being therefore able to communicate with their visitors only through the tight window (that barely allowed them to see the person's face) of the unique metal door leading to the cells.

Jeb Jennine Prison

At the date of our visit, the visiting room of Jeb Jennine prison consisted in a dark corridor, where the inmates could communicate with their visitors through a double fence made of black iron, with no interphones, barely allowing them to see the persons' face.

⁴⁶ Internal rules of the prisons, of the detention places and juvenile centers, Decree n°1430 of February 11, 1949 and its amendments, Article 70 (Appendix 1)

⁴⁷ *Ibid.*, Article 28

⁴⁸ Zahleh for men, Zgharta, Ras Baalbeck, Rachaya, Roumieh (partially), Tyr, Halba, Jbeil, Jeb Jennine, Jezzine.

Communication with the diplomatic and consular representatives

During this project, CLDH noticed that the prison staff lacked important information regarding the specific situation of foreigners, and also that there wasn't an adequate coordination between prison authorities and the various entities in charge of the foreigners (embassies, General Security, and UNHCR).

Under rule 38 of SMRPT and principle 16.2 of BPPAP, reasonable facilities have to be granted to foreign persons incarcerated to *“communicate with the diplomatic and consular representatives of the State to which they belong; Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons”*.

Moreover, under the Vienna Convention on Consular Relations⁴⁹, to which Lebanon is a party, the relevant authorities have to:

- If the detainee so requests, inform without delay the consular post of the State responsible for the detainee of his/her arrest, incarceration and place of detention.
- Send without delay all communication addressed to the consular post by the incarcerated person.
- Inform without delay the detainee concerned of his/her rights.

The prisons' internal rules do not seem to contain any provision regarding the detention of foreign inmates.

The prison staff does not seem to be informed of these obligations, and does not systematically coordinate with the General Security, the UNHCR and the embassies.

Translator

No translator seems to be called upon when an inmate does not understand any of the languages spoken within the facility, in contradiction with rule 51 of SMRPT. There are no provisions in the prisons' internal rules regarding the presence of a translator.

In the vast majority of the prisons visited during this study, a billboard mentioning provisions under article 47 of the CPC could be found in the prison director's office in three languages – English, French and Arabic. This article, which applies to custody order, provides that the suspect has the *“right to be assisted by a sworn translator in case he/she does not understand the Arabic language.”*

⁴⁹Vienna Convention on Consular Relations ratified by Lebanon on March 20, 1975, Article 36 (Appendix 7).

Access to information

The internal rules of the prisons stipulate that the inmates can receive books and magazines (...), and prohibit the introduction of daily newspapers in the prisons⁵⁰.

The inmates in the Lebanese prisons have access to TV sets, except in Zahleh prison for women and one of the cells in Jezzine prison. But it is to be noted that the presence of a television in an overcrowded cell does not guaranty the fundamental right to information of the inmates, given that access to the choice of channel might not be adequate. In parallel, under the prisons' internal rules, the inmates are not allowed to read the newspapers. This constitutes a violation of rule 39 of SMRPT.

⁵⁰ Internal rules of the prisons, of the detention places and juvenile centers, Decree n° 1430 of February 11, 1949 and its amendments, Article 60 (Appendix 1).

Protection Measures

There are three main problems regarding the protection of inmates.

Medical emergencies

The first problem relates to the administration of the Lebanese prisons: indeed, according to the statements made by the prisons' administrators, the cell doors are closed at 5:00 PM. In case one inmate presents an urgent medical situation – at the physiological or psychiatric level – the guards have to request the permission to the prosecutor's office to be allowed to open the inmate's cell and rush him/her to the hospital. This rule excessively puts the inmate's life in danger. During the night, the handling of urgent cases indeed depends on one hand on the good will of the prison staff, on its professionalism and skills to evaluate the urgency of the situation, and on the other hand on the prosecutor's answer.

Communication with the lawyer in full confidentiality

The second problem relates to the lack of organization in many prisons where visits of lawyers are closely monitored by guards due to a lack of assigned space⁵¹. Consequently, the visits cannot be considered as private, and this represents a violation of article 14.3 b) of the International Covenant on Civil and Political Rights that anticipates namely that all persons accused of a crime should be entitled to “adequate (...) facilities for the preparation of his defense and to communicate with counsel of his own choosing.” However, the current conditions of the meetings are not satisfactory, notably if the inmate has to complain of having been subjected to torture or ill-treatments.

Control Mechanisms

The third problem relates to existing control mechanisms that are not put in place, in contradiction with rule 55 of SMRPT.

Existing control mechanisms at the national level

In compliance with article 15 of the prisons' internal rules, and with article 402 of CPC, the investigating judge, the correctional judge, and the general prosecutor near the Appeals Court or the financial general prosecutor have to visit places of detention every month. The internal rules otherwise stipulate that presidents of criminal courts should visit persons held in places of arrest or prisons once every three months.

⁵¹ See *Communication*, p.26

It is finally worth noting that under article 15 of the internal rules, the general prosecutor of the Appeals court, the judge appointed for this by the Minister of Justice or the general prosecutors of trial courts have the right to monitor all the prisons of Lebanon regarding the legality of the arrests and releases, to demand to consult the prison registers and provide their comments and remarks to the Minister of Interior that has to implement them.

According to the interviews conducted with the prison authorities, these provisions do not seem to be applied in Lebanese prisons. Nine prisons⁵² had allegedly received only one visit of judges, some dating back to several years.

Moreover, no visits of the parliamentary commission on human rights appear to have been conducted these last years in most of the prisons.

Existing control mechanisms at the international level

The Optional Protocol of the UN Convention against Torture that entered into force on June 22, 2006, is the first international instrument that aims at preventing torture and other forms of ill treatments by instituting a system of regular visits to detention places. These visits are to be conducted by independent bodies in charge of addressing recommendations to the authorities in order to establish efficient measures aimed at preventing torture and ill treatments and at improving detention conditions of all the persons deprived of their liberty.

At the international level, the OPCAT creates a new prevention mechanism, the Subcommittee for the prevention of torture. At the national level, the state parties have to create or designate National Prevention Mechanisms (NPM), at the latest one year after the ratification of the optional protocol.

Lebanon ratified the OPCAT on December 22, 2008, thus becoming the first country of the region to commit itself to establishing a NPM. A first preparatory commission was created by the Minister of Justice, which made a proposal to the Minister at the end of September 2009 for the creation of an independent NPM. Its formal establishment remained pending at the time of this study.

⁵² According to the prison authorities of Tripoli prisons for women, Tebnine, Jeb Jennine, Zahleh for men, Zahleh for women, Batroun, Zgharta, Jezzine and Aley.

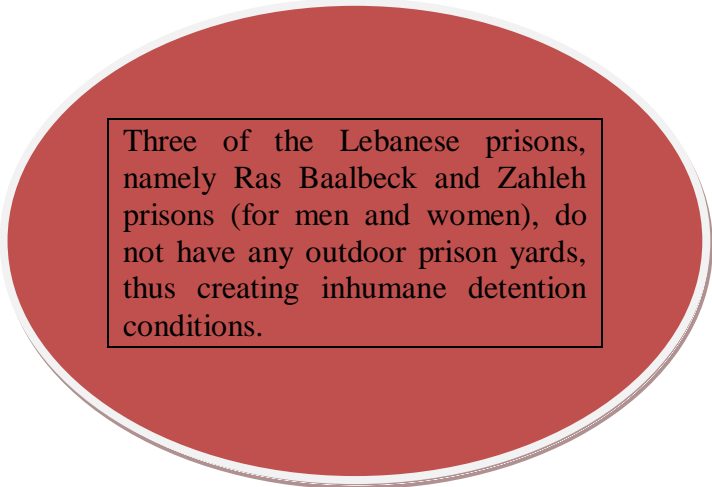
Activities

13 Lebanese prisons⁵³ do not offer any activities program to the inmates, who spend their days sitting in their cells, in contradiction with principle 6 of the Basic Principles for the Treatment of Prisoners of 1990.⁵⁴

Exercise and sport

Whereas the small prisons have the possibility to let the inmates leave their cells for a certain number of hours per day, larger prisons such as Tripoli and Roumieh prisons for men present important restrictions on the time spent outside in contradiction with rule 21 of SMRPT, that provides that the inmates *“shall have at least one hour of suitable exercise in the open air daily if the weather permits”* and the prisons’ internal rules that provide a *“daily outside walks in the yard for three hours (...) under according to the timing established by the administration, and under the control of one of the officers in the yard dedicated to this purpose.”*⁵⁵

When six inmates are kept in a 6 m² cell and are allowed to go out only twice a week, this leads inevitably to uncontrolled and violent situations.



Three of the Lebanese prisons, namely Ras Baalbeck and Zahleh prisons (for men and women), do not have any outdoor prison yards, thus creating inhumane detention conditions.

Library

Several prisons are not equipped with libraries and in the case of prisons that are, the inmates are often not encouraged to use it, in contradiction with rule 40 of SMRPT.

The internal rules provide the installation in each prison of a library gathering *“books on literature, social and health subjects (...) which shall form the nucleus of a special library for the prisoners.”*⁵⁶

⁵³ Aley, Amioun, Zgharta, Halba, Jbeil, Jeb Jennine, Jezzine, Ras Baalbeck, Rachaya, Zahleh for women, Zahleh for men, Batroun.

⁵⁴ Basic Principles for the Treatment of Prisoners, 1990, Principle 6 (Appendix 6).

⁵⁵ Internal rules of the prisons, of the detention places, juvenile centers Decree n°1430 of February 11, 1949 and its amendments, Article 60 (Appendix 1).

⁵⁶ *Ibid.*, Article 67 (Appendix 1).

Medical Services

Medicines provision

Whereas the medical center of the Internal Security Forces has a central pharmacy that appears to be well provided with all kinds of medication⁵⁷ and medical equipment, in five of the prisons the staff was complaining of a lack of basic medical equipment provision. The staff did not seem aware of their obligation to order what they needed within their own institution (namely the medical center of ISF), and was relying on NGOs.

Zahleh prison for men

During our visit to Zahleh prison for men, several diabetic inmates requested CLDH to provide them with glucotests that were not available at the prison, while these equipments are essential to treat diabetes.

Medical staff

It is to be noted that most of the Lebanese prisons lack basic medical and paramedical staff such as dentists, psychiatrists, psychologists etc., in contradiction with principle 24 of BPPAP, rules 22, 24, 25 of SMRPT, and the internal rules of prisons under which the medical direction of the prisons has to be composed of:

- Doctors specially appointed by the Ministry of Interior after consultation of the Ministry of Health.
- Public state doctors if no particular doctor has been appointed for the prison.
- Municipal doctors in places where there are no state doctors.
- One dentist for every 300 inmates, appointed by the Ministry of Interior, who has to visit the prison three times a week.⁵⁸

The above mentioned doctors have to visit the prison at least three times a week and make a complete medical inspection. Every three months, the doctors establish a detailed report about the situation in the prison regarding the control of the medical conditions and the medical situation of the inmates. They have to declare all the diseases that appeared in the prison as well as the names of the patients and the causes of the diseases.

⁵⁷ Except psychotropic drugs that are directly and freely delivered to the patients by the Ministry of Health, in charge of the patients in need of psychiatric treatments.

⁵⁸ Internal rules of the prisons, of the detention places and juvenile centers , Decree n° 1430 of February 11, 1949 and its amendments, Article 52 (Appendix 1)

The report is duplicated twice; one copy is for the prison director that forwards it to the Minister of Interior, the second copy is sent to the Minister of Health.⁵⁹

Rachaya prison

In Rachaya prison when an inmate needs dental treatment, he has to be transferred to Zahleh dental clinic, several dozens of kilometers away. Moreover, at the date of our visit, no space was dedicated for medical consultations and/or a pharmacy. The prison director showed CLDH team a space within the prison that could easily be turned into a medical consultation room, a dental clinic and/or a pharmacy.

Inmates in need of specific treatment

A provision related to the detention of mentally sick persons has been incorporated to the prisons' internal rules in 1994: a special wing has been assigned in Roumieh prison for mentally ill patients condemned to imprisonment. The Ministry of Interior and the ISF are responsible for setting up this wing according to the needs required by the detention conditions of the mentally ill. The Ministry of Health is responsible for providing the necessary equipment and treatment according to the different cases of mental illness, as much for the unconvicted as for the convicted.⁶⁰

The internal rules provide that the convicted inmates suffering from blindness, paralysis or an incurable disease or who become very old or are unable to get around or to move, (...) should be mentioned in a special report on behalf of the prison direction in view of being granted a pardon.⁶¹

In the framework of this project, CLDH in coordination with other NGOs, provided assistance to two inmates suffering severe physical handicaps. One of them was an inmate unable to walk due to a congenital deformation, but had been deprived of a wheelchair since his arrest one year and a half before. This inmate was most of the time sitting on his cell's floor and had to be carried for each and every move. The other inmates as well as the prison staff were using a plastic chair for this, thus putting in danger the inmate's security as well as the health of the persons carrying him.

The association Arc en Ciel provided a wheelchair for the detainee and opened a file on his case.

⁵⁹ Internal rules of the prisons, of the detention places and juvenile centers, Decree n° 1430 of February 11, 1949 and its amendments, Articles 53 and 54 (Appendix 1)

⁶⁰ Decree n° 6164 of December 23, 1994 (Appendix 1)

⁶¹ Internal rules of the prisons, of the detention places and juvenile centers, Decree n° 1430 of February 11, 1949 and its amendments, Article 49 (Appendix 1)

A prisoner amputated of his two legs due to acts of torture he was subjected to in Israeli prisons was also identified as an urgent case by our team. The inmate's wheelchair was indeed broken, and had to be replaced. He also urgently needed a bed in order to recover a minimum autonomy (moving from his bed to his wheelchair).

The Lebanese Physically Handicapped Union conducted a study about this prisoner's situation. Norwegian People's Aid (NPA) provided him with a new wheelchair and a metallic bed was also given to his family pending his release (metallic beds are not allowed inside this prison). The manufacture of artificial legs is being processed by the NPA. CLDH ensured coordination between the NGOs in this case and provided a wooden bed to be installed immediately in the prison.

The follow up of these two cases unveiled the bad conditions to which the handicapped inmates are subjected in the isolated prisons of Lebanon. Their situation amounts to ill treatment and deserves to be studied in order to dedicate a cell adequately equipped for the physically handicapped inmates in each Lebanese region. They should not be systematically transferred to Roumieh central prison and isolated from their families, as is usually the case.

Prison Administration

Prison staff

In Lebanon, in spite of the decrees of 1964 and 1983⁶² on the administration of prisons by the Ministry of Justice, prisons are still under the authority of the Internal Security Forces, thus under the authority of the Ministry of Interior. With the support of UNODC (United Nations Office against Drugs and Crime), the transfer of this authority from the Ministry of Interior to the Ministry of Justice is supposed to be organized in the coming years.

During this study, we noted that the role of the current prison staff is mainly limited to the administrative management of the prison, to the security and, to a lesser extent, to health issues. The main task of the ISF in the prisons is to keep the inmates and – when some staff members have relevant skills – to meet the basic medical needs of the inmates.

Many needs, as rehabilitation and preparation of the inmates in view of their reinsertion in the society are totally neglected by the State, and very disparately met by NGOs.

Training Skills

Insufficient human and material resources are allocated to the prisons by the ISF, in contradiction with rule 49 of SMRPT. For example, with the exception of Roumieh prison, no psychiatrist appointed by the State authorities is on duty in Lebanese prisons. A real need of psychiatrists, psychologists, social workers and educators does exist in the majority of prisons, a gap that the NGOs try to fill without being able to cover the needs in all the prisons.

As a result of this lack of human and material resources, the frustration of the prison staff is high and leads to an important turnover, which is harmful both to the inmates and to the prison staff itself. In these conditions, the staff is not in a position to implement the skills acquired during trainings organized by the NGOs and the institutions in the fields of prisoners' rights and prison management.

Nevertheless, during the study, some prison directors and prison staff were demonstrating a strong will and a deep commitment to give the inmates the attention they needed. Some of them had made considerable personal efforts to alleviate the suffering of the inmates and their families.

⁶² Decree n°17315 of August 28, 1964, and Decree n° 151 of September, 16, 1983 (Appendix 5)

Jeb Jennine prison

The director of Jeb Jennine prison presented to CLDH team a project of activities for the inmates. The prison has indeed large unused spaces that can be converted into a garage and workshops. The director presented with great enthusiasm this project, which would give inmates a daily activity, and a job they are paid for. At the time of the visit, the director had begun efforts to find private funding that would make this possible.

CLDH therefore expresses reservations in regards to the decision of the Ministry of Interior to sack indiscriminately all the prison directors following the escape of an inmate from Roumieh prison in August 2009.

In some cases, the prison directors and prison staff members pay the fines of the persons to avoid them staying in prison simply because of the amount they are not in a position to pay, and also bring them food and clothes from their homes.

Female prison administration and staff

Whereas in the female prisons under ISF control the women are under the direct supervision of female staff, in the General Security Retention Center women are under the responsibility of male guards, in violation of rule 53 of SMRPT that clearly stipulates that “*in an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer (...).*”

Treatment

Separation of inmates' categories

Separation of inmates is essential regarding their protection and the acknowledgement of the needs and specific status of the various categories of inmates; this separation must comply with international standards⁶³ and with the internal rules of the prisons⁶⁴, according to the gender (men/women), age (minors/adults), and legal situation (unconvicted/convicted). Whereas the separation of the persons deprived of liberty between men and women, adults and minors, meets international and national requirements (except in the General Security Retention Center), separation between unconvicted and convicted inmates is generally not respected in the Lebanese prison system.

Separation between men and women

With the exception of the General Security Retention Center and of the prisons under the Ministry of Defense's control, women are held in Lebanon in four separate and distinct prisons.⁶⁵

Separation between minors and adults

Minors are held in Lebanon in two distinct centers⁶⁶, as well as in one of the buildings of Roumieh central prison on one specific floor.



