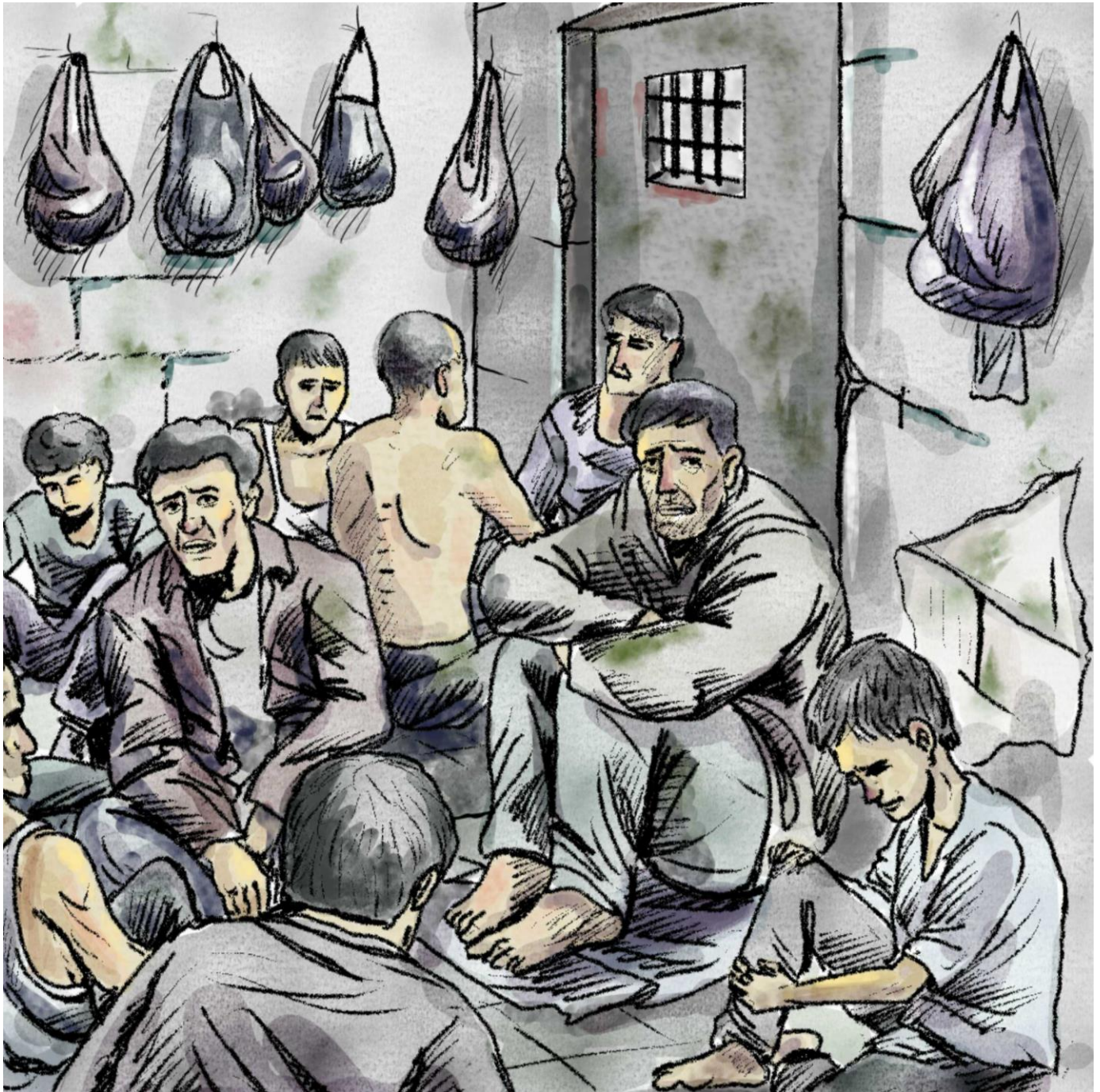


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‘I WISHED I WOULD DIE’

SYRIAN REFUGEES ARBITRARILY DETAINED ON TERRORISM-RELATED CHARGES AND TORTURED IN LEBANON

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Cover photo: Syrian men, women and children have endured arbitrary detention, torture and unfair trial at the hands of the Lebanese security forces. Artist: Jawad Morad
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EXECUTIVE SUMMARY

“The investigators beat me, they forced me to admit I was a member of Jabhat al-Nusra and Daesh [the Arabic acronym for Islamic State]. Then they forced me to put my fingerprint on the [interrogation] report. Since I was handcuffed and blindfolded, they took my hand for the fingerprint. They beat me before so I didn’t resist when they took my hand.”