Cell for minors, Roumieh prison (justice.gov.lb)



Corridor of the minors floor in Roumieh prison (justice.gov.lb)

⁶³ ICCPR, Article 10 (Appendix 7) ; Rule 8 of SMRPT (Appendix 6), GO n°21 (Appendix 7)

⁶⁴ Internal rules of the prisons, of the detention places and juvenile centers, Decree n° 1430 of February 11, 1949 and its amendments, Articles 8, 9, 61, 62 (Appendix 1),

⁶⁵ Barbar el Khazen, Zahleh, Tripoli, Baabda

⁶⁶ Fanar center for minor males and Dahr el Bacheh for minor females.

Even though a separate floor is allocated for minors in Roumieh, it is nevertheless difficult to avoid any contact between the minors and the other adult inmates also held in the building, particularly in the outdoor yard (see picture below).



The outdoor yard of the minors building in Roumieh (justice.gov.lb)

Separation between convicted and unconvicted inmates

Detainees and prisoners are generally not separated, and the inmates not categorized according to their criminal records.

This constitutes a major problem for the persons detained or imprisoned for minor offenses, sometimes for their illegal entry into the country, who find themselves held with criminals arrested for murder or drug cases etc. This situation places the persons in a very violent and harmful environment that jeopardizes their future.

Punishment and isolation

Even if in most of the prisons we visited, only few directors stated that they were using isolation as a method of exceptional sanction for severe violations of the internal rules (transfer to other prisons seems to be used more often), it is worth noting that isolation cells were either closed, used to stock materials or used to host inmates when the prison was full like in Jezzine, Zahleh and Baalbeck prisons for men.

Isolation cells in Tripoli prison for men are in a completely unacceptable state, the walls covered with human wastes and incredibly small (it is not even possible to place a mattress inside). During our visit, a bottle full of urine was still on the cell's floor that had apparently just been released from its occupant.

Prisoners' transfer

The vans used to transfer prisoners to and from prisons and courts are inadequate, their capacity is often not respected and they are often driven in an uncivil way.

The same vehicle can be filled with an exorbitant number of inmates, regardless of the length of the trip, the outside temperature which can be very high, and driven in a very uncivil way (speeding, disregard of traffic rules) thus putting the lives of the inmates, staff and public at risk.

We witnessed for example a transfer of inmates from Roumieh prison to an unknown destination, and saw more than 20 persons, handcuffed two by two, being taken into one truck along with their personal effects.



A prison van entering Roumieh prison
(picture : Marie-Claire Feghali)

The Detention Center of the Ministry of National Defense

The prisons of the Ministry of National Defense have been legalized as official prisons by decree n°6236 of 17/1/1995 – in the context of the cases against Samir Geagea and his supporters, who had been interrogated and remained held in this place until their release in 2005.

The Detention Center of the Ministry of National Defense is located in the Ministry's basement, in Yarze, southern suburbs of Beirut. It is used both as an investigation place and as an official prison, entitled to holding persons who are unconvicted, convicted, minors, adults, men or women⁶⁷. The only forces responsible for this prison are the military intelligence services and their armed branch Mukefaha.

The persons held in this prison are those tried – or susceptible of being tried – by the military courts and the Justice Council, which are special jurisdictions deprived of independence *vis-à-vis* the military apparatus for the military courts, and the political authorities for the Justice Council.

CLDH having been denied access to the prisons of the Ministry of National Defense, the information below is based on testimonies of persons having been recently held there.

It is worth noting that the interrogation and detention conditions in the Ministry of National Defense have been repeatedly denounced by human rights organizations⁶⁸, and CLDH is astonished that the Ministry of National Defense prisons have not been erased from the list of official prisons at the time of the political transition of 2005 and of the release of Samir Geagea, Gerges al Khoury and Khalil Matar, who were being held in these premises.

Similarly, the prerogatives of the military intelligence services have not been revised. Arrests, torture, and detention in this place continue with impunity. Waves of arrests among the persons accused of having planned an attack against Hezbollah leader Hassan Nasrallah, then among the alleged Islamist activists in Tripoli, then among the alleged supporters of Fatah El Islam, and more recently among the alleged spies of the Israeli enemy have represented since 2005, periods during which dozens or even hundreds of persons were interrogated, detained, and often tortured in the Ministry of National Defense prisons.

⁶⁷ Internal rules of the prisons under the Ministry of Defense control, Decree n°6236 of January 17, 1995, Articles 2, 3, 4 and 5 (Appendix 2)

⁶⁸ SOLIDA report, *The Ministry of Defense Detention Center: A Major Obstacle to the Prevention of Torture*, October 5, 2006 available at the following address : www.cldh-lebanon.org

Persons who denounce these facts still expose themselves to security and judiciary reprisals. Very recently, on November 2, 2009, the press court sentenced Adonis Akra to pay a fine of 10.000.000,00 (ten million) Lebanese pounds for undermining the army and Justice reputations through the publication of his book “*When I became number 16*” describing his detention in August 2001 in the Ministry of National Defense⁶⁹.

Regarding the interrogation conditions, several points have to be raised:

- The preliminary investigations (prior to the presentation of the detainees to an investigating judge) often take place secretly, without previous notification to the family or the lawyer of the detainee’s presence in the place.
- Many detainees complain of having been severely tortured in the Ministry of Defense in view of forcing them to sign confessions.
- The military doctor is in charge of the detainees’ examination and various information mentions his participation in torture sessions.⁷⁰ Any inspection by an external doctor takes place under the supervision of the military doctor.
- The detainees are often presented to the investigating judge in presence of the military intelligence services, and if the detainee raises any complaint about torture in front of the investigating magistrate, he is subjected to severe reprisals (torture, and most particularly prolonged deprivation of sleep).

Regarding the detention conditions:

- The persons remain isolated for prolonged periods.
- Visits of families and lawyers take place under close supervision of the military intelligence services, making impossible any complaint on behalf of the detainee, in contradiction with the internal rules of the prisons under the Ministry of Defense control.⁷¹
- The detainees presenting health issues are treated at the military hospital.
- In the cells, there are no TV sets and any information related to the news is prohibited. Only social and religious books are allowed after the interrogation period.

Faysal Moqalled, 32 years old, was allegedly transferred from a Hezbollah prison to the Ministry of Defense during the July 2006 war, where he would have been held for 20 months. Forcibly undressed, he is believed to have spent several months blindfolded in the corridor, with only potatoes and bread for sustenance. He reportedly spent up to 36 hours hung on the *balanco* (hands tied in the back, the victim is hung to the ceiling using a pulley), was subjected to *fallaqa* (beaten repeatedly on the sole of his feet), and was covered with sand until his skin became irritated; he is also believed to have been subjected to electric shocks and threatened of being raped. Six of his front teeth are broken. He was purportedly constantly called « dog 43 » and his detainee’s number (43) was written on his chest. According to the information available, he finally signed all the documents he was requested to sign. The entire end of his detention took place in an isolation cell underground. His first hearing with the investigating judge is dated August 5, 2006. Mr. Moqalled did not have a lawyer, and according to our information, because he complained of having been tortured in front of the investigating judge, he was subjected to severe reprisals from his jailors, notably being again subjected to the *balanco* torture.

⁶⁹ L’Orient le jour, *Adonis Akra condemned to 10 million LL for Attempt to the Army*, November 3, 2009.

⁷⁰ In contradiction with Principle 4 of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 18 December 1982 (resolution 37/194). (Appendix 7).

⁷¹ Internal rules of the prisons under the Ministry of Defense control, Decree n° 6236 of January 17, 1995, Article 51 (Appendix 2)

- The underground cells are deprived of natural light, adequate ventilation and beds (in contradiction with the internal rules⁷²), and cells are often not equipped with bathrooms.
- Detainees are sometimes not allowed to receive food from outside, in contradiction with the internal rules.⁷³
- Outside walks are allowed only after the interrogation period, the detainee being walked in the yard handcuffed to a guard, in violation of the internal rules.⁷⁴
- Persons held in the Ministry of Defense often do not distinguish between day and night.

The Detention Center of the Ministry of Defense has represented an obstacle in relation to the visits of Lebanese prisons by the ICRC (International Committee of the Red Cross) from 2002 to 2007. Indeed, a memorandum of understanding between the Lebanese authorities and the ICRC had been signed in 2002 allowing the ICRC to visit all Lebanese prisons⁷⁵, but the ICRC was denied access to the Ministry of Defense Detention Center, thus invalidating the agreement. A new protocol was signed on February 2, 2007⁷⁶ removing this obstacle and has allowed the ICRC to start its work in all the Lebanese prisons.

What characterizes the prisons of the Ministry of National Defense is the absence of effective external control.

Detainees have been arrested and interrogated by the military intelligence services that also attend the investigating judge hearings and monitor the lawyer and family visits; no NGO is granted access to the premises and the ICRC visits being confidential, there is no evidence that an effective external control is taking place in the Ministry of Defense prisons. In this context, allegations of torture, often accredited by the physiological and psychological troubles of the former detainees, are quite credible and should encourage the authorities to take radical decisions.

Indeed it is clear that without closing the prisons of the Ministry of National Defense, without revising the prerogatives of the military intelligence services as well as the legal measures aimed at protecting the detainees, the practice of ill treatments and torture will continue unabated.

⁷² *Ibid.*, Article 59 (Appendix 2)

⁷³ *Ibid.*, Article 57 (Appendix 2)

⁷⁴ *Ibid.*, Article 42 (Appendix 2)

⁷⁵ Decree n° 8800 of October 4, 2002

⁷⁶ Signatories of the protocol: On behalf of ICRC: Juan Coderque and Antoine Belair – On behalf of the Lebanese authorities: Saïd Mirza, General Prosecutor of the Cassation Court, Jocelyne Tabet and Souhair Harake, General attorneys of the Cassation Court, Major General Ashraf Rifi, General Director of ISF (Internal Security Forces), General Sami Nabhan, President of the services and operations of ISF, General Georges Khoury, director of the military intelligence services.

The Retention Center of the General Security

The Retention Center for foreigners of the General Security, located in the center of Beirut at the “Adlieh” traffic circle, is not part of the official prisons, but CLDH considered it essential to raise this issue in this report, mainly for three reasons:

- The management of this retention center is the **second leading cause of prisons overcrowding** in Lebanon after the slowness of the judicial system. Indeed, any foreigner incarcerated in Lebanon must be handed to the General Security at the end of his/her sentence in order to regularize his/her situation or proceed to his/her expulsion⁷⁷. However, at present, the General Security is not at all able to meet this obligation, causing the current disastrous situation where 13% of the prison population consists of foreigners who have completed their sentences and are waiting to be handed over to the General Security⁷⁸.
- The management of this retention center is **causing the greatest number of arbitrary detentions known in Lebanon**. Indeed "administrative" detention as practiced today under the prerogatives of the General Security does not exist in the Lebanese law and can be classified in category I of arbitrary detentions as defined by the United Nations Working Group on Arbitrary Detention, namely when *"it is clearly impossible to invoke any legal basis that justifies it."*
- Finally, and even if these cases are fewer, **asylum seekers and refugees are illegally detained in this retention center, or in the Lebanese prisons awaiting their transfer to the retention center**, whom the General Security considers for unclear reasons as unregulated and are kept detained indefinitely in order to force them to sign their deportation to their countries of origin. These persons are kept detained for years without any legal basis, unable to be released in Lebanon, unable to return to their country of origin, and often prevented from applying for resettlement in a third country.

The Retention Center of the General Security is an underground parking, under the bridge Elias Hrawi, converted into a retention center since December 14, 2000⁷⁹. It is managed exclusively by the General Security, in agreement with the association Caritas Migrants who is the only organization that has obtained the right to work in this place under conditions of confidentiality. The ICRC and UNHCR also make visits to persons detained in this retention center.

⁷⁷ Circular n°4662/2/2004, December 16, 2004.

⁷⁸ See. *Persons detained beyond their sentence*, p.61

⁷⁹ Daily Star, *Murr unveils modern detention center for deportees*, 14 December 2000

CLDH tried to make an objective assessment of the legal situation of detainees and conditions of detention in this facility, and to establish a dialogue with the competent authorities.

To do so, CLDH had obtained the permission of General Wafic Jezzini, General Director of the General Security to visit the retention center and take copies of information relating to the persons held in this place.

However, the interview of July 27, 2009, with Major Pierre Abi Raad, head of the retention center, was held in a very unsatisfactory way. Indeed, after a difficult interview with him, the Major put, with great animosity, many limitations to our work – denied us access to the entire retention center, refused to hand over the list of persons retained, and asked to receive a copy of our notes - all this in contradiction with the decision of his superiors.

We have therefore chosen not to follow the interview with a visit, which would have been distorted by the ostentatious unwillingness of the guards. Our decision not to visit the center was followed by direct threats by the director. Informed by letter of the incident, his superiors did not respond to CLDH.

It is obvious that the General Security personnel suffers from working in an underground facility viewed by society as an affront to human rights and the main cause of overcrowding in prisons, but CLDH considers that a dialogue with civil society would allow the General Security to fulfill its role in a more transparent way, and thus a more comfortable one.

The main points of concerns are:

Legal status of persons in retention

- As reported by the Director, the capacity and the maximum duration of detention at the retention center are not limited: "*if I want, I can hold 800 people!*" he said.
- According to him, persons convicted are serving their sentence in the retention center, which in this case gives the retention center an illegal status of judicial prison.
- No judicial inspection is ever held in this center, according to the director.
- While it is common to say that passport issues are the main cause of congestion in the retention center, 98%⁸⁰ of foreign women interviewed in our study had a passport, 26% had their passports with them and 61% with their employer, and the manager said they had no difficulty in recovering the passports held by employers. Only 2% had no passport.
- It is also usually heard that the plane ticket price prevents the swift deportation of persons wishing to return to their country of origin. **But the director claimed that the General Security was paying all the bills of those evicted.** According to the director of the

⁸⁰ Out of 92 female foreigners interviewed in all women prisons in the course of our study.

retention center, the bank deposit made by employers of migrant workers in the bank Iskan is never used for this purpose for unexplained reasons.

- When persons kept in detention wish to ask asylum in Lebanon, the director of the center declared that the General Security did not notify the UNHCR.
- It also seems that lawyers are not allowed to enter the retention center to meet with their clients.

Detention Conditions

- It is worth noting that we were not able to find any internal rules of this retention center.
- Persons in retention spend their time, locked in 13 underground cages of 40 m², including 3 for women, and one “family” cell, which includes children. According to Al Akhbar newspaper⁸¹, 350 to 450 persons would be incarcerated; the average space per person would therefore be 1m². Two to three persons must sometimes share the same mattress.
- There is no outside yard, and the persons incarcerated get out of their cells handcuffed.⁸²
- Even if visits are allowed, the persons incarcerated find themselves completely isolated from the external world: without any natural light, persons incarcerated lose all notion of time. They are allegedly woken up at six in the morning with music and guards shouting, and 10 minutes of music would be played at the end of the day.⁸³
- Without any TV set or newspapers, incarcerated persons are cut from information.



Photo Haytham Moussawi for Al Akhbar

In the corridor of the retention center, CLDH witnessed an African woman sobbing, sitting on a bench and handcuffed. A man in a uniform appeared suddenly from his office and raised his hand on her: “Will you shut up or you’ll see what I will do to you !”

⁸¹ Al Akhbar, *Entered Lebanon to Save their Lives... They Find Themselves Underground*, 13 November 2008.

⁸² Already in 2004, Médecins Du Monde-France (MdM-F) deplored the sanitary conditions of the detention center of the General Security : « We can also note the situation in the Retention Center for foreigners of the General Security (...) that was visited by MDM-F in 2004: *migrants are detained in an old underground parking, in alarming conditions, without access to fresh air or natural light (...) no yard has been provided*” Dr Reem Mansour, *Organization of Care in Lebanese Prisons*, Review HUMAN & HEALTH - N°6 - January 2009, p.34

⁸³ Daily Star, *Murr Unveils Modern Detention Center for Deportees*, 14 December 2000 ““This center has also been equipped with (...) a sound network that allows the transmission of music and cultural shows” Abi Hanna said.

- There is no hot water, and water is available one to two hours per day.
- **Male guards deal with women in retention, and our team witnessed the aggressiveness and brutality they demonstrated towards them.**
- According to the above mentioned article of the daily Al-Akhbar, a billboard on a black iron door indicates “isolation section”. Behind this door, 6 other black iron doors do not allow the light into the rooms. Behind each of the 6 doors, the rooms do not exceed 1m². Isolation cells are *“like graves in which one has to stand”, “staying in this room doesn’t allow one to breath even with the door open”, “one cannot help imagining the moral suffering of the persons who went through this place, that one would not use even for the most dangerous animals.”*
- According to Caritas director, persons in retention are only provided with three hot meals per week offered by Caritas. The rest of the time, food (reportedly molded bread and mortadella, potatoes and eggs) is provided by the General Security.

The retention center for the foreigners in Adlieh should be closed immediately, and replaced by another retention center built and managed in compliance with international standards.

The circular⁸⁴ which imposes the transfer of any foreign inmates to the retention center at the end of his/her sentence has to be cancelled or amended; it is incumbent upon the General Security to ensure the prisons with the removal of foreigners on the exact end day of their sentence, otherwise the latter should be released in compliance with the law.

Deportation proceedings have to be simplified to limit the waiting period at the retention center of the General Security, and any person raising fears regarding his/her security if returning to his/her country of origin has to be immediately reported to the UNHCR by the staff of the retention center.

The detention of persons convicted to judiciary sentences and the detention without any legal basis of asylum seekers and refugees in the retention center should be formally prohibited.



Photo Haytham Moussawi for Al Akhbar

⁸⁴ Circular n°4662/п/2004, December 16,/2004

LEGAL CONCERNS

Global Statistics – Prison Population in Lebanon

April – September 2009

Total number of inmates	5324⁸⁵
Official capacity of Lebanese prisons (source: authorities)	3653
Effective capacity of prisons (source: CLDH)	2714
Incarceration rate per 100 000 inhabitants⁸⁶	130⁸⁷
Adults	96,9%
Minors	3,1%
Gender	
Men	94,5%
Women	5,5%
Nationalities	
Lebanese	65.4%
Syrians	8.6%
Sudanese	6.4%
Palestinians	6,3%
Ethiopians	2.9%
Egyptians	2%
Sri Lankans	1.5%
Stateless persons	1,2%
Other nationalities	5.7%
Unconvicted	66%
Convicted	21%
Detained beyond sentence	13%

⁸⁵ Daily Star, *A Report Sheds Light on the Dreadful Conditions of Prisons in Lebanon*, 26 September 2009.

⁸⁶ Global population of Lebanon was estimated at 4,017,095 in July 2009, Central Intelligence Agency, *The World Fact Book, Lebanon*, available online at : <https://www.cia.gov/library/publications/the-world-factbook/geos/le.html>

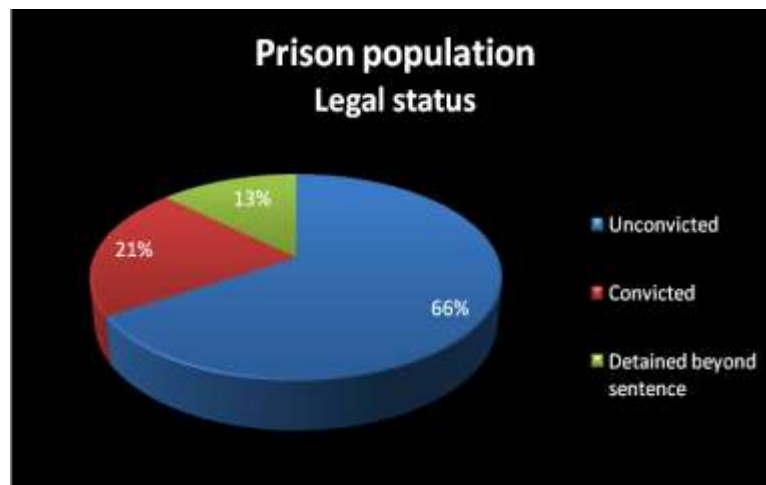
⁸⁷ Ranking of Lebanon in relation to data and statistics, 2009, 20 countries, OECD (Appendix 9)

Grounds for arrest/conviction	
Narcotics	24%
Robbery	21.5%
Irregular stay/ Illegal entry	14%
Violations of public trust	14%
Homicide	11%
Attempt to public security/safety	3%
Attempt to internal security	3%
Breach of moral standards	1.7%
Prostitution/Hustling	1.6%
Other reasons	6.2%

This summary of the prison population in Lebanon, established from data collected during this project, supplemented by the report of General Ashraf Rifi of August 2009 allow us to provide a comprehensive review of key issues identified.

Overcrowding in prisons by close to twice their actual capacity raises many issues; the first of them being the **separation of unconvicted and convicted inmates** under Lebanese law⁸⁸ and international commitments of Lebanon. This separation is made impossible by the current overcrowding, which prevents Lebanese prisons to play their role in social rehabilitation⁸⁹ and, worse, turns prisons into real schools of crime.

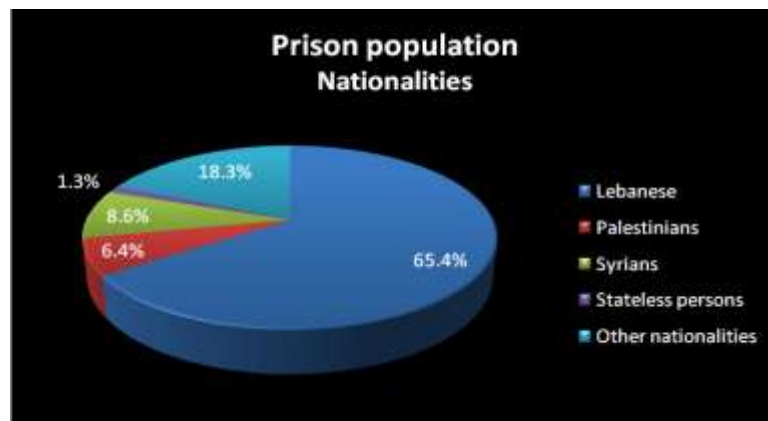
The causes of prison overcrowding are analyzed in the following pages, by category of prisoners, according to their legal status:



⁸⁸ Internal Rules of prisons, detention places and juvenile centers, Decree n°1430, February 11, 1949 and amendments, Article 8 (Appendix 1).

⁸⁹ GO n°21: *"No Penitentiary System Should be only Retributory; it Should Essentially Seek the Reformation and Social Rehabilitation of the Prisoner"* (Appendix 7).

1. Inmates in **pretrial detention** (66%): the number of unconvicted inmates, which represents two thirds of the prison population is excessive and raises the issue of excessive reliance on the practice of pretrial detention, and that of the tardiness and malfunctioning of the judiciary.
2. **Convicted** (21%): the number of convicted inmates could be reduced, on the one hand by revising numbers of unfair trials from the time of the Syrian occupation⁹⁰, and on the other hand, by applying the existing laws and decrees, in particular those related to sentence reductions.
3. Inmates detained **beyond the end of their sentence**: the number of persons incarcerated despite the end of their sentence represents a significant portion (13%) of the prison population. They are foreigners who served their sentence and who are being arbitrarily detained for several months to several years, waiting to be transferred to the General Security, which is in charge of their expulsion or regularization. This practice seems intentional and is part of a policy aimed at making them sign a “voluntary repatriation” to their country of origin.
4. **Incarceration of foreigners**



Excluding the Palestinians and Syrians, who have special status in Lebanon, foreigners represent 18.3% of the prison population, including asylum seekers and refugees, and the charge for illegal entry or stay is the third reason of condemnation in Lebanon after the crimes related to drugs and robbery. This raises issues of the laws concerning immigration and employment of foreigners as well as the status of asylum seekers and refugees.

⁹⁰ Of 750 trial dates available, 86 judgments were rendered before April 30, 2005.

Unconvicted

April – September 2009

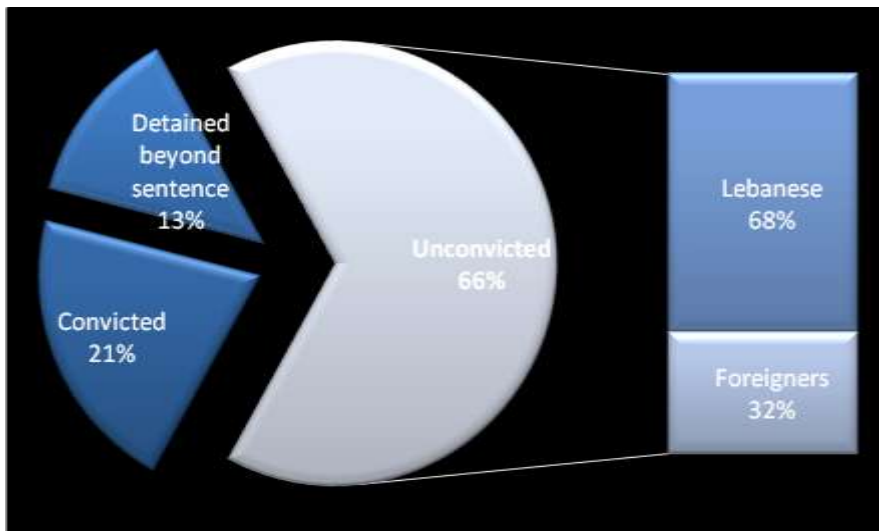
Percentage of unconvicted persons⁹¹	66%⁹²
Gender⁹³	
Men	91%
Women	9%
Nationalities	
Lebanese	68%
Syrians	8%
Sudanese	7.5%
Palestinians	5.5%
Egyptians	1.8%
Ethiopians	1.7%
Iraqis	1.3%
Indians	1.1%
Stateless persons	1.1%
Bangladeshis	1%
Sri Lankans	0.5%
Other nationalities ⁹⁴	2.5%
Grounds for arrest	
Robbery	23%
Narcotics	21.3%
Forgery	12.3%
Illegal stay/ Illegal entry	12.2%
Homicides	11%
Attempt to State internal security	5.2%
Prostitution, hustling, breach of moral standards	3%

⁹¹ Out of a total of 5154 inmates.

⁹² See Ranking of Lebanon in relation to data and statistics, 2009, 20 countries, OECD (Appendix 9).

⁹³ In a sample of 1546 unconvicted inmates.

⁹⁴ Filipinos, Nepalese, Moroccans, Romanians, Somalians, Malagasy, Tunisians, Brazilians, Jordanians, Ugandans, Pakistani, Turkish, Algerian, Saudi, Ghanaian, Kuwaiti, Yemeni, in process of naturalization.



- 66% of the prison population is pending trial.
- 68% of these inmates are Lebanese, and 32% foreigners.
- Robbery is the first ground for detention (23% of detainees are accused of robbery).

Due to the slow judicial system, unconvicted inmates represent two thirds of the prison population of Lebanon, raising the issue of the legal period of detention before trial and the respect of the presumption of innocence⁹⁵.

1. Length of pretrial detention

Period of time before appearing in front of a judge

According to article 9 of ICCPR, anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power. The Human Rights Committee stated on this issue that: “*more precise time-limits are fixed by law in most States parties and, in the view of the Committee, delays must not exceed a few days.*”⁹⁶

Under Lebanese law, the duration of custody must not exceed 48 hours, term renewable once⁹⁷. Based on cases documented by CLDH during this study, the duration of police custody is not always respected.

⁹⁵ Rule 84.2 of the SMRPT (Appendix 1).

⁹⁶ GO n°8 (Appendix 7)

⁹⁷ CPC, Articles 42, 47 and 107. (Appendix 3)

Youssef Ibrahim Maaniyeh, 43 years old, was allegedly arrested in April 2001, and then held in the Ministry of Defense for **two months** before being brought before a judge in June 2001.

Fayad Assi was allegedly arrested in May 2004 at Halba police station, where he would have been kept for **one week** before being brought before the investigating judge.

Total duration of pretrial detention

According to international standards⁹⁸, anyone arrested or detained on a criminal charge (...) must be tried within a reasonable time or released pending the trial. The Human Rights Committee considers furthermore that “(...) *detention should be exceptional and as short as possible.*”⁹⁹

Article 108 of the CPC sets the period of time of pretrial detention to two months for offenses, and six months for crimes, renewable once. Article 363 of the CPC allows not to apply article 108 for cases submitted to the Council of Justice.

The average time between arrest and verdict is one year¹⁰⁰. In average, 25% of the persons are awaiting their verdict between zero to one month, 20.4% between one to six months, 20.9% between six months to one year, 17.6% between one to two years, 7.2% between two to three years, and 7.2% over three years.

Length of pretrial detention	0 to 1 month	1 to 6 months	6months to 1year	1year to 2 years	2 to 3years	+ than 3years
Percentage	25%	20.4%	20.9%	17.6%	7.2%	7.2%

⁹⁸ ICCPR Article 9 (Appendix 7), Principle 38 (1988) (Appendix 6).

⁹⁹ GO n° 8 (Appendix7).

¹⁰⁰ Statistics conducted on a sample of 426 persons convicted.

Jurisdiction declared

incompetent after two years

Youssef Ibrahim Maaniyeh – his file was transferred to Mount Lebanon Criminal Court. This court would have taken approximately two years to declare itself incompetent to try this case and transfer it to the Military Court.

The murder cases are treated on average in three years and five months, those of drugs in one year and five months, those of robbery in less than a year (320 days) while those accused of illegal entry and residence are considered in 16 days on average.



Some causes of excessive practice of pretrial detention.

- Legal aid

When an inmate makes a request for legal assistance, he often meets with his lawyer only at the first hearing of his trial, causing a postponement of hearing for several months often to prepare his defense. Because of the lack of adequate income, especially transportation costs, the lawyer often does not make the effort to meet with his client before the hearing.

- Absence of the lawyer

In many cases, lawyers do not show up for hearings, causing several months of postponements thereof.

Muhammad Mulla, born in 1972, was arrested on July 7, 1999.

Mr. Mulla was first interrogated by the investigating judge Fawzi Adham on July 22, 1999, or 15 days after his arrest.

In front of the Criminal Court, the first hearing was set for February 28, 2001 and then postponed to May 2, 2001 (to appoint a lawyer by the Bar Association and ask for an interpreter). The hearing of May 2, 2001 was then postponed to June 18, 2001 to request the Bar Association to appoint some lawyers. The hearing of June 18, 2001 was postponed to November 12, 2001 to notify one of the lawyers.

On May 14, 2003, nearly four years after his arrest, Mulla was sentenced by the Criminal Court to 15 years of forced labor and deportation from the country at the end of his sentence.

- Postponing hearings to a distant future

As mentioned earlier, court hearings are routinely postponed for various reasons, often to a distant future.

- Judicial tardiness in handling cases

In some cases, it is not possible to explain that the records are lost between different courts.

- Release decision unexecuted

In its report on civil and political rights in Lebanon in 2007, CLDH highlighted the persistent failures of the prison administration and judiciary in Lebanon, illustrated by the continued detention of Brahim Hamadi, four years after the judiciary took the decision to release him.¹⁰¹ The case of Mr. Haytham Zantout (see box below), shows the persistence of such inconsistencies.

Haytham Zantout was convened on September 25, 2009 at the Chiyah police station where he was interrogated. After spending a night at the police station, then four nights at the jail courthouse in Baabda, he was transferred to the central prison of Roumieh. After three hearings before the investigating magistrate, the latter took a decision to release him on October 19, 2009; on the day of CLDH visit (November 11, 2009), this decision had still not been implemented, leaving Mr. Zantout incarcerated in Roumieh prison's building for convicted inmates for 22 days. Haytham Zantout is not accused in any other cases and has no lawyer.

Hassan Nayef Abu Zaki who was arrested on June 22, 2007 for falsifying documents, and transferred the same day to Roumieh prison, allegedly waited six months before appearing before the criminal court for his initial hearing, then the hearings were purportedly postponed, and he would have waited one year and two months for his second hearing. Diabetic, Hassan Abou Zaki, according to information at our disposal, had to be transferred to the hospital several times, and had five coronary angiographies.

¹⁰¹ See CLDH Report, *Civil and Political Rights in Lebanon*, 2007, p.23.

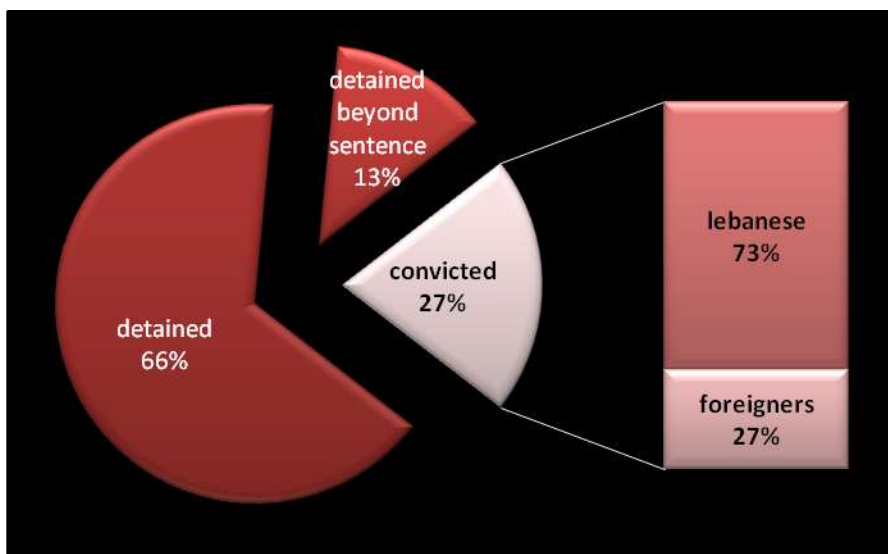
Convicted

April – September 2009

Percentage of inmates convicted	27%¹⁰²
Gender	
Men	94%
Women	6%
Nationalities	
Lebanese	73%
Syrians	12%
Palestinians	9%
Stateless persons	2%
Egyptians	1%
Sri Lankans	0.9%
Sudanese	0.7%
Filipinos	0.6%
Ethiopians	0.5%
Other nationalities ¹⁰³	0.3%
Grounds for convictions	
Narcotics	28%
Robbery	25%
Homicides	11%
Forgery	4%
Attempt to public security	4%
Prostitution, hustling, breach to moral standards	4%
Illegal stay / illegal entry	3%
Aggravated assaults	1.5%

¹⁰² Ranking of Lebanon in relation to data and statistics of 20 countries, 2009, OECD (Appendix 9).

¹⁰³ Bangladeshi, Indians, Tanzanians, Chadians, Yemeni.



- 27% of incarcerated persons are convicted.
- 73% of the convicted inmates are Lebanese, and 27% are foreigners.
- Narcotic trafficking represents the first ground for convictions (28%).

Death penalty

The Criminal Code, the Military Criminal Code and complementary legislation set out a list of crimes punishable by death. Since 2004, when three people sentenced to the death penalty were executed in the courtyard of the Roumieh prison, an unofficial moratorium suspended the execution of death sentences. Several bills have been submitted by deputies to abolish this punishment of another age.

During our study, 62 persons, including a woman, were sentenced to the death penalty.

The issue of capital punishment, besides the fact that it is not a deterrent and constitutes a societal trauma, raises, in all countries where it is still in force, the issue of fair trial. Under the Safeguards guaranteeing protection of those facing the death penalty in countries that have not yet abolished the death penalty, death penalty can only be carried out pursuant to a final decision rendered by a court jurisdiction after a legal process which gives all possible safeguards to ensure a fair trial.¹⁰⁴

Mistakes are human; the miscarriage of justice is sometimes intentional. When, as in Lebanon, the separation of powers and therefore the independence of the judiciary are not rigorously applied, the risk of unfair trial increases.