Nasser, sentenced to three years’ imprisonment for belonging to a terrorist group.

Since 2011, millions of Syrians have fled the conflict in their country, seeking refuge abroad. Lebanon currently hosts 1.5 million of them, where many suffer from dire living conditions, discrimination and lack a regular migration status.

That is not all. New research by Amnesty International shows that hundreds of Syrian men, women and children have endured arbitrary detention, torture and unfair trial at the hands of the Lebanese security forces.

Syrian refugees who fled the Syrian conflict to seek safety in Lebanon found the authorities there accusing them of terrorism, former and current detainees, and lawyers, told Amnesty International.

For example, Hassan, a Syrian refugee who was arrested at the age of 16, recalled being tortured by his interrogators, describing how, “they beat me saying that I was a terrorist and I had to die. I had blood streaming out of my mouth.”

Ahmed, accused by military intelligence officers of being a member of a Syrian armed group, described to researchers how he was manacled by his wrists and suspended from the ceiling. “I thought, I wish he would hit me on my head so I could die.”

According to the interviews, many of the accusations date back to the events of 2014, when the Lebanese Armed Forces (LAF) and Hezbollah, a Lebanese party and armed group, launched two military operations in the northern border town of Aarsal. There, Syrian armed groups, Jabhat al-Nusra and Islamic State (IS), had crossed the border along with refugees and taken dozens of Lebanese armed forces personnel hostage. Since 2014, the LAF has regularly carried out raids on Syrian refugees’ informal settlements in the area.

Gathering information on the arrest and detention of Syrian refugees accused of terrorism in Lebanon is challenging, especially during the COVID-19 pandemic when face-to-face interviews were impossible. But using messaging apps, Amnesty International has interviewed a total of 24 Syrian refugees currently or formerly detained in Lebanon on terrorism-related charges. They include six men who are currently detained and 16 men and two women who were formerly imprisoned. Two men were arrested along with their teenage

sons, whose cases Amnesty International has also documented. Two other former detainees were children, aged 15 and 16, at the time of their arrest. Amnesty International also reviewed legal files, which were available in 16 of the 26 cases. In addition, Amnesty International spoke to four Lebanese lawyers who have defended between several dozen and several hundred Syrian refugees accused of terrorism-related crimes. The lawyers confirmed that in the majority of cases they defended, their refugee clients faced violations similar to those documented in this report. Therefore, the organization believes that the 26 cases it documented are a representative sample of the fate of hundreds of Syrian refugees in Lebanon.

Amnesty International's research shows that the Lebanese authorities are falling short of their obligations to respect the rights of Syrian refugees arrested and detained on terrorism-related charges. International law prohibits arrest, detention or imprisonment without a basis in law and provides the obligation on states to ensure that deprivation of liberty is proportionate and includes procedural safeguards. Human rights law also guarantees the right to freedom from torture and other ill-treatment or punishment. Authorities must investigate torture allegations, and statements obtained by torture cannot be admitted as evidence in court. Detainees also have the right to be promptly informed of any charges against them and to prompt access to families, lawyers and doctors. Everyone deprived of their liberty has the right to the assistance of a lawyer and should be brought promptly before a judge. Civilians should not be tried by military courts in Lebanon because they cannot ensure guarantees of fair trial.

On 17 February 2021, Amnesty International wrote to the acting Ministers of the Interior, Defence and Justice of Lebanon requesting a response to its findings and seeking clarification on deportation figures.

ARBITRARY DETENTION

In each of the cases documented by Amnesty International, Lebanon's security forces arbitrarily detained the Syrian men, women and children. Typically, they arrested the refugees for unnecessary, unfair or disproportionate reasons; for example, because of reports from informants, the content on their mobile phone, or the similarity of their name to that of a suspect. Hamza told Amnesty International he was arrested at a checkpoint: "The officer told me to get out of the car because my name was similar to another man's name." Wael, who was then 15 years old, said that military intelligence agents arrested him after finding pictures of fighting and of the IS leader, which had come from a media outlet on a WhatsApp group, on his phone.