Fayad Assi was allegedly arrested and detained in May 2004 in Halba police station, where he would have been subjected to torture for a week, beaten with sticks and whipped all over his body; he would have been unable to sleep until he confessed and signed under torture. He reportedly appeared before the judge with his head swollen following the alleged torture. During his interrogation, the judge would have silenced Mr. Assi on several occasions when the latter denounced the torture. Before the military court, hearings have purportedly been expeditious. Mr. Assi was ordered to keep silent on several occasions when he spoke of torture. He has been sentenced to the death penalty on the basis of the confessions extracted under torture.

¹⁰⁴ Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by the Economic and Social Council in its resolution 1984/50 of May 25 1984 (Appendix 7).

Life imprisonment is provided in articles 37 and 38 of the Criminal Code – together with forced labor, life imprisonment is the most severe penalty in Lebanon (after the death penalty), which may be imposed by a criminal court. This penalty, which amounts to a real life imprisonment, is still applied in Lebanon. Lebanese law¹⁰⁵ provides for the right to reduce sentences for all persons convicted to life criminal or minor offenses, provided that he/she has already served 10 years at least, and that the penalty resulting from the reduction is not less than 10 years and not exceeding 20 years.

In the period covered by this study, out of a sample of 577 persons convicted, 11 were sentenced to life imprisonment.

Fair trial

- Special jurisdictions: the Council of Justice and military courts

Military courts in Lebanon are considered special courts due to their composition, functioning and jurisdiction¹⁰⁶, which is in contradiction with article 14 of the ICCPR.

During our study, 2.4%¹⁰⁷ of those convicted were tried by a military court.

Although we have not been documenting cases of persons convicted by the Council of Justice during this study¹⁰⁸, it should be noted that this special court is the highest court of Lebanon to which are liable numerous defendants in matters related to State security. The Council of Justice, seized by the Council of Ministers, is devoid of independence vis-à-vis the Executive, and raises several procedural issues, the first concerning the length of pretrial detention,¹⁰⁹ and the second regarding the lack of possibility to appeal before a higher court, in contradiction with article 14.5 of the ICCPR.

- Judgments pronounced before 2005

Before April 30, 2005, the Lebanese judiciary was subjected to significant interference from the Syrian authorities who were occupying Lebanon. Unlawful arrests, incommunicado detentions, investigations without lawyers and trials conducted in total contradiction with the rights of the accused were almost systematic, as well as the practice of torture.

In the course of this study, it appeared that about 14% of those convicted¹¹⁰ were tried before April 30, 2005.

¹⁰⁵ Law N° 463 on sentences reduction September 17, 2002, and application decree N° 16910, May 6, 2006 (Appendix 5).

¹⁰⁶ See CLDH, *Report on Civil and Political Rights in Lebanon, 2007*, pp. 57-60.

¹⁰⁷ Out of 577 persons convicted.

¹⁰⁸ See Report, CLDH, *Lebanon, Youssef Chaabane: Forgotten by Justice*, June 20, 2007.

¹⁰⁹ CPC, Article 363 which allows not to apply Article 108 of CPC for cases submitted to the Council of Justice. (Appendix 3).

¹¹⁰ 86 judgments before 2005, out of 750.

- Confessions extracted under torture

The ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, ratified by Lebanon, are considered above domestic law by virtue of Lebanon's constitution. Both texts explicitly prohibit the practice of torture and the use of confessions extracted under torture during trials.

It should be noted that although the practice of torture, systematic before 2005, probably lessened after the Syrian withdrawal from Lebanon, confessions are still considered the highest form of evidence and judges have difficulty still today rejecting confessions signed by the defendants under torture in order to base their conviction on evidence and facts.

Saleh Kasseb, 41 years old, has been in Roumieh prison for 11 years. He would have been arrested and accused for a robbery and murder case in 1998, then sentenced in cassation in 2005 to 20 years imprisonment for armed robbery, after the criminal court sentenced him to life imprisonment.

During his arrest in November 1998, he would have stayed for 33 days (illegal period) in a cell in the Baabda police station where he was allegedly tortured every day, for about two to three hours per day, by members of the investigation team, notably by two persons who took turns to torture him after undressing him. The chicken position and blows all over his body are among the tortures he would have been subjected to.

During a prompt appearance before the investigating magistrate (who would have asked only three questions) and then before the Criminal court, he would have told the judges that he had been tortured and that his confession had been extracted under torture, but it had no consequences on his conviction.

Nehmeh El Haj was allegedly arrested by the end of October 1998 by the Syrian intelligence services and accused of the murder of two Syrians in Lebanon on October 23, 1998. He would have been kept in detention for a month by the Syrian intelligence services, notably in Anjar, where he claims to have been forced to sign confessions under torture before being handed to the Lebanese authorities (Zahleh police station) on November 25, 1998.

Judged on July 9, 2004 by the Baabda court, he was sentenced to the death penalty, sentence confirmed in cassation on February 12, 2009. In this case, it appears clearly that the initial declarations made by M. El Haj, in which he claims having signed confessions under the torture of the Syrian intelligence services, constitute the basis of his conviction, as well as some testimonies which are incoherent and lack credibility.

Persons Detained Beyond their Sentence

April – September 2009

Percentage of persons detained beyond their sentence	13%
Gender	
Men	86.4%
Women	13.6%
Nationalities	
Sudanese	26%
Ethiopian	26%
Sri Lankans	13%
Egyptian	8%
Bangladeshis	8%
Filipino	6%
Indian	4%
Iraqi	3%
Pakistanese	1%
Nepalese	1%
Tanzanian	1%
Other nationalities ¹¹¹	3%
Grounds for condemnation	
Illegal entry	44%
Illegal stay	37%
Theft	10%
Drugs	3 %
False identity/declaration	3%
Prostitution	2%
Unauthorized stay and work	1%

¹¹¹ Syrians, Nigerians, Jordanian, Russian, Malagasy, Somalian.



- 13% of incarcerated people in Lebanon remain deprived of liberty despite the end of their sentence.
- 100% of these persons are foreigners.
- 81% were convicted of illegal entry and/or stay.

Keeping a person detained beyond his/her sentence constitutes a violation of article 9.1 of the ICCPR, which states that “*no person shall be arrested or detained arbitrarily. No person shall be deprived of his liberty except on such grounds and in accordance with the procedure prescribed by law.*”

Moreover, the WGAD considers as arbitrary a deprivation of liberty “*when it is clearly impossible to invoke any legal basis that justifies it (such as continued detention of a person beyond the end of his sentence or despite an amnesty law applicable to him) (Category I).*”

Maintaining persons detained despite the end of their sentence constitutes a violation of domestic law, and may engage the responsibility of prison staff. Thus, under the CPC, all persons convicted must be released the day their sentence expires.¹¹² The internal rules of prisons stipulates that will incur a penalty of imprisonment of one to three years¹¹³, all guards, man or woman who agree to imprison, actually imprison or keep in custody a person without any justification or legal documents justifying such detention, or will maintain the latter in prison after the expiration of his sentence.¹¹⁴

Many prison directors shared with CLDH team their dismay and concern regarding the alarming situation of foreigners detained beyond the end of their sentence, waiting to be transferred to the Retention Center of the General Security.

Tripoli prison for women

At the time of our visit, **46%** of the women incarcerated in Tripoli prison were detained beyond their sentence, for some of them up to 15 months; all these women were foreigners, and sentenced for illegal stay.

¹¹² CPC, Article 406 (Appendix 3).

¹¹³ CC, Article 368 (Appendix 4).

¹¹⁴ Internal rules of prisons, detention places and juvenile centers, Decree n° 1430, February 11, 1949 and amendments, Article 58 (Appendix 1).

Consequences of prolonged administrative detention

A psychological study conducted by CLDH on foreign nationals undergoing prolonged administrative detention shows both psychological and physical impact of such detention.

Because of this practice, persons sentenced to one or two months in prison for violating immigration laws, are held in custody several months to several years beyond their sentence, without knowing the reasons or the duration of their prolonged detention.

The diplomatic representatives of their country visit them regularly and insist that they sign their deportation.

“As I have nothing, no one to support me, and to earn a little food, I began to serve inmates in my cell: I wash the toilets and prepare tea. They call me the slave,” explains an inmate from Bangladesh.

The vast majority of these people are without financial resources, news of their relatives or visits, and become somewhat “stray” or “beggars” within the prison.

Lacking adequate clothing, food, they bear the brunt of the degrading conditions of detention.

“We were 260 in the cell, we were sleeping stacked on our side, our bodies stuck to each other,” testifies an African inmate.

This situation is even more difficult to live, considering that these people sometimes come from a high social background and did not expect this kind of suffering when entering the Lebanese territory.

“In Iraq, I had a house and a good job. The war forced me to leave my country. And I am punished for it”, complains one Iraqi refugee.

During its visits to prisons, CLDH team ascertained the difficult conditions of most people detained beyond their sentence, who often couldn't hold back their tears while explaining their plight.

Among the psychological disorders that these people present:

- insomnia
- loss of appetite
- constant fear, anxiety
- memory loss
- depression
- cognitive disruption
- suicidal thoughts

Administrative detention as a means of torture?

CLDH could see the pain that people suffered under administrative detention, and addressed the following question: can this indefinite detention without any legal basis and recourse available be qualified as psychological torture?

The Convention against Torture¹¹⁵ defines torture according to three criteria:

- The kind of suffering inflicted (grave suffering, whether physical or mental)
- The notion of intentionality (notably with the purpose to put pressure on the person)
- The responsibility of state authorities (imposed by a public official)

Under the Convention against Torture, the term "torture" means notably any act by which (...) severe suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as (...) putting pressure (...) when such pain or suffering is inflicted by (...) a public official or other person acting in an official capacity (...)

The Convention specifies that the term "torture" does not include pain or suffering resulting only from legitimate sanctions, inherent in or caused by them.

¹¹⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1 (Appendix 7).

Comparative analysis of the qualification of torture and the practice of illegal administrative detention:

- The notion of acute mental suffering is present in persons detained in illegal administrative detention.
- Intentionality of the suffering also appears in these cases, since the goal is to force people who do not wish to leave Lebanon to sign their consent to return to their country of origin (including if their life is in danger, or if they believe so).
- The perpetrator of this intentional suffering inflicted to the person is indeed the Lebanese State.
- This suffering does not result from a legitimate punishment because it affects people whose legal sanction is served.

In these circumstances, it would appear that the systematic practice of illegal and prolonged detention of foreigners, which inflicts severe psychological suffering in order to make them sign their "voluntary" deportation, can be described as "psychological torture" under the Convention against Torture.

Incarceration of Foreigners



- 19% of inmates in Lebanon are foreigners.¹¹⁶
- 53% of foreign inmates are Sudanese.

Foreigners constitute a particularly vulnerable section of the prison population in Lebanon.

Victims of summary trials, during which they often lack the opportunity to speak, being deprived of interpreters and lawyers, their cause rarely heard by Justice, and the fact that they languish in Lebanese prisons, long after the end of their sentence, doesn't stir much the society.

It appears clearly that the universality of human rights is a very abstract concept, or even a nonexistent one in Lebanon. Recognizing that foreigners have the same human rights as Lebanese citizens, a fortiori those coming from poor countries, is far from being widely accepted.

Unfortunately, CLDH cannot evoke in detail hereby all the violations committed against foreign inmates, but hopes, through this report, to contribute to raising these people's voice in order one day to see in Lebanon a civilized immigration policy, and why not a model worldwide.

To determine the profile of foreigners imprisoned in Lebanon, and according to available data, CLDH studied a sample of 479 foreigners imprisoned, excluding stateless persons and persons of Palestinian and Syrian nationalities who have a special status in Lebanon.


¹¹⁶ Ranking of Lebanon in relation to data and statistics of 20 countries, 2009, OECD (Appendix 9).

Data analysis highlights two major issues that CLDH considered very important to address in this report, namely asylum seekers and refugees on the one hand, and migrant domestic workers on the second hand.

Male foreigners incarcerated: the issue of asylum seekers and refugees¹¹⁷

The main issues raised in this study regarding the situation of foreign men are asylum seekers and refugees.

Indeed, the majority of foreigners are people coming from Sudan, therefore potential asylum seekers¹¹⁸ who are usually arrested before getting access to UNHCR, which is habilitated to receive their asylum requests.



53% of male foreigners incarcerated are Sudanese, including **93%** sentenced for illegal entry.

The 1962 law on the entry and stay of foreigners in Lebanon and their exit from the country, which regulates the right to political asylum in Lebanon¹¹⁹, has no practical effect¹²⁰.

At the international level, Lebanon is not party to the UN Convention on the Status of Refugees and the actions of UNHCR in Lebanon are structured on the basis of a Memorandum of Understanding¹²¹.

Therefore, asylum seekers and refugees find themselves in a particularly difficult situation in obtaining legal protection and are subjected to a high risk of detention and deportation, in violation of the principle of *non-refoulement*.

To analyze the situation of asylum seekers and refugees incarcerated in Lebanon, CLDH studied a sample of 121 incarcerated male foreigners.

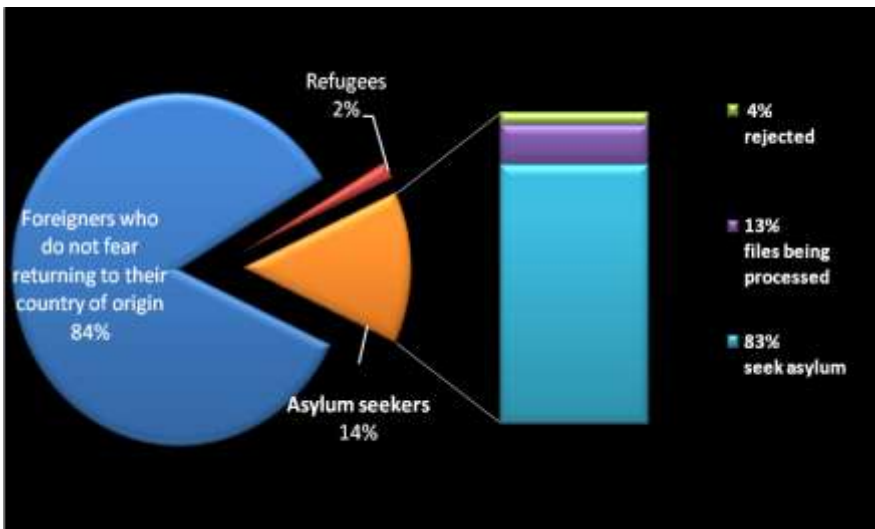
¹¹⁷ Out of 315 male foreigners imprisoned, excluding Palestinians, Syrians and stateless persons - in Roumieh prison, data on inmates' nationalities were not complete.

¹¹⁸ See *infra*.

¹¹⁹ Law regulating the entry and stay of foreigners in Lebanon, and their exit from the country, 10 July 1962, Articles 26 to 31. (Appendix5).

¹²⁰ The recognition of asylum under Lebanese law has been recognized only once in 1999, when the committee to issue political asylum, issued a refugee card to a Japanese citizen from the Red Army.

¹²¹ Memorandum of understanding between the General Directorate of the General Security and the regional office of the United Nations High Commissioner for Refugees concerning the processing of cases of asylum seekers applying for refugee status with the UNHCR office, 9 September 2003 (Appendix 5).



- **84%** didn't fear returning to their country of origin.
- **14%** were seeking asylum, including:
 - **83%** seeking asylum
 - **13%** whose files were being processed by UNHCR
 - **4%** whose files had been rejected by UNHCR
- **2%** were granted the refugee status.

These figures raise several issues/problems:

Access to UNHCR services

83% of asylum seekers incarcerated wanted to apply for asylum, but didn't have any access to UNHCR.

Refugees' incarceration

2%¹²² of the interviewed male foreigners had refugee status.

Expulsion

Lebanon must comply with several criteria, including verifying that the transfer will not expose the person to a situation where there are substantial grounds for believing that his life, physical integrity or liberty are in danger, or that he may be subjected to torture, inhuman or degrading treatment, under the CAT and the ICCPR¹²³ to which Lebanon is a party.

¹²² Out of 121 incarcerated foreigners.

¹²³ CAT, Article 3 ; ICCPR, Article 13 (Appendix 3). Article 2 of the Civil Procedure Code provides for the primacy of international treaties over the Lebanese law.

Incarcerated female foreigners: the issue of foreign maids

46%¹²⁴ of incarcerated female foreigners are Ethiopians, of whom 48% are convicted for illegal stay, and 21% for theft. This raises the problem of the legislation regulating the entry and residence of foreign domestic workers in Lebanon. Indeed, domestic workers in Lebanon who entered legally in Lebanon are only allowed to change employer following the latter's agreement with the General Security.

The foreign domestic workers are thus totally dependent on their employers; if they wish to change employers, they may be abused - sometimes even accused of theft - and if they flee, they may be arrested and detained for illegal stay. They are often kept arbitrarily in detention for many months.

Personal documents confiscated

The passports of domestic workers are confiscated, and delivered by the General Security to the employers upon their arrival at the airport. During this study, 61% of the domestic workers imprisoned¹²⁵ said their passports were held by their employer.

This constitutes an infringement of the freedom of movement of these people, and a violation of numerous international standards, including Article 21 of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families¹²⁶, which provides that “ *It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.* ”

The Sub-Commission on the promotion and protection of human rights moreover: “(...) *urges States to take all necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, especially migrant domestic workers.* ”¹²⁷

Already in 1997, the Human Rights Committee invited the Lebanese State to remedy this situation: “*The Committee has noted with concern the difficulties faced by many foreign workers in Lebanon whose passports were confiscated by their employers. This practice, which the Government has conceded must be addressed more satisfactorily, is not*

¹²⁴ Out of 164 female foreigners incarcerated, or all the foreign women detained in Lebanon, excluding Palestinians, Syrians, and stateless persons.

¹²⁵ Out of 92 female foreigners incarcerated.

¹²⁶ Adopted by the General Assembly, resolution 45/158, December 18th, 1990.

¹²⁷ Report of the Working Group on Contemporary Forms of Slavery, Resolution of the Sub-Committee on Human Rights 2000/19, August 18, 2000, paragraph 68, E-CN_4-SUB_2-RES-2000-19.

compatible with article 12 of the Covenant. The Committee recommends that the State party take effective measures to protect the rights of these foreign workers by preventing such confiscation and by providing an accessible and effective means for the recovery of passports.”¹²⁸

Non-compliance by the employers of their obligation to allow their foreign employees to hold their personal documents may constitute a criminal offense, i.e fraudulent use of the property of an individual under article 651 of the criminal code, a deprivation of liberty under article 569 of the criminal code, or also an abuse of trust under article 670 of the criminal code.

Embassies and consulates that do not protect the rights of their nationals

It is common to say that embassies, entitled to issue travel documents to their nationals, are responsible for the slow procedures of repatriation of foreigners imprisoned. However, according to this study, only 2%¹²⁹ of the women had no passport. The responsibility of embassies remains very limited in terms of passports issued.

However, embassies and consulates of migrant workers do not take action to protect them from abusive employers. At the employers’ house, many are sleeping on the floor, are not fed properly, work for reckless hours, are accorded no weekly rest day, or are not paid.

Once in Lebanon, their life falls in the hands of their employers and employment agencies operating often unscrupulously. They lose their human status and must complete a contract at any price, the price of their dignity and sometimes of their lives¹³⁰.

When they flee from their abusive employers without passports and most of the time without any money, domestic workers often go spontaneously to their diplomatic representatives, thinking that they will protect them. However, the latter send them back to their recruitment agency, without taking into consideration the nature of the abuses they were subjected to.

In August 2008, Human Rights Watch published a study showing that migrant domestic women workers in Lebanon were dying at a rate of more than one per week.

¹²⁸ Concluding observations of the Human Rights Committee: Lebanon. 01/04/97. CCPR/C/79/Ad.78.

¹²⁹ Out of 92 female foreigners incarcerated.

¹³⁰ Human Rights Watch, *Lebanon: Migrant Domestic Workers Dying Every Week, Most Deaths From Suicides or in Botched Escapes*, August 26, 2008. Available online, at <http://www.hrw.org/en/news/2008/08/24/lebanon-migrant-domestic-workers-dying-every-week>

Can we talk about slavery?

Domestic workers in Lebanon:

- see their passports confiscated,
- don't benefit from any protection of their rights and therefore find themselves in extremely vulnerable situations,
- are often subjected to working conditions and accommodation contrary to human dignity,
- are often trapped in their employers' home for periods of up to three years during which they may not be allowed to meet people from their culture,
- are often forbidden to communicate freely with their families.

The Committee against modern slavery defines domestic slavery from five criteria including three cumulative ones:

- **Confiscation of administrative documents**
- **Abuse of vulnerability**
- **Work and living conditions contrary to human dignity**
- Cultural isolation
- Family isolation

In the light of these elements, one can conclude that Lebanon practices domestic slavery.

RECOMMENDATIONS

CLDH demands to the Ministry of Interior:

- **The opening of a new retention center in compliance with international standards and norms.**
- **The continued allocation of sufficient material resources to renovate, maintain, and equip all prisons to ensure the prisoners:**
 - sufficient hygiene, lighting and ventilation
 - sufficient personal hygiene, in particular for women
 - balanced and sufficient alimentation
 - adequate bedding
 - spaces allowing communication of incarcerated persons with the external world (equipped visiting rooms and prepaid phone cards)
 - recreational and educational activities (yards, libraries)
 - sufficient access to information (lift the ban on access to newspapers included in the Internal Rules)
 - living areas suitable for people with physical handicaps
 - sufficient provision in terms of basic medical material and medication.
- **The continued allocation of human means:**
 - In terms of health (qualified medical personnel).
 - In terms of communication for foreigners (interpreters in each region).
- **Compliance by the security services of:**
 - The use of prison vans, in accordance with international standards on prisoners' transportation.
 - Rights of persons in custody, in accordance to article 9 of the ICCPR, ratified by Lebanon.
 - All practices regarding the detention of foreigners by the General Security in compliance with human rights.
 - Legal prohibition of the detention of all persons beyond the end of their sentence.

- **Reform of the prison system, in order to ensure efficient organization in compliance with international standards and norms.**

In general

- Review immediately the official capacity of each prison, currently over evaluated compared to the effective capacity.
- Ensure a better management of medical emergencies at night.
- Ensure a better coordination between the central pharmacy of prisons and the prison staff to secure all medical needs in prisons.
- Guarantee the confidentiality of meetings between incarcerated persons and their lawyers, in accordance to domestic legislation.

Concerning foreigners

- Ensure a better coordination between the prisons' staff, the General Security, and the UNHCR, for a systematic review of the situation of all foreigners, and a greater involvement of embassies at the request of inmates.
- Prohibit embassies to meet with their nationals incarcerated when the latter have requested – or would like to request - asylum or have the refugee status.
- Prohibit formally all arrest and/or detention of refugees and asylum seekers for the only offense of illegal entry and/or stay.

CLDH demands to the Ministry of Justice:

- To enforce the laws establishing monthly visits of judges in all prisons.
- To review all unfair trials.
- To systematically investigate all credible allegation of torture.
- To systematically cancel all preliminary investigation, during which credible allegation of torture appear.
- To pursue and prosecute all presumed perpetrators of torture.

- To conduct a thorough reform of legal aid.
- To ensure the presence of a lawyer throughout the investigation, and during trial, including for foreigners, who must also have an interpreter.

CLDH demands to the Lebanese Government:

- To establish the national preventive mechanism in the shortest time, in accordance with the OPCAT.
- To submit urgently the initial report to the United Nations Committee against Torture, due in 2001, and comply with the recommendations of this committee.
- To adhere to article 22 of the Convention against Torture, and recognize the competence of the Human Rights Committee to receive and examine any individual complaint filed by individuals who are victims of violations of the Convention against torture.
- To invite the Special Rapporteur on torture to a fact finding mission in Lebanon.
- To ratify the United Nations Convention on the protection of the rights of all migrant workers and members of their families.

CLDH demands to the Lebanese Parliament:

- To institute regular visits from the Parliamentary Commission on Human Rights in all Lebanese prisons.
- To close down all Ministry of Defense prisons.
- To close down the Adlieh General Security retention center.
- To amend the 1962 law on entry and stay of foreigners in Lebanon, to exempt any applicant for asylum from the offense of illegal entry into Lebanon.
- To cancel article 363 of the Criminal Procedure Code, in accordance to article 14 of the ICCPR.
- To adopt a legislative reform limiting the term of life imprisonment.
- To abolish the death penalty.

- To limit the military courts' prerogatives.
- To establish an appeal mechanism by a superior jurisdiction of the Council of Justice's decisions.
- To amend article 401 of the Criminal Code, in order to criminalize all forms of torture and bad treatments, including psychological torture; to adapt the penalty for the crime of torture, currently of three years, according to the severity of this crime.
- To make the internal rules of prisons comply with international standards and norms.
- To begin a legislative reform on the right of entry and stay of foreigners into Lebanon.
- To introduce in the criminal code the criminalization of domestic slavery, which would cover all *“situation placing a person in a state of vulnerability through a physical and/or moral restraint, including the confiscation of his administrative documents, in order to oblige this person to provide work without being awarded an adequate compensation and under conditions contrary to human dignity”*.¹³¹

Recommendations to nongovernmental organizations:

- To establishment a prisons' visitors system to support the most vulnerable persons incarcerated.
- To organize activities in all prisons.
- To promote the role of the Lebanese state, in particular the various concerned ministries in the field of education, health, and social support in prisons.

¹³¹ Committee against modern slavery

APPENDIX

Appendix 1 – Internal rules of prisons, 1949¹³² - Excerpts

Article 8: The minor detained or convicted shall be placed in special places pursuant to the texts of the Penal Code.

Article 9: The convicted women shall be placed in prisons especially reserved for them (...) However, the convicted women for a felony or misdemeanor shall be placed in the women's prison located in the district of the investigating judges in charge of their case or of the courts where they will be judged.

Article 15: The General Attorney of Appeal or his representative or the judge, who may be delegated by the Minister of Justice for this purpose, and the general prosecutors before the courts of first instance and magistrates - with the exception of those present in the centers of the courts of the first instance – shall have the right to monitor all the state prisons in relation to the legality of arrest and release, and they can, when they visit the prisons, request access to the register of prisoners and convicts, as well as to the log record of those put under the regime of isolation. If they wish to request some further clarifications beyond the matters outlined above, they have to organize this request in writing and submit the same to the direct President of the director of the prison or the platoon leader, provided to respect the provisions set forth in the Code of Criminal Procedure. The investigative judge and the magistrate shall visit once a month, and the heads of the criminal courts shall also visit once every three months persons held in places of arrest or in the prisons.

Article 20: The prison director shall order, upon the advice of the doctor, to transfer the sick prisoners to a prison hospital and shall take all necessary measures to ensure that care is provided.

Article 24: No man, except the doctor, shall have the right to enter the women's prison, but the prison staff (male) in charge of inspecting the prisons is authorized to enter in accordance with the provisions of Articles 13, 14 and 15 of this Decree. It is specifically prohibited the entry of the husbands of the women guards and their children in the prison.

Article 26: The women prisoners shall be trained in handicrafts that are commensurate with their aptitude under the supervision of the Director.

Article 28: The delegates of women's associations shall have the right to visit the women's prison in the hours designated by the Director and their visit must be limited to the guidance and training of prisoners, under the supervision of the Director.

Article 49: For convicted inmates suffering from blindness, paralysis or an incurable disease or who become very old or who became disabled and unable to work or those with a large number of minor children with no relative taking care of them, the commander of the gendarmerie battalion shall organize a special report in their regard in order to obtain the pardon or the application of the regime in force against them in accordance with the usual practice in requests for amnesty.

Article 52: The medical examination in the prison shall be done by:

- The doctors specifically designated by the Ministry of Interior after the statistics held by the Ministry of Health.
- Official public physicians if there is no private doctor for a particular prison.
- The doctors of the municipalities in the places that do not have official doctors.

A dentist appointed by the Ministry of Interior shall treat the prisoners' teeth once a week for every 300 prisoners.

¹³² Decree n° 1430, February 11, 1949, and amendments.

Article 53 - The doctors referred to in the preceding article shall visit the prison at least three times a week and they shall conduct a comprehensive health inspection, and take all protective measures from epidemic diseases, and take care of patients and visit them whenever the need arises. And they shall be consulted in matters of health and the properties of food provided by the contractors and sold in the shop. They have to write down their observations in the record no. 14.

Article 54 - At the end of each three months, the doctors shall put a detailed report on the state of the prison in terms of availability of health conditions and the status of prisoners, and they have to mention all diseases that have occurred indicating the number of injured and their causes. This report shall be transferred in two copies: the first shall be delivered to the director of the prison then forwarded to the Minister of Interior by the gendarmerie series ranks and the second to the Minister of Health with the knowledge of the doctor.

Article 55 - The doctors shall assist in the prisons hospitals the necessary number of specialist soldiers, and when necessary, they are assisted by one or more of the prisoners with good conduct who is chosen by the doctor, while maintaining the provisions of Article 59 of this Decree.

Article 58 - The detainees cannot be released without a written decision issued by the judiciary with competence and telephone calls are not accepted in this regard. And the prison director shall release those convicted in the time set for the end of their sentences. If the prison director found that there is confusion in the date of the prisoner's release or his release, then the case must be immediately submitted to the General Prosecution to take the adequate decision. The prisoners sentenced to cash penalties or legal fees and who refuse to pay them must be sent by the director of the prison before the General Attorney or the Magistrate, who should take the decision either to release them, or to imprison them, and in the latter case, they shall be returned to the prison. It is prohibited to release a prisoner at night, except in the following two cases:

- When the detainees to be released are returned to the judicial departments after locking the doors of the prison.
- The convicts who are covered by a general amnesty.

Article 60 - The prisoners shall have the right to daily outside walks in the yard for three hours, according to the timing established by the administration, under the control of one of the officers or gendarmes in the yard dedicated to this purpose, and they have the right to receive books and magazines with useful reading topics. Daily newspapers are prohibited on the prisons premises.

Article 61 - The detainees are kept in separate places and live in public rooms, unless if the magistrate had placed them in isolation. They are entitled to keep all their clothes.

Article 62 - Are detained in separate places those sentenced to hard labor for life temporary hard labor, life imprisonment, imprisonment with hard labor or simple imprisonment and they shall be completely separated from each other; if there is only one yard in the prison, then the detainees and convicts shall not find themselves in the same area for outside yard walks. However, the prisoners who are held in temporarily should not enter in contact with the rest of the prisoners.

Article 63 - It is permissible for the prisoners to receive from outside letters and assistance in cash and in kind within the limits and the conditions set forth in this regime. Except for exceptional circumstances, they shall not be entitled to send more than two letters per week and at the times determined by the prison director and their letters shall be clear and concise. Shall not be subject to this limitation the publications sent by the detainees to general prosecution and investigating judges and lawyers working on their case.

Article 67 - Shall be placed in every prison suitable books of literature, social and health subjects at the disposal of the prisoners for their guidance and enlightenment, and these books shall form the nucleus of a special library for the prisoners. Shall be assigned to the Department of the Prisons a number of teachers related to the Ministry of National Education and Fine Arts in order to provide teaching and counseling in prisons designated by the Department.

Article 68 - Any person could not visit the prisoners unless after obtaining a permit in writing from the authorities.

Article 69 - The visits shall be in the days and hours designated by the prison director and shall be endorsed by the gendarmerie commander of the battalion led by the prison officers and platoon leader for the rest of the prisons and in the room specially prepared for the reception and in the presence of one of the officers. The lawyers' visit to the detainees can be conducted as well in the reception room, but in any time of the day without the presence of a guard if requested by the lawyers or the detainees. The visit cannot exceed fifteen-minute except for the counsel of the detainees.

Article 70 - The persons authorized to visit the prisoners can not in any way eat or drink with them. The permit to visit shall not be granted initially unless to the relatives of the prisoners and for one time only per visit and the number of visitors should not exceed four people unless if they are the parents of the prisoner, his descendants or his wife. Those who were previously convicted and behave in a suspicious way may not visit the prisoners except if they are the descendants or the relatives of the detainees.

Article 71 - The visit of women prisoners shall only be allowed for close relatives. The prisoners undergoing punishment for disciplinary reasons are deprived of visits and gifts for the duration of their sentences. Only detainees can continue to meet with their lawyers.

Article 73 - It is not permissible for prisoners to accept any cash assistance directly from their visitors. The amounts that the visitors wish to give them, shall be paid to the warden of the prison and shall be recorded in the accounting records with both the signature of the prisoner and the visitor.

Article 74 - The detainees in isolation may not be given the right of visit at all, unless with the leave of the judge who decided to isolate them.

Article 74 repeated - In contrary to the provisions of Articles 68 to 74 implied herein from the Decree No. 14310 dated 11/02/1949 amended, allowing the delegates of the International Committee of the Red Cross to visit the prisoners of their choice and to speak to them freely without a controller or to register the time of the visit in the place chosen by the delegates to this end within the prison. It also allows to them to record the identity of the prisoners whom they meet. It also allows the medical representatives of the International Committee of the Red Cross to access all prisoners whom they choose, and to examine them without a controller. A room in every prison shall be reserved for this purpose. The doctors in charge of medical administration in every prison shall provide medical assistance to the medical delegates of the International Committee of the Red Cross and shall provide them with all the information necessary to carry out their duties. To this end, these medical delegates shall be allowed to review medical files of the prisoners and to access all medical facilities that benefit the prisoners. The sole purpose of these visits shall be limited to assess the physical and psychological conditions of the prisoners, as well as the prison conditions and their treatment, in the past and the present, and any other problem with a strictly humanitarian character.

Article 75 - The delivery of food and other necessary things shall be done in time designated by the director of the prison.

Article 76 - It shall be prohibited for the contractor who provides food to the prison to enter the prison or to have contact with the prisoners.

Article 77: The quantity and the quality of food served to each prisoner per day shall be determined as follows:

1. First category
Labne or cheese of 100 grams four times a week with a cup of tea.
Jam or sweetness: 100 grams three times per week with a cup of tea.
2. Second category
Grains 150 grams per day of the following ingredients together or separately (beans, peas, rice, lentils, Homs, dry beans, grit).

3. Third category
Fresh beef meat: 150 grams twice a week.
Fresh chicken meat: 200 grams twice a week.
4. Fourth category
Potato 300 grams per week
Spaghetti 100 grams one time every two weeks
Two Eggs: per week
Arabic bread 500 grams per day
5. Fifth category
Vegetables 180 grams per day of the following types together or separately: (Tomatoes, squash, green beans, eggplant, kidney beans, spinach, cauliflower, carrots, cabbage, peas)
6. Sixth category
Olive oil, oil or margarine Sugar: 15 grams per day of each type
Tahini and tea: 5 grams per day of each type
7. Seventh category
Salt, seasoning, onion, Tomato Paste, citron, garlic, coriander according to the requirements of the daily meal or assigned portion.
8. Eighth category
Fruit 100 grams per day of the following types together or separately: (apples, oranges, bananas, grapes)

Article 78 - Daily meal doses are allowed to not be strictly respected if the meals and doses taken during the week are equivalent to the sum of daily meal doses. Three meals daily shall be made with these ingredients, according to the weekly meal schedule previously set by the prison director and indicating food composition and doses.