Following their arrest, most of the interviewees said that security officials then took them to places that they identified as military intelligence centres, then transferred them to the Ministry of Defence in Beirut (also a military intelligence centre) and finally transferred them to the military court in Beirut, where they appeared in front of a judge. This initial stage of their detention generally lasted about a month. All refugees interviewed remained longer in prison pending trial.

Amnesty International documented the arrest of four Syrian children aged between 14 and 16 on terrorism-related charges. Military intelligence officers initially arrested Hassan, a 16-year-old, for possession of drugs, even though he explained that it was a treatment he needed for epilepsy that he had obtained from a doctor. Recounting his interrogation at the Beirut General Security office, Hassan said: "The moment I walked in I knew I was walking to hell."

In another case, Lebanese security forces detained a woman, considered guilty by association with her husband, who was accused of "belonging to a terrorist organization". According to interviews with refugees and lawyers, Lebanese security forces detain women as a way to put pressure on their husbands or male relatives during interrogation or to hand themselves in. The presence of female relatives during interrogation has led detainees to confess anything interrogators asked them, in order to secure women's release, refugees said.

Refugees reported that during the first stages of detention Lebanese security officials did not notify them of the reason for their arrest and none had access to a lawyer, preventing them from challenging their detention and facilitating torture or other ill-treatment. Security forces did not allow them to communicate with their family members, who were wondering about their fate.

The refugees also reported facing discriminatory accusations based on their nationality, religion or political opinions. They said that Lebanese security officials seemed to consider opposition to the Syrian government as the same as terrorism. They accused all the Syrian refugee men that Amnesty International interviewed of either taking part in the battle of Aarsal against the Lebanese army or belonging to armed groups fighting Syrian government forces and its allies. Before fleeing to Lebanon, Karim was a journalist. The Lebanese security officials accused him of being a member of Jabhat al-Nusra. "They asked me whether I was with or against Bashar al Assad. I said I was against him. They beat me harder."

TORTURE

Lebanese security officials tortured or otherwise ill-treated all but one of the Syrian refugees interviewed by Amnesty International, including men, women and children. During detention, ill-treatment included sleep deprivation, insufficient food, humiliation and stress positions. Security officials used a wide range of means to ill-treat and torture detainees during interrogations, such as mock executions, the use of electric devices and specific torture techniques with tools, as well as severe and repeated beating, the interviewees said. At the General Security office in Beirut, officials interrogated Majed, who recounted: “He [the investigator] grabbed my hair, hitting my head on the wall. I was bleeding. Blood was coming from my mouth and my nose. I broke a tooth. I told him. He said ‘I will break your head, not just your tooth. What if I put your broken tooth in your mouth?’” The refugees described techniques similar to those used in Syrian prisons. For instance, seven refugees with whom Amnesty International spoke said that Lebanese security officials tortured them using the “balango” method, when an individual is hoisted in the air for hours by their wrists tied behind the back.

Interviewees told Amnesty International that security agents mistreated or tortured children, severely and repeatedly beating them and causing physical injuries to two of them. Hassan, then 16, was interrogated at the Beirut General Security office: “I remember the first punch I received was on my belly. They beat me saying that I was a terrorist and I had to die. I had blood streaming out of my mouth. I couldn’t feel anything. Everything was blurry. I passed out for about 30 minutes I think, then they threw water on me. They took me to wash my mouth because it was covered with blood. They told me that tonight ‘the evening joy will be on you’, which meant that I was going to be their toy. Every 30 minutes, they beat me, they didn’t let me sleep for one minute. I stayed eight days.”

Some male refugees witnessed beatings of women. And in the two cases documented by Amnesty International, interrogators used insults and sexually-related threats to pressure women when interrogating them.

Torture and other ill-treatment resulted in physical harm, sometimes severe, for 12 of the Syrian refugees interviewed by Amnesty International.