Article 79 - In the prisons in which meals are not prepared by a contractor cooked meals can be replaced with dry food consisting of 20 grams of olive oil, 150 grams of dried chick peas, 100 grams of fig or dry dates.

Article 80 - Pregnant or breast-feeding women and patients who are treated at the clinics of the prisons or their hospitals should take special meals in accordance with the prescriptions of the prison doctor.

Article 81 - The detainees shall bring in food from outside, provided that they shall respect the rules and the timelines established by the prison director in this case, they do not have the right to eat the meals served in the prison. If the detainees abuse this right, they may be deprived from bringing food from outside.

Article 85: For the convicted who must wear the prison uniform, they should take off their personal clothes. These should be washed and disinfected, then folded and put away in a bundle with the name of the convicted. They are kept in the warehouse and are returned upon the day of the convicted's release. Before putting on the prison uniform, the convicted must take a bath.

Article 86 - The mattress of every prisoner includes a mat or a carpet and a bed of straw and a pillow and a sheet and a blanket and a stuffed straw mattress and a pillow of fifteen kilograms of straw or dry grass, which is disinfected every year. The sheets are washed every month in the winter and every 15 days in the summer. This equipment shall be renewed every time it is rotten following the suggestion of the prison director and the approval by the Ministry of Finance. When the mattress is returned to the depot, the straw is burned, the sheets are washed and the blankets are disinfected by steam.

Article 87 - The detainees may bring from the outside a mat, mattress, sheets and blankets provided that they conform with the measures imposed in prison.

Article 89 - Every prisoner shall hang out and fold his mattress. He must take care of cleaning his cell or his dormitory. Inmates should, in turn, sweep cells and dormitories as well as their annexes and clean them. They must execute all public services to preserve the cleanliness and hygiene of the prison.

Decree n° 6164, issued on December 12, 1994

Shall be placed in a special wing in the central prison of Roumieh people with mental illnesses who are sentenced to imprisonment. The Ministry of Interior - Directorate General of Internal Security Forces – shall arrange the room to make it compatible with the needs required by the detention conditions of the sick inmates. The Ministry of Public Health shall ensure the necessary medical equipment for treating various mental illnesses in addition to the requirements of medical care for the prisoners as well as for the detainees.

Article 109 - The prison management must ensure that prisoners are washed before entering prison. The prisoners must wash their faces and hands every morning and must change their underwear at least once a week. The prisoners must take showers twice a week in winter and three times a week the rest of the year.

Article 110 - The hair of the prisoners must be very short and they must shave their beards twice a week at least if they were not shaving their beards before entering the prison. If no inmate can work as a barber, the director of the prison must ensure the services of an outside barber at the expense of the State. The political prisoners and the detainees can be dispensed with hair cut and shaving provided that rules of hygiene are respected. The prison doctor may have the right, for hygiene reasons, to request to cut the hairs of political prisoners and detainees.

Article 111 - Every prisoner has the right to a daily allowance of twenty grams of soap for personal hygiene and shall be recorded what is delivered and distributed in the special register.

Article 112 - The cells must be swept every morning and evening, rooms must be aired out, the trash must be emptied three times a day and washed with water with filled pitchers

Appendix 2 - Internal Rules of Procedure of the prisons related to the Ministry of National Defense - Army Commandment, 1995¹³³-Excerpts

Article 2 - The prisons under the commandment of the army (Ministry of National Defense) are the following: prison of the Military Court ; prison of the Military Police; prison of the Military Police Department in the regions; prison of the Directorate of Intelligence Services; prison of the branches of the Directorate of Intelligence Services in the regions. The detainees and the convicted are detained in these prisons regardless of the length of their sentence.

Article 3 - The detainees and the accused are detained in the prisons mentioned above, and pursuant to the Government Commissioner's order before the Military Court.

Article 4 - The minors arrested or convicted shall be put in separate places in the prisons specified in Article 2, and pursuant to the Criminal Code (Article 124). A room shall be reserved in each prison in order to place the minor prisoners, and shall be specified the special times for their visit and their outside walks in the yard, as well as for all their daily activities within the prison, to be undertaken in different times from those allocated to the other prisoners.

Article 5 - The women prisoners shall be placed in special places reserved for them in the prisons specified in Article 2 of the current Decree.

Article 10 - The prison director, pursuant to the opinion of the physician in charge of the examination of sick prisoners, shall order to transfer these prisoners to the appropriate places of treatment. In cases of a health emergency, the prisoner shall be transferred on the initiative of the prison director, in order to provide the necessary care to the prisoner or to prevent his escape.

Article 21 - All the staff members in charge of the supervision, the administration and the management of the affairs related to the convicts and the detainees shall follow a special session in the supervision and the direction before starting their duties, and they shall also look at all laws, decrees, regulations and directives related to the management of the prisons.

Article 25 - The heads of medical care in the army are in charge of the management of medical care in the prisons located within their scope.

Article 26 – The doctors mentioned in the previous article shall visit the prison at least three times per week, and shall start with a comprehensive health inspection and take all protective measures against epidemic diseases, and shall also take care of the sick prisoners and visit them whenever necessary.

Article 27 – At the end of every three months, the doctor shall prepare a detailed report on the state of the prison regarding health conditions, and he shall mention all the diseases that appeared, the names of the sick and the causes of these diseases. There should be two copies made of this report: the first to be delivered to the prison director who then submits it to the Commander of the Army, and the second to be sent to the Minister of Defense.

Article 28 – In case a prisoner has a contagious disease which could cause the spread of an infection within the prison or the department, the director of the prison should isolate him and immediately contact the concerned doctor for his examination as well as the examination of all the inmates of his cell as well as his clothes and to respect his directives and restrictions.

¹³³ Decree n° 6236, January 17, 1995

Article 29 - The specialist doctor shall specify in the report the status of the patient, the seriousness of the prisoner's status and the need to transfer him to the hospital in an immediate, accelerated or standard way, in order to take the necessary measures according to the same.

Article 30 – The sick prisoner shall be transferred to the central military hospital in case of necessity and, if not for any reason, he shall be transferred to governmental hospitals or those contracting with the army.

Article 31 - The prison nurse shall undertake to give drugs and injections for sick prisoners in accordance with the instructions of the prison physician and to make sure that they have in fact taken them.

Article 32 – The sick prisoner, if he was detained, shall not be transferred outside the prison for treatment or hospitalization, unless after obtaining the approval of the competent general prosecution or the government commissioner before the military court, and the sick prisoner shall be supervised during his treatment by the commander of the prison; the latter shall follow-up on the health status of the sick prisoner in coordination with the physician and the prison doctor in order to return him back to the prison following his healing.

Article 33 – In the event that a decision has been taken to release the sick prisoner while he is under treatment in the hospital, then the commander of the prison shall duly execute the judicial decisions.

Article 34 – The competent judicial authorities may appoint legitimate doctors to examine the prisoners in order to verify their health conditions inside the prisons or the departments, and this must be done under the supervision of the director of the prison and after notifying the concerned head of the military health department to whom must be delivered a copy of the medical examination report in order to see the same and approve what is needed.

Article 35 - Should not be given any prescription for the prisoner, and shall not be carried out any decision to treatment or to transport to the hospital unless it is accompanied with the consent of the President of the military medical care unit of the prison.

Article 36 – Any patient detained in the prison shall not be transferred to the hospital or to any other place for examination before taking the opinion of the judiciary authority, which has ordered his arrest if the latter cannot be reached for any reason and the patient's condition requires urgent care, then the approval can be granted by the General Prosecution of the region where the prison is located. All the measures to inform the concerned and competent judiciary authority and to be referred in all correspondences related to this matter should be taken later.

Article 37 – Any sick prisoner suffering from a psychological or mental illness shall not be transferred to a prison for the mentally ill without a previous agreement from the physician specialist supervising this prisoner who should examine him and decide on the necessary steps to be taken.

Article 38 - The prisoners shall be granted the necessary facilities in order to complete their religious duties, and clergy persons shall be allowed to visit the prisons upon the request of the President of the Community, and upon the proposal of the Commandment of the Army, and with the approval of the Minister of National Defense.

Article 39 - The persons arrested and convicted shall sleep in the rooms of the prison that are also used for eating; they should clean them themselves.

Article 40 - The prisoners shall take care of their daily hygiene such as washing their faces and hands, taking a shower and changing their underwear, under the supervision of the director of the prison or his delegate.

Article 41 – The hair of the prisoners should be very short and they should shave their beard twice a week at least, and the haircut shall be provided by a military barber from the military segment of the prison. The military doctor, and for health reasons and upon his responsibility, shall have the right to request from the director of the prison to cut the hair of all or some of the convicts.

Article 42 - The prisoners shall be allowed to outside walks in the yard every day, under supervision and according to the time prescribed by the director of the prison in an area specially reserved to this effect.

Article 43 – Shall be allowed the entrance of books and magazines with useful topics upon the approval of the director of the prison.

Article 44 – Shall be prohibited the entrance of daily newspapers, books and other documents dealing with on political, partisan or syndicate topics, or those which publish pornographic images.

Article 50 - The dates of visits shall be specified in each prison by a decision of the commandment of the army and upon the suggestion the director of the prison and the visits shall be done in the places allocated for the reception with the presence of a guard in charge.

Article 51 - The lawyer can request to visit his client in any given day and the visit shall take place and its date shall be determined as requested by the lawyer in the space provided for reception in the presence of a guard in charge, unless the prisoner or his client request otherwise, in which case he shall leave immediately but the visit must take place within seeing field of the guard in charge. It is not permissible for lawyers to meet more than one prisoner per visit.

Article 52 - The permit for ordinary visits is granted one time per visit and for fifteen minutes only, and the number of visitors may not exceed four persons per day. Preference for visits will be given to the prisoners' parents and relatives. The persons authorized to visit prisoners may not, in any way, eat or drink with them.

Article 53 - The visit of women prisoners are only allowed for relatives.

Article 55 – It is not permissible for prisoners to accept any cash assistance directly from their visitors. The amounts that the visitors wish to give them shall be paid to the warden of the prison and shall be recorded in the accounting records with the signature of both the visitor and the prisoner.

Article 56 - The detainees put under the regime of isolation may not be given the right of visit at all, unless with the leave of the judge who decided their isolation.

Article 57 - The food for prisoners shall be provided by the administrative department that gives food to the prison staff. The total number of calories provided in the meals shall not be less than 2100 calories per 24 hours. The prisoners can get their food from outside provided that they do not exceed the limits of the rules and respect the timing and agreement specified by the warden of the prison; and in this case they shall not be entitled to the normal meals mentioned above. The sick prisoners can get special food in accordance with the accord of the competent doctor in charge of the examination of the prisoners.

Article 59 - Each prisoner shall be given a bed including a piece of sponge or cotton, a pillow, a fitted sheet and two blankets, in order to keep the rules of hygiene by the director of the prison and the supervising doctor.

Article 60 - When returning the bed of the prisoner to the store, it shall be cleansed with the means available, or shall be destroyed if necessary upon the signal of the competent doctor.

Appendix 3 – Criminal Procedure Code, 2001¹³⁴- Excerpts

Article 42 - If the flagrant offense is of a criminal nature and the necessities of the investigation require to keep the suspect in custody for a longer period of time, then the extension of the deadline until four days at most shall be applied by a written decision made by the General Prosecutor of Appeal, who issued the same after viewing the file, and verifying the need for extension. The suspect, his lawyer or any member of his family, has a right to request within the additional period of time to appoint a doctor to examine him. Furthermore, the General Prosecutor shall be entitled to appoint a specialist doctor as soon as the application has been submitted to him, and the doctor shall conduct the examination without the presence of the Justice Officer, and shall present his report to the General Prosecutor within a period not exceeding twenty-four hours. In any case, the length of detention shall be deducted from the sentence that may be pronounced. The Justice Officer shall be committed to complete confidentiality in all procedures carried out. If it is proven that he has disclosed the contents of what he took as documents, letters, or any other information that the suspect wanted to keep secret, he is susceptible of being prosecuted before the correctional judge of the circumscription in which the incriminating act was committed and may be sentenced to prison between one month and one year and to a fine ranging from two hundred to two million pounds or to either one of these two punishments.

Article 47 - The Judicial Officers, in their capacity of assistants to the Public Prosecution, are entrusted with the responsibility of investigating crimes other than those in flagrante delicto, collecting information related to them, conducting inquiries with the aim of discovering the perpetrators and the participants in the crime as well as collecting evidence, with whatever that may entail regarding seizing criminal materials, physical inspections of the crime scenes, conducting scientific and technical studies on traces and features left behind, listening to the statements of the witnesses without swearing them in and to the declarations of the subjects of the complaints or the suspects. If they refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements. The Judicial Officers must inform the Public Prosecution of their proceedings and follow its instructions. They do not have the right to search a house or a person without the prior authorization of the Public Prosecution, in which case they must abide by the procedures defined by law for the Attorney General to follow in cases of flagrante delicto. Every search they conduct in violation of these procedures will be considered as null and void. However, the invalidation will be limited to the search and will not go beyond to include other independent proceedings. They are prohibited from holding the suspect in their lock-up rooms except by decision of the Public Prosecution and for a period which does not exceed 48 hours. This period can be extended for a similar period of time if the Public Prosecution approves it. The detention period starts running from the time of the suspect's arrest. When being detained for investigation purposes, the suspect or the subject of the complaint has the following rights:

- To call a member of his family, or his employer, or a lawyer of his choice or any of his acquaintances.
- To meet with a lawyer he appoints by a declaration noted on the official report without having to duly draw up powers of attorney.
- To request the assistance of a sworn translator if he is not proficient in Arabic.
- To make a direct request or via his legal representative or a member of his family to the Attorney General for a medical examination. The Attorney General will appoint a doctor for him immediately upon receipt of the request. The doctor must carry out the examination without any judicial officer being present and submit his report to the Attorney General within a period not exceeding 24 hours. The Attorney General will provide the applicant with a copy of this report as soon as he receives it. The detainee, or any of the persons previously mentioned, have the right to request a new medical examination if the detention period is extended. The judicial police must inform the suspect, immediately upon his detention, about his rights as previously stated and must record this proceeding in the official report.

¹³⁴ Law n° 328, August 2, 2001, Amended by law n°359, August 16, 2001

Article 107 - The investigating judge shall immediately investigate the defendant requested via a paper invitation. The defendant, who brought the note, shall be investigated within twenty-four hours from the time of the subpoena against him. Upon the expiration of the twenty-four hours delay, the Chairperson of the prison shall bring the defendant to the General Prosecutor to request the investigating judge to question him. If the investigating judge does not follow up on this request or is absent, the General Prosecutor will ask the first investigating judge to question him or entrust an investigating judge to do so. If they could not interrogate him, the General Prosecutor shall order his release immediately. If he continues to be held for more than twenty-four hours without being brought to the General Prosecutor by the director of the prison, his act shall be deemed arbitrary and shall be susceptible of criminal prosecutions. After the interrogation and after receiving the opinion of the Public Prosecutor, the investigating judge can make a decision to arrest the interrogated person provided that the offense committed is punishable by imprisonment for more than a year or if the person has already been sentenced to a criminal penalty or to imprisonment for more than three months without probation. The decision on preventive detention must be justified and be the only way to

- preserve the evidence
- prevent the coercion of the witnesses or the victims
- prevent the defendant from contacting his accomplices
- protect the defendant himself
- prevent the consequences or the recurrence of the offence
- prevent the defendant to escape or avoid any disruption of public order caused by the crime.

Article 108 - Except for persons already sentenced to at least one year imprisonment, the length of preventive detention for misdemeanors shall not exceed two months. In case of extreme necessity, it is possible to extend this period to a period of similar duration at most. Except for murder and drug crimes and attacks on state security and crimes presenting a global threat and for persons already sentenced to a criminal penalty, the period of preventive detention for crimes shall not exceed six months and may be renewed once for a similar length following a reasoned decision. The examining magistrate may decide to prevent the defendant from traveling for a period not exceeding two months for misdemeanors and one year for felonies

Article 362 - The investigating judge before the Justice Council shall issue all orders required by the investigation without a request from the General Prosecution. His decisions in this regard shall not be subject to any form of appeal. He should process the file in an objective manner. In the event that the investigation shows the existence of a person having participated in the crime, he shall be interrogated as a defendant even if he is not mentioned on the list of persons charged by the Public Prosecutor. The Public Prosecutor can charge at a later stage a person who has been omitted from the original charge and the investigating judge should then interrogate him as a defendant.

Article 363 - Taking into account the provisions of the preceding article, the investigating judge before the Justice Council shall apply the due process before an investigative judge with the exception of the period of preventive detention provided for in Article 108 of this law.

Article 402 - The General Prosecutor of Appeal or the Financial General Prosecutor, the investigating judge and the correctional judge, shall visit once a month, the people held in places of preventive detention and the prisons within their circumscription.

Article 406- (...) the convicted is released on the last day of his sentence.

Appendix 4 – Criminal Code¹³⁵, 1943 - Excerpts

Article 37 - The ordinary criminal sanctions are the following:

- 1 ° – Execution.
- 2 ° – Life hard labor.
- 3 ° – Life imprisonment.
- 4 ° – Provisional hard labor.
- 5 ° – Provisional arrest.

Article 38 - Political criminal penalties are the following:

- 1 ° – Life imprisonment.
- 2 ° – Detention
- 3 ° – Exile.
- 4 ° – House arrest.
- 5 ° – Civil forfeiture.

Article 53 – The range of offenses shall be paid by a fine between fifty thousand Lebanese pounds and two million Lebanese pounds, unless the law has pronounced otherwise. The fine may be paid upon the special provision of installments at least equal to the minimum sentence on the condition that the last term shall not exceed one year from the day that the sentence became irrevocable. If the installment is not paid in time, the total amount of the fine becomes due.