Lawyers said that it has not been possible to get judicial authorities to acknowledge or investigate these allegations, even though testimonies and court documents show that military court officials and judges had been notified that torture and other ill-treatment had been taking place in detention centres.

TRIALS FALLING SHORT OF INTERNATIONAL STANDARDS

Under Lebanese law, terrorism charges have two particularly grave human rights consequences. First, the pre-trial detention of individuals accused of terrorism is not limited, unlike for many other crimes. Second, civilian suspects are investigated and tried before a military court in a procedure which violates human rights and does not guarantee a fair trial.

The authorities denied the refugees interviewed by Amnesty International prompt access to a lawyer and typically they did not see a lawyer before the start of the judicial investigation, undermining their ability to defend themselves. Refugees generally had to wait several weeks before appearing in front of the investigating judge for a first hearing and up to several months during trial proceedings. Lengthy delays between hearings and mass trials resulted in excessively long proceedings. While in half of the cases Amnesty International documented pre-trial detention lasted between six months and a year, in nine cases it lasted for more than two years. For example, Lebanese security forces arrested and detained Ahmed and Hassan, then 16, for four years before trial. Six of the interviewees had their hearings delayed because they were part of mass trials including up to over a hundred of people. As a result, it has been common for Syrian refugees detained on terrorism-related charges to spend several years in pre-trial detention, without legal recourse to the means to challenge their ongoing detention, according to interviewees and lawyers.

Among the 26 cases of Syrian refugees documented, 23 stood for trial before a military court, including two who were children when the alleged crimes occurred (among the four cases of children documented by Amnesty International). According to Lebanese judicial authorities, terrorism crimes and/or crimes involving military personnel fall within the jurisdiction of military courts.

As a number of treaty bodies and UN mechanisms have repeatedly reminded the Lebanese authorities, civilians should not be tried by military courts, as they are an exceptional jurisdiction, lack the necessary independence and do not guarantee fairness.

Court decisions documented by Amnesty International have been based on weak, unreliable evidence, extracted under coercion. Refugees were often convicted based largely on their confessions, extorted under torture or ill-treatment. Seven refugees reported that investigators threatened their relatives in order to compel them to confess. For example, Karim said he confessed during interrogation at the Beirut General Security office after investigators threatened to bring his sister. “I imagined my sister going through the same beating. I told them that I would sign any accusation,” Karim said. All the detainees with whom Amnesty International spoke said that they were coerced into signing confessions or were not allowed to read them.

Refugees also highlighted to Amnesty International the flawed nature of the investigation process, which undermined the right to a fair trial. For example, refugees reported that investigators did not verify what they said to counter the accusations, especially evidence on their location that would have been easy to corroborate. In addition, Syrian refugees were tried for alleged terrorism crimes that in Lebanese law are vaguely defined and overly broad and lack clarity, lending themselves to a broad targeting of suspects.

Among the refugees who spoke to Amnesty International, four were still awaiting trial at the time of writing. Two men and two who were children at the time of the alleged crimes, had been acquitted and released. Judges sentenced others to between six months and seven years in prison and two refugees, including one who was arrested when he was a child, to life imprisonment.

Amnesty International directly documented three cases of actual deportation to Syria or deportation decisions after terrorism-related detention. Lebanese security forces deported one young man to Syria after serving his three-year sentence and handed him to Syrian security forces who detained him. Forcibly returning refugees back to Syria, where they would be at real risk of serious human rights violations, violates international law.

KEY RECOMMENDATIONS

The Lebanese government must take specific steps to end the arbitrary detention of Syrian refugees on terrorism-related charges and their torture and ill-treatment, and guarantee their fair trial rights.

The Ministry of Defence should release immediately all Syrians who have been detained arbitrarily, including children and women detained in order to influence their male relatives, whose detention is also arbitrary. The Lebanese government should ensure that detention of children is imposed only as a last resort measure and that their best interest is always prioritized. It should also ensure that Syrian suspects are not discriminated against because of their nationality, migration status, religion, gender or political opinion.

Lebanese authorities must immediately end torture and other ill-treatment in detention; investigate torture and other ill-treatment allegations; and promptly and effectively implement the 2017 Anti-Torture Law.