Article 54- The fine may be replaced by simple imprisonment without a previous warning if the fine has not been paid within thirty days starting from the date of the implementation of the judgment in accordance with due process. The sentence and in the absence thereof, a special decision, shall determine the length of imprisonment substituted by considering one day of the sentence equivalent to a fine between 2000 LL and 10,000 LL. The replacing by imprisonment shall not exceed one year and in that event, shall not exceed the maximum duration of the original prison sentence. If the convicted person is known to have perceptible income, it is possible to resort to forced execution by imprisonment. Shall be deducted from the original sentence in the proportion set by the judgment as stated in the second paragraph of this article - every partial payment received either before imprisonment or in its course as well as any amount collected.

Article 61 – The fine shall be range between six thousand pounds and fifty thousand pounds.

Article 62 – The fine may be replaced by a simple imprisonment with no previous warning if the fine has not been paid within thirty days from the date of the implementation of the judgment. The sentence and in the absence thereof, a special decision, shall determine the length of detention substituted by considering one day of the sentence equivalent to a fine between 1000 LL and 4000 LL. The replacing penalty shall not exceed 10 days and in this event, shall not exceed the maximum penalty of the original sentence. Deducted from the original sentence set by the government - as stated in the second paragraph of this article - every partial payment made before imprisonment or in its course.

Article 64 – The criminal fine may be ranging between one hundred thousand pounds and six million pounds. (...) Shall be substituted to the fine in case of non-payment the penalty of hard labor or detention, provided that the main sentenced pronounced against the accused is that of hard labor or any other criminal sanctions.

Article 367 - Anyone who has arrested or detained a person in circumstances other than those provided for by the law shall be punished by provisional hard labor.

¹³⁵ Decree-Law n° 340, March 1, 1943 and amendments.

Article 368 – The directors and the guards of the prison, or the disciplinary or correctional institutions, and all of the staff carried out exercising their powers who have accepted a person without a warrant or judicial decision or they arrest him beyond the deadline, shall be punished by imprisonment from one year to three years.

Article 401 – Whoever submits a person to acts of violence not permitted by the law for the purpose of obtaining a confession or information about a crime will be punished by imprisonment from three months to three years. If such acts of violence lead to illness or injury, the minimum punishment of imprisonment will be for one year.

Article 569 – The person who deprives another of his personal freedom by abduction or any other means shall be punished by imprisonment with provisional hard labor. The offender will be punishable by hard labor for life in each of the following cases:

1. If the deprivation of freedom exceeded one month.
2. If the person deprived of his freedom endured physical or moral torture.
3. If the offense occurred on an employee while he was in the course of his job or because he belongs to the same.
4. If the motives were religious or political or if the crime was committed in revenge or retaliation against an act committed by a person other than the victim who is a member of his religious community, his political party or family.
5. If the perpetrator used the victim as a hostage to intimidate individuals or institutions or the State in order to extort money or to coerce them to execute his orders, undertake an action or avoid undertaking an action.
6. If the crime of depriving of liberty is committed following the assault or the hijacking of a means of public or private transport such as a car, train, ship or plane.
7. If the crime was committed by two or more persons who were armed when committing the crime.

The penalty shall be strengthened in accordance with Article 257 if the offense resulted in death of a person as a result of terror or any other reason that has to do with the incident.

Article 651 – any person who uses without a right or any intention to steal what belongs to another shall be liable, if the incident is susceptible of causing harm, to a penalty of up to six months imprisonment and a fine between fifty thousand to two hundred thousand pounds or either of them.

Article 670 - Any person who intentionally conceals, misappropriates, wastes, damages, or disrupts a title deed containing a commitment or release or any other movable property which he has been entrusted for lease, security or mortgage, or to work for a wage or unpaid position, charged with returning it or not, or to make a determinate use thereof shall be punished by imprisonment from two months to two years and to a fine ranging between one-quarter to half of the value of the restitutions and damages and not less than fifty thousand pounds.

Appendix 5 – Domestic Legislation

- **Law regulating the entry and stay of foreigners in Lebanon, and their exit of the country, issued on July 10th, 1962, Official Gazette, No. 28-1962**

Article 26 - Every foreigner who is the subject of a prosecution or sentenced to a political offense from a non-Lebanese authority, or whose life or liberty is threatened also for political reasons, can request political asylum in Lebanon. The Articles 196 and 197 of the Criminal Code shall be applied for the definition of the political offense. The provisions of articles 30 to 36 of the Criminal Code relative to extradition remain applicable.

Article 27 - Asylum shall be granted by virtue of a decision issued by a committee composed of the following:

- The Minister of Interior, the President
- Justice foreign affairs and general security directors and members.
- In the case of equality of votes, the voice of the President shall be paramount.
- The decision of this commission is irrevocable and cannot be the object of an appeal, even in the case of abuse of power.

Article 28 - The person who is granted the right of political asylum shall be delivered a special card from the Directorate General of General Security that records his full identity and the conditions imposed on him when appropriate.

Article 29 - The Commission can refuse to grant asylum or to cancel it at any time or restrict it for instance by forcing the beneficiary to reside in a specific place.

Article 30 - The person who is granted the right of political asylum shall not be entitled, during his stay in Lebanon, to engage in any political activity.

Article 31 - If it has been decided to deport a political refugee, he may not be deported to a state where he fears for his life or liberty.

- **Law No. 463 concerning the reduction of the sentence of September 17th, 2002, and the implementation of the Decree No. 16910 dated 06/05/2006**

Article 1 - Unlike any other text, the law anticipates the right to reduce sentences to every person convicted of a sentence depriving him/her of liberty and on good behavior and this, in accordance with the provisions of this law.

Article 2 - Reducing sentences shall be proposed by a commission composed of:

- A full-time judge appointed by the Minister of Justice, after the approval of the Supreme Judicial Council, as president.
- The director of the central prisons in terms of the prison and its subsidiaries.
- The director of a prison in which the concerned convicted is detained.
- Two doctors: one doctor of the prison for every clinical questions and the second doctor, a specialist in mental and psychological illness nominated by the Minister of Justice.
- A social worker nominated by the Minister of Justice.

Article 3: The Committee shall draw up a detailed and motivated proposal, in each of the first half of June and the first half of December of each year, with the names of the convicted prisoners who are entitled to receiving a reduction of their sentences. The commission should examine the situation of each convict and check that the following conditions are verified:

1. The convicted is on good behavior and his release may not constitute a danger for himself or for others taking into consideration his mental, psychological, medical and social state.
2. The sentence to which he was condemned is not inferior to six months. 3 – The convicted assembles the required conditions for the category to which he belongs in accordance with the provisions of article 4 of this law.

Article 4 - The convicted persons shall be classified in the following categories:

- First Category: Persons convicted to a misdemeanor or a provisional criminal charge. They may benefit from reducing his sentence at a rate of its sixth and its half in the case he was carried out at least half of his sentence and made the general conditions as mentioned in Article 3 of this law.
- Second Category: Persons convicted of a misdemeanor or criminal charge sentenced to life imprisonment. They may benefit from a sentence reduction provided that they have served at least 10 years of their sentence and that the conditions of article 3 are met. The sentence resulting from the reduction shall not be inferior to 10 years and should not exceed 20 years.
- Third Category: The sentenced persons who suffer in prison of blindness, paralysis, or any other incurable disease or convicted persons who suffer from a serious illness that threatens their lives or the lives of other prisoners, or who are disabled and are unable to help themselves and are completely dependant.

All of those people can be exempted from serving the rest of their sentence if the commission has proved that they are suffering from one of the diseases aforementioned.

Article 5 - The Committee shall submit its proposals to the competent court.

Article 6 - One of the rooms of the Court of Appeal in Beirut shall be responsible for processing cases of propositions to commute prison sentences. The Chairman of the Commission who has provided these propositions joins the members of the Court of Appeal and meets with them but does not hold veto rights.

Article 7 - The Court shall have the right to take every measure necessary to verify what is stated in each file of convicted persons and to ensure that the legal conditions are met. The court also has the right to summon the convicted person concerned to interrogate him/her, or to request records and documents that would shed light on the file, or to go to the prison (with all members of the Court) to better assess the behavior of the convicted person whose case is under study.

Article 8 - The Court shall consider all of the files submitted and must take a decision within a period of at most two months from the date of their receipt.

Article 9 - The court must provide sufficient explanations and indicate the factual bases on which it based its decisions and reached its legal conclusions.

Article 10 - The Court's decisions are enforceable and shall not be subject to any form of appeal.

Article 11 - The commuted sentences do not include accessory, additional sentences or preventive measures.

Article 12 - The court shall submit the commutation of sentences to the following conditions:

1. That the convicted shall provide bail in the amount set by the Court. The bail shall be returned to the convicted, if in a delay of two years (for misdemeanors) and of five years (for criminal charges) the convicted does not commit equal or greater offense than the one he/she was convicted for and whose sentence was commuted.
2. That the convicted shall renounce his/her personal rights or prove the payment of compensation to which he/she was fined.

Article 13 - The convicted person may be subjected to social control by the social worker appointed by the court which determines his/her tasks. The length of the assignment shall not exceed two years for misdemeanors and fines and five years for crimes. The social worker shall submit to the court automatically every three months, a report indicating how the convicted person has evolved and if he/she has reintegrated society. The court shall listen to the convicted person and to the Social Assistant in order to discuss the contents of the report if necessary.

Article 14 - The convicted person shall lose the sentence commute and shall be subject to the remainder period of the original sentence in the following cases:

1. If he did not adhere to the prescribed obligations by virtue of the Article 12 of this law.
2. If the court finds from the report of the social worker and from the investigations that can be carried out, that the convicted person has not improved and has not reintegrated society.
3. If the convicted person has committed, in a delay of two years for misdemeanors or fines or five years for criminal charges an equal or greater offence than the one he/she was convicted for, provided that this new offence was confirmed by a definitive ruling of a competent court. The Court, which decided to commute the sentence, has the jurisdiction to decide on the loss of the commute at the request of the public prosecutor concerned. In case of loss of the sentence commute, the concerned public prosecutor should continue to implement the serving of the remainder of the convicted person's original sentence.

Article 15 - Shall be considered excluded from benefitting from sentence commute the following crimes:

- Crimes representing a general threat: such as terrorism, arson, counterfeiting and distributing false currency, human trafficking, drug trafficking.
- Criminal associations and armed gangs.
- Crimes set forth in Article 549 of the Criminal Code (death penalty)
- Crimes of raping minors.
- Crimes against the security of the state and public money.
- Convicted second offenders.

- **Memorandum of understanding between the General Directorate of the General Security and the Regional Office of the United Nations High Commissioner for Refugees concerning the processing of cases of asylum seekers applying for refugee status with UNHCR office, September 9th, 2003**

Whereas Lebanon does not consider itself as an asylum country due to several social, economic and demographic considerations, in addition to the problem posed by the presence of the Palestinian refugee population on its territory;

Whereas Lebanon is not an asylum country and the only viable durable solution for refugees recognized under the mandate of UNHCR is the resettlement in a third country, the term « asylum seeker » shall mean, for the purpose of this Memorandum, « a person seeking asylum in a country other than Lebanon ».

Appendix 6 - Rules and Principles for the Protection of All Persons under Any Form of Detention or Imprisonment – Extracts.

Standard Minimum Rules for the Treatment of Prisoners, 1977¹³⁶

Register

Rule 7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received: (a) Information concerning his identity; (b) The reasons for his commitment and the authority therefore; (c) The day and hour of his admission and release. (2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Rule 8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus, (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate; (b) Untried prisoners shall be kept separate from convicted prisoners; (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence; (d) Young prisoners shall be kept separate from adults.

Accommodation

Rule 10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

Rule 11. In all places where prisoners are required to live or work, (a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

Rule 12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

Rule 13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

Rule 14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

¹³⁶ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

Personal hygiene

Rule 15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

Rule 16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

Rule 17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating. (2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene. (3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

Rule 19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

Rule 20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served. (2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport

Rule 21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits. (2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services

Rule 22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality. (2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. (3) The services of a qualified dental officer shall be available to every prisoner.

Rule 24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

Rule 25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed. (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

Rule 26. (1) The medical officer shall regularly inspect and advise the director upon: (a) The quantity, quality, preparation and service of food; (b) The hygiene and cleanliness of the institution and the prisoners; (c) The sanitation, heating, lighting and ventilation of the institution; (d) The suitability and cleanliness of the prisoners' clothing and bedding; (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities. (2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Contact with the outside world

Rule 37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

Rule 38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong. (2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

Rule 39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Books

Rule 40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Removal of prisoners

Rule 45. (2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

Institutional personnel

Rule 49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors. (2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

Rule 51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them. (2) Whenever necessary, the services of an interpreter shall be used.

Rule 53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution. (2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer. (3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

Inspection

Rule 55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

Prisoners under arrest or awaiting trial

Rule 84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules. (2) Unconvicted prisoners are presumed to be innocent and shall be treated as such. (3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

Rule 92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

Rule 93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

Basic Principles for the Treatment of Prisoners¹³⁷

Principle 6. All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality.

¹³⁷ Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment¹³⁸

Principle 14 - A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest.

Principle 15 - Notwithstanding the exceptions contained in principle 16, paragraph 4, and principle 18, paragraph 3, communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.

Principle 17 - 1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his right by the competent authority promptly after arrest and shall be provided with reasonable facilities for exercising it. 2. If a detained person does not have a legal counsel of his own choice, he shall be entitled to have a legal counsel assigned to him by a judicial or other authority in all cases where the interests of justice so require and without payment by him if he does not have sufficient means to pay.

Principle 18 - 1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel. 2. A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel. 3. The right of a detained or imprisoned person to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order. 4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official. 5. Communications between a detained or imprisoned person and his legal counsel mentioned in the present principle shall be inadmissible as evidence against the detained or imprisoned person unless they are connected with a continuing or contemplated crime.

Principle 19 - A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Principle 16.2 - If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

Principle 24 - A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

¹³⁸ Adopted by General Assembly resolution 43/173 of 9 December 1988.

Appendix 7 – International Legal Framework¹³⁹

- **International Covenant on Civil and Political Rights, 1966¹⁴⁰**

Article 9 – 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10 – 1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 13 - An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14 – 1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

¹³⁹ High Commissioner for Human Rights, Human Rights in the administration of justice: Protection of Persons Subjected to Detention or Imprisonment. Available at the following address: <http://www2.ohchr.org/french/law/index.htm#core>.

¹⁴⁰ Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force on 23 March 1976, in accordance with article 49.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it; (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984¹⁴¹**

Article 1 – 1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 3 – 1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

¹⁴¹ Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984. Entry into force on 26 June 1987, in accordance with article 27(1).

- **Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002¹⁴²**

Article 3 - Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national pretrial.

Article 4 - 1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

- **Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1982¹⁴³**

Principe 4 - It is a contravention of medical ethics for health personnel, particularly physicians:

(a) To apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees in a manner that may adversely affect the physical or mental health or condition of such prisoners or detainees and which is not in accordance with the relevant international instruments;

(b) To certify, or to participate in the certification of, the fitness of prisoners or detainees for any form of treatment or punishment that may adversely affect their physical or mental health and which is not in accordance with the relevant international instruments, or to participate in any way in the infliction of any such treatment or punishment which is not in accordance with the relevant international instruments.

- **Vienna Convention on Consular Relations, 24 April 1963, ratified by Lebanon on 20 March 1975**

Article 36 –

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

¹⁴² Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199.

¹⁴³ Adoptés par l'Assemblée générale des Nations Unies le 18 décembre 1982 (résolution 37/194)

- **Safeguards guaranteeing protection of the rights of those facing the death penalty¹⁴⁴**

4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.

5. Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.

- **Human Rights Committee, General Comment 8, Article 9¹⁴⁵**

1. Article 9 which deals with the right to liberty and security of persons has often been somewhat narrowly understood in reports by States parties, and they have therefore given incomplete information. The Committee points out that paragraph 1 is applicable to all deprivations of liberty, whether in criminal cases or in other cases such as, for example, mental illness, vagrancy, drug addiction, educational purposes, immigration control, etc. It is true that some of the provisions of article 9 (part of para. 2 and the whole of para. 3) are only applicable to persons against whom criminal charges are brought. But the rest, and in particular the important guarantee laid down in paragraph 4, i.e. the right to control by a court of the legality of the detention, applies to all persons deprived of their liberty by arrest or detention. Furthermore, States parties have in accordance with article 2 (3) also to ensure that an effective remedy is provided in other cases in which an individual claims to be deprived of his liberty in violation of the Covenant.

2. Paragraph 3 of article 9 requires that in criminal cases any person arrested or detained has to be brought "promptly" before a judge or other officer authorized by law to exercise judicial power. More precise time-limits are fixed by law in most States parties and, in the view of the Committee, delays must not exceed a few days. Many States have given insufficient information about the actual practices in this respect.

3. Another matter is the total length of detention pending trial. In certain categories of criminal cases in some countries this matter has caused some concern within the Committee, and members have questioned whether their practices have been in conformity with the entitlement "to trial within a reasonable time or to release" under paragraph 3. Pre-trial detention should be an exception and as short as possible. The Committee would welcome information concerning mechanisms existing and measures taken with a view to reducing the duration of such detention.

4. Also if so-called pretrial detention is used, for reasons of public security, it must be controlled by these same provisions, i.e. it must not be arbitrary, and must be based on grounds and procedures established by law (para. 1), information of the reasons must be given (para. 2) and court control of the detention must be available (para. 4) as well as compensation in the case of a breach (para. 5). And if, in addition, criminal charges are brought in such cases, the full protection of article 9 (2) and (3), as well as article 14, must also be granted.

¹⁴⁴ Approved by Economic and Social Council resolution 1984/50 of 25 May 1984.

¹⁴⁵ Available online at: <http://www2.ohchr.org/english/bodies/hrc/comments.htm>.