To uphold their obligation to guarantee that trials respect international law and standards of fairness, the Lebanese government should ensure that proceedings start and are completed within a reasonable timeframe, that all detainees are promptly notified of the reasons for their arrest and detention, have access to legal counsel upon arrest and are provided access to medical care and their family. Lebanese authorities should end the practice of trying civilians in military courts.

The Lebanese government must also ensure that Syrian refugees in Lebanon are provided absolute protection from deportation to Syria or to any other place where they would be at real risk of serious human rights violations.

International donors of the Lebanese government should call on the national authorities to immediately release all Syrian detainees who have been arbitrarily detained; guarantee that Syrian detainees are free from torture and other ill-treatment, and fully enjoy their human rights during all stages of criminal proceedings; and that all deportation of Syrians to Syria end.

1. METHODOLOGY

This report focuses on human rights violations committed by Lebanese authorities against Syrian refugees accused of terrorism-related crimes, mainly during pre-trial detention. It covers events between 2014, when mass arrests took place in the aftermath of the battle of Arsal (see Section 2.2), and late 2019. It is based on research carried out between June 2020 and February 2021.

Amnesty International interviewed a total of 24 Syrian refugees currently or formerly detained in Lebanon on terrorism-related charges: six men who are currently detained and spoke to researchers while in prison and 16 men and two women who had been imprisoned at various times between 2014 and 2020. Nine of these refugees were detained for approximately one year, five served a sentence of around four years each, and the remaining two were held for less than six months. Among them were two boys aged 15 and 16 at the time of their arrest and two men who were detained along with their teenage sons. This allowed Amnesty International to document the arrest and detention of 26 people, including four children, in total.

The interviewees ranged in age from 21 to 55 years old, with most (17) aged between 24 and 35. Twenty are from the city of Qusayr or from Homs city and its suburbs, where battles involving the Lebanese group Hezbollah took place (see Section 2.2). Four of the refugees told Amnesty that they had fought with the Free Syria Army, an armed group opposing the Syrian government.

Amnesty International conducted remote interviews because of travel restrictions related to the COVID-19 pandemic. The organization's researcher conducted voice interviews via a messaging app with interpretation from Arabic to English. Names of interviewees have been changed and details of their location during interviews as well as dates of arrest and detention have been withheld in order to protect their identity and ensure their safety.

To corroborate the accounts of those interviewed, Amnesty International reviewed legal files of 16 of the 26 cases documented.¹ Documents included interrogation reports, defendants' objections, subpoenas, verdicts and appeals, as well as a medical report. Files were often incomplete. Amnesty International did not assess the credibility of the terrorism-related allegations against the refugees: international human rights law and fair trial rights standards apply regardless of the guilt or innocence of the accused.

Amnesty International also interviewed four Lebanese lawyers who say they have each defended between several dozen and several hundred Syrian refugees accused of terrorism-related crimes from 2011 to the present time. Researchers also reviewed numerous media reports relating to the arrest and detention of Lebanese refugees as well as the reports of other human rights and research organizations.²

This report also draws on previous research conducted over the past decade by Amnesty International regarding violations against Syrian refugees living in Lebanon. Amnesty International documented raids, mass arrests of Syrian refugees, and deaths and ill-treatment in military custody.³ The organization called for an end to deportation to Syria, highlighting that a combination of factors push refugees to return to Syria

¹ In the 10 other cases, refugees said that they had not kept any legal paperwork.

² Human Rights Watch, *Lebanon: Civilians tried in military courts*, 26 January 2017, www.hrw.org/news/2017/01/26/lebanon-civilians-tried-military-courts; Fédération Internationale des Ligues des Droits de l'Homme, *Acts of Torture Committed by the Lebanese Army in Syrian Refugee Camps*, 6 July 2017, www.fidh.org/en/region/north-africa-middle-east/lebanon/acts-of-torture-committed-by-the-lebanese-army-in-syrian-refugee; Center for Mellemostudier, *Torture and death in Lebanese Detention*, August 2017, www.sdu.dk/-/media/files/om_sdu/centre/c_mellemostudier/videncenter/artikler/2017/ab+article+aug+17.pdf; "Lebanon: Army Raids Arsal Refugee Camps," *Aljazeera English*, 30 June 2017, www.aljazeera.com/news/2017/06/lebanon-soldiers-wounded-arsal-refugee-camp-raid-170630045304436.html

³ Amnesty International, *Lebanon: Further investigation needed into deaths of Syrian refugees in military custody* (Press release 25 July 2017), www.amnesty.org/en/latest/news/2017/07/lebanon-further-investigation-needed-into-deaths-of-syrian-refugees-in-military-custody/

even if returns are premature and unsafe.⁴ Amnesty International also exposed violence against women refugees, subjected to harassment and exploitation, as well as the lack of health care for refugees.⁵

Although Lebanese men and women have also been arrested and detained for terrorism-related crimes, this report focuses on Syrian refugees because their lack of a regular migration status in Lebanon has increased their risk of arbitrary detention and human rights violations during arrest, detention and trial.

On 15 December 2020, Amnesty International wrote to the acting Lebanese Minister of the Interior, and to the acting Minister of Defence requesting information on the deportation and conviction of Syrians for terrorism-related crimes; and to the acting Minister of Justice, requesting information on the detention and conviction of Syrians for terrorism-related crimes.

On 17 February 2021, Amnesty International wrote again to the acting Ministers of the Interior, Defence and Justice requesting a response to its findings and seeking clarification on deportation figures.

⁴ Amnesty International, *Lebanon: Authorities must immediately halt deportation of Syrian refugees* (Press release 27 August 2019), www.amnesty.org/en/latest/news/2019/08/lebanon-authorities-must-immediately-halt-deportation-of-syrian-refugees/
Amnesty International, *Lebanon: Wave of hostility exposes hollowness of claims that Syrian refugee returns are voluntary* (Press release 12 June 2019), www.amnesty.org/en/latest/news/2019/06/lebanon-wave-of-hostility-exposes-hollowness-of-claims-that-syrian-refugee-returns-are-voluntary/ Amnesty International, *Lebanon: Why are returns of refugees from Lebanon to Syria premature?* (Index: MDE 18/0481/2019).

⁵ Amnesty International, *Lebanon: 'I want a safe place': Refugee women from Syria uprooted and unprotected in Lebanon* (Index: MDE 18/3210/2016)/ Amnesty International, *Lebanon: Agonizing choices: Syrian refugees in need of health care in Lebanon* (Index: MDE 18/001/2014).

2. BACKGROUND

2.1 SYRIAN REFUGEES IN LEBANON

Since 2011, millions of people have fled Syria seeking refuge abroad. Lebanon currently hosts 1.5 million Syrian refugees, including 879,531 people registered with the United Nations High Commissioner for Refugees (UNHCR, the UN Refugee Agency).⁶ On 31 October 2014, Lebanon closed its borders to refugees from Syria and in May 2015, UNHCR stopped registering them, at the request of the Lebanese government.⁷

The 2019 economic and financial crisis, restrictions adopted in order to curb the spread of COVID-19 and the massive explosion in the port area of Beirut in August 2020, have had a devastating impact on people living in Lebanon, including Syrian refugees. Increasing unemployment, the collapse of the Lebanese currency and subsequent price increases, including of basic commodities, have led to a rise in the level of hunger and poverty.⁸

According to UNHCR, in December 2020, 89% of Syrian refugee households in Lebanon were living in extreme poverty; the vast majority faced increased barriers to obtaining a valid residency visa and safe shelter and accessing the job market and services such as education and health care.⁹ Only 20% of Syrians aged over 15 have regular residency documents.¹⁰ Refugees without regular migration status are at risk of detention and harassment and face obstacles in accessing essential services and registering births and marriages.

The Lebanese government has put in place restrictive policies which have a negative impact on the rights of refugees, including restricting their employment to three sectors – agriculture, construction and cleaning. Lebanese authorities carry out frequent raids on camps and controls at checkpoints, leading to mass arrests of male refugees, in most cases for not having residency papers or on unsubstantiated terror-related charges.¹¹ These arrests have created an environment of fear and intimidation.¹² In March 2020, during a lockdown imposed in order to curb the spread of COVID-19, some municipalities adopted discriminatory measures further restricting the movements of Syrians, in some cases banning them from entering or residing in specific towns.¹³

⁶ UNHCR, *Operational portal*, data2.unhcr.org/en/situations/syria/location/71 (accessed 25 January 2021).