- **Human Rights Committee, General Comment 20, Article 7¹⁴⁶**

11. In addition to describing steps to provide the general protection against acts prohibited under article 7 to which anyone is entitled, the State party should provide detailed information on safeguards for the special protection of particularly vulnerable persons. It should be noted that keeping under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment is an effective means of preventing cases of torture and ill-treatment. To guarantee the effective protection of detained persons, provisions should be made for detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends. To the same effect, the time and place of all interrogations should be recorded, together with the names of all those present and this information should also be available for purposes of judicial or administrative proceedings. Provisions should also be made against incommunicado detention. In that connection, States parties should ensure that any places of detention be free from any equipment liable to be used for inflicting torture or ill-treatment. The protection of the detainee also requires that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.

- **Human Rights Committee, General Comment 21, Article 10¹⁴⁷**

9. Article 10, paragraph 2 (a), provides for the segregation, save in exceptional circumstances, of accused persons from convicted ones. Such segregation is required in order to emphasize their status as unconvicted persons who at the same time enjoy the right to be presumed innocent as stated in article 14, paragraph 2. The reports of States parties should indicate how the separation of accused persons from convicted persons is effected and explain how the treatment of accused persons differs from that of convicted persons.

10. As to article 10, paragraph 3, which concerns convicted persons, the Committee wishes to have detailed information on the operation of the penitentiary system of the State party. No penitentiary system should be only retributory; it should essentially seek the reformation and social rehabilitation of the prisoner. States parties are invited to specify whether they have a system to provide assistance after release and to give information as to its success.

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

Appendix 8 - Questionnaires

Questionnaire A: interview with prisons directors

Name of Prison:

Date of visit:

A. General Presentation of prison:

1. Where is the prison located?
2. What is the type of prison? (transition, permanent)
3. When was the prison built?
4. What's the prison's capacity?
5. How many cells are there?
6. How many women? Men? Minors?
7. Are there any organizations active in this prison? If yes, what services do they provide?
8. Prison's Contact:

B. Arrival at the prison:

1. What is the procedure to welcome new prisoners?
2. For foreigners, which arrangements are made? (contact embassy, get translator, etc)
3. What happens if embassies do not respond to the demand of detained fellow nationals? (in case of lost or expired documents)

C. Protection:

1. How many files of detainees are present?
2. Does every detainee have his/her complete file?
3. Are the rules and regulations read to the detainees? Foreigner?
4. Can a detainee request to change his/her room?
5. Does the prison include surveillance mechanisms around the clock?
6. Are there any cameras in the prison?
7. Are the cells closed during the night?
8. If any serious problem occurs, are the guards allowed to open the cells or do they need an authorization?
9. Are meetings with lawyers monitored or private?
10. Are there any inspections from the ICRC or other official bodies?
11. Are there any visits from the Lebanese Parliamentary Human Rights Committee?
12. Do judges visit prisons in order to check whether sentences are properly executed?

D. Treatment:

1. Do you sometimes face security problems?
2. When is force used with detainees?
3. What's the maximum duration allowed for isolated detainees?
4. When is isolation executed?
5. Who makes the decision to isolate a detainee?
6. When isolated, can a detainee perform normal activities during the day?
7. Are the detainees medically checked before isolation? Frequency of medical examination.

E. Financial Situation:

Food and Water:

1. What's the annual budget for food?
2. How many meals are the detainees offered per day?
3. How is food distributed?
4. Are detainees allowed water and snacks in between their given meals?
5. Does the prison include a small shop to buy snacks or other foods?
6. Are there any special food for the sick, elderly or children?
7. Are there special foods for religious choices?

Ventilation and lighting:

1. How many windows are present per room?
2. What is the size of windows?
3. Are the windows allowed to be opened?
4. How many lights are present per room?

Hygiene:

1. In cold season, what equipments are offered for warmth?
2. Do detainees have bed sheets and covers?
3. How often do bed sheets and covers get washed?
4. How many toilets are present?
5. How are toilets accessed during the night?
6. How many showers are present?
7. How often do detainees take a shower?
8. Who is in charge of cleaning the toilets and showers?
9. How many times per week are such facilities cleaned?
10. How many clothes are detainees entitled to?
11. Who offers detainees their clothes?

D. System and Activities:

1. How often can detainees contact their family and friends? How?
2. How many visits per month are family and friends granted? Duration?
3. How do foreign nationals contact their families abroad?
4. Is there a yard? Kitchen?
5. Are there religious visits of the prison? Frequency? Duration?
6. Are detainees allowed outdoor activities? Frequency? Duration?
7. Are there any cultural/educative activities put in place?
8. Are there any job opportunities for detainees?
9. How can detainees practice their religion?

E. Medical Services:

1. Are detainees examined before entering the prison?
2. Is there a medical center especially for the detainees?
3. Are there any doctors available at any time when needed? (Nurses, any medical Staff, psychologists, etc)
4. How often do detainees get examined (per year)?
5. Are the medical examinations private?
6. Do you encounter major problems related to the health in this prison (prisoners with special needs or contagious diseases?)

F. Employees:

1. What are the general criteria for prison employees?
2. Do employees receive any special training?

G. Further questions or concerns:

1. Are there any problems you are facing that you would like to raise?
2. Are there any suggestions to improve the situation in your facility?

Questionnaire B: Material Conditions of Detention

<u>Prison</u>		<u>Date</u>	
Room #	Floor		
M ²	Capacity	Detainees	
Beds	Mattresses	Covers/Pillow	
TV	Working	Not working	Satellite
Windows	Lights		
Aspirators	Fans	Heating System	
Shelves	Closets	Carpets	
Water Boiler	Fridge	Food	
Tables	Chairs	Microwave	
Bathroom			
Toilets	Shower	/	Hose Window Light
Faucet	Hot Water	/	Resistance Water tank
General Comments			

Questionnaire C: Interview with Detainees, Prisoners of Foreign Nationality

Name:

Nationality:

Passport available: Yes No

Can you go back to your country/Do you want to go back to your country?

If Yes

Have you contacted your embassy?

Yes

No Would you like us to contact your embassy? Yes No

If No

Have you contacted UNHCR?

Yes: still waiting refused

If refused, have you appealed the decision? Yes No

Do you have a guarantor?

Yes Contact

No

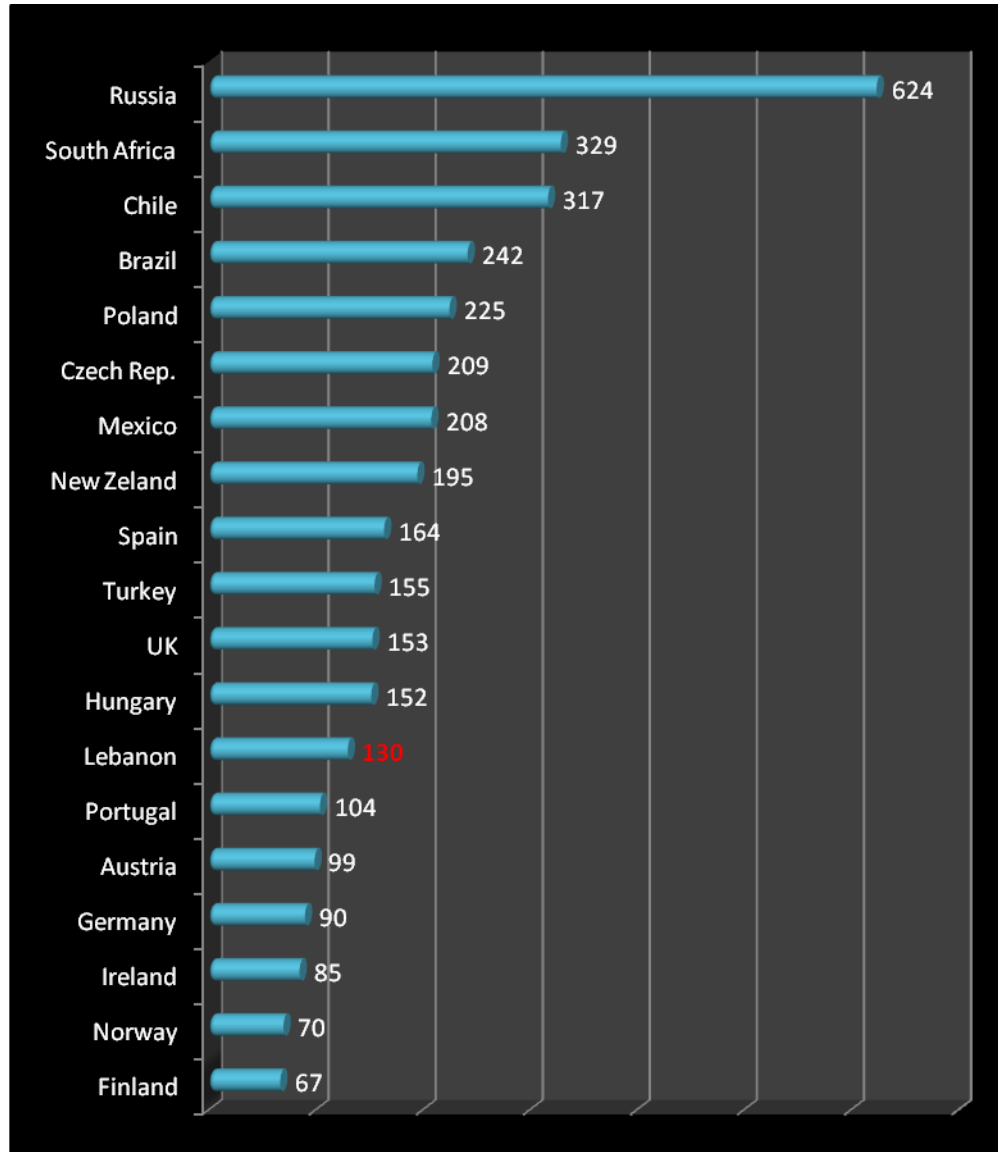
Family Members to contact:

Friends to contact:

Any Other Requests?

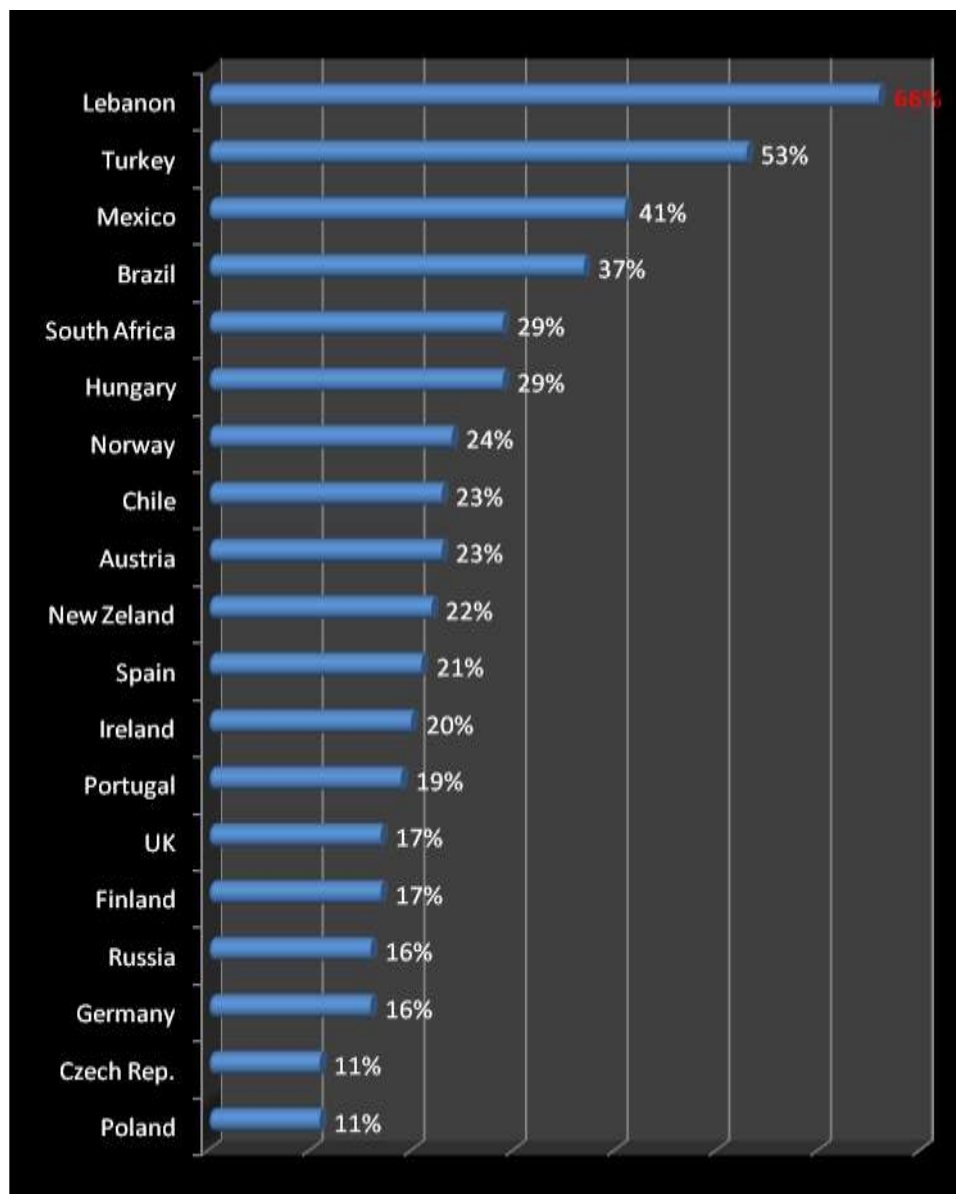
Appendix 9 - Ranking of Lebanon in relation to prison statistics from 18 countries - 2009

Incarceration rate per 100,000 inhabitants¹⁴⁸



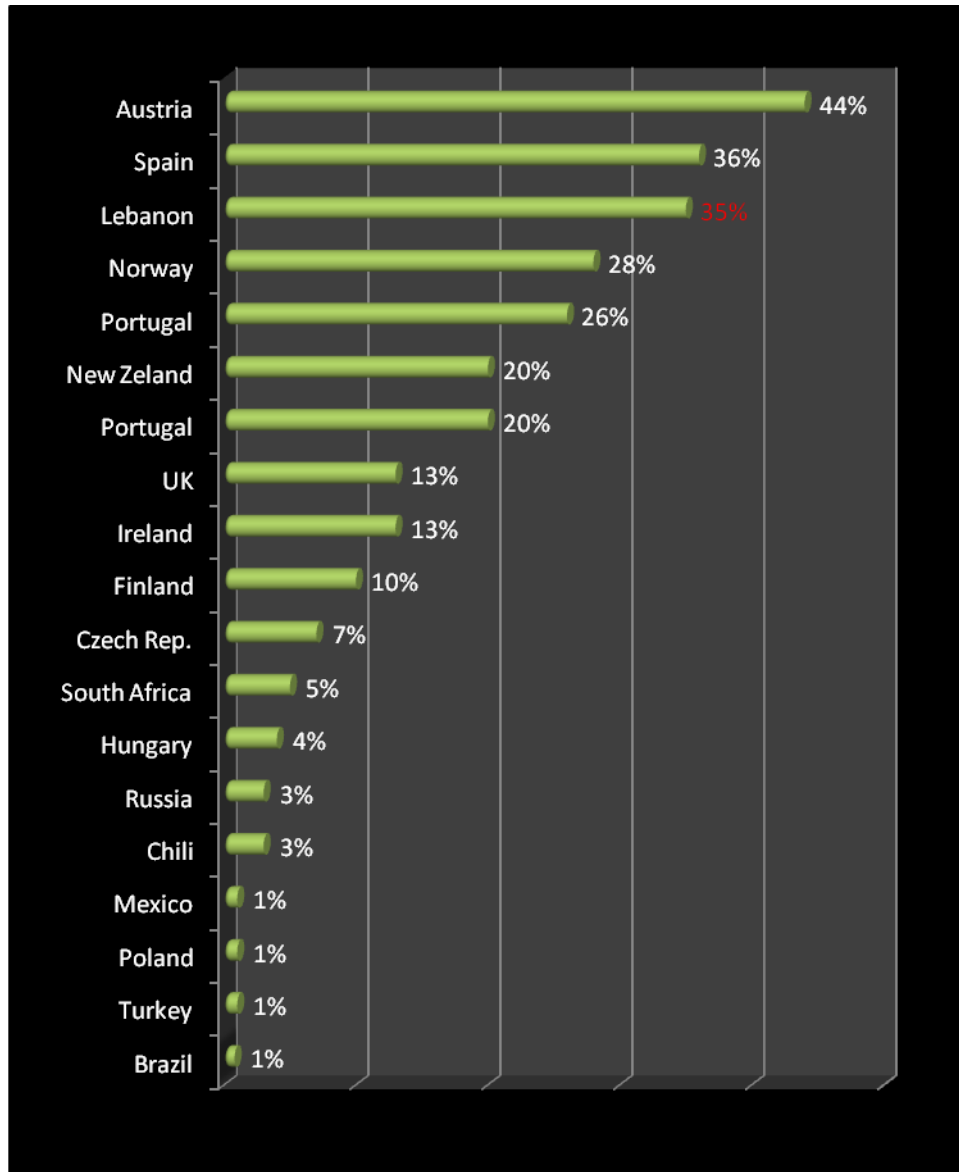
¹⁴⁸ The statistics of 18 countries other than Lebanon were established by the OECD (Organization for Economic Cooperation and Development), Rate of incarceration per 100 000 inhabitants - 2009 - The basic indicator of the importance of the prison population in each country is the number of inmates (including detainees) for 100 000 inhabitants.

Composition of Prison Population – Detainees¹⁴⁹



¹⁴⁹ The statistics of 18 countries other than Lebanon were established by the OECD (Organization for Economic Cooperation and Development), Marked differences in the composition of the prison population in OECD countries - 2009

Composition of Prison Population in Percentage – Foreign Inmates¹⁵⁰



¹⁵⁰ *Ibid*