⁷ UNHCR, *Lebanon, Refugees and asylum seekers*, www.unhcr.org/lb/refugees-and-asylum-seekers (accessed 25 January 2021).

⁸ United Nations, *Lebanon 'fast spiraling out of control' leaving many destitute and facing starvation, warns Bachelet*, 10 July 2020, news.un.org/en/story/2020/07/1068141

⁹ UNHCR, *Nine out of ten Syrian refugee families in Lebanon are now living in extreme poverty, UN study says*, 18 December 2020, www.unhcr.org/lb/14025-nine-out-of-ten-syrian-refugee-families-in-lebanon-are-now-living-in-extreme-poverty-un-study-says.html

¹⁰ UNHCR, *The Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR) 2020*, <http://lalebanon.unhcr.org/vasyr/#/>

¹¹ Amnesty International, *Lebanon: Why are returns of refugees from Lebanon to Syria premature?* (Index: MDE 18/0481/2019).

¹² Human Rights Watch, *"I just wanted to be treated like a person", How Lebanon residency rules facilitate abuse of Syrian refugees*, 12 January 2016, www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse

¹³ Human Rights Watch, *Lebanon: Refugees at risk in COVID-19 response*, 2 April 2020, www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response

Lebanese political figures have sought to blame Syrian refugees for the deteriorating security and economic situation, creating an increasingly hostile environment. This has been compounded by a reduction in humanitarian support for refugees.¹⁴

Dire living conditions, lack of regular migration status and discrimination have put Syrian refugees at increased risk of human rights violations.¹⁵

2.2 THE BATTLES OF QUSAYR AND ARSAL

A large number of Syrian refugees living in north-western Lebanon are from Qusayr, a religiously-mixed town and a strategic hub in Syria close to the Lebanese border, according to UNHCR figures.¹⁶ In July 2012, armed groups opposed to the Syrian government took control of the Syrian town of Qusayr (Homs province), 8 km north of Lebanon's northern border.¹⁷ In June 2013, the Syrian Arab Army (SAA, the Syrian national army), backed by fighters from Hezbollah, a Lebanese party and an armed group, recaptured the town. Thousands of residents fled to Lebanon's northern border town of Arsal in the immediate aftermath and the following months.¹⁸

In the summer of 2014, some armed groups fighting in Syria made incursion into Lebanon and briefly took control of Arsal, capturing members of the Lebanese security forces.¹⁹ In July and August 2014, in response to the abduction of 36 Lebanese security personnel, the Lebanese Armed Forces (LAF) and Hezbollah launched two military operations in Arsal against the Syrian armed opposition group Jabhat al-Nusra and the armed group Islamic State (IS), which had crossed over the border.²⁰ By the end of August, the LAF had regained control of Arsal and the surrounding area and retrieved the bodies of 10 Lebanese soldiers taken hostage by IS. 489 people were wounded in the fighting and at least 59 people, including 15 Lebanese residents of Arsal and 44 Syrians, were killed, according to figures provided by the military and a field hospital in Arsal.²¹

Speaking afterwards, Lebanon's army chief, General Jean Kahwaji, blamed the violence on "terrorists" who were living among the refugees and posed a mortal threat to the country. He said:

"What happened in Arsal on 2 August and in the following days was more than a simple confrontation with terrorism... [it] stopped the plan of the takfiri [unbeliever] terrorists which aimed at 'not only changing the face of Lebanon but erasing it from the world map'. 'The armed members are taekfiris who are strangers to Lebanon and include different nationalities. They come from outside the Lebanese borders in coordination with people planted inside the refugee camps. And we hereby remind you that the army was the first in calling over three years ago for the need to deal with the security situation in the Syrian refugees.'"²²

The LAF has regularly carried out raids on Syrian refugees' informal settlements in pursuit of suspected militants, according to Amnesty International's research.²³ For instance, on 30 June 2017, the LAF raided

¹⁴ Amnesty International, Lebanon: *Why are returns of refugees from Lebanon to Syria premature?* (Index: MDE18/0481/2019).

Human Rights Watch, *Lebanon: Syrian refugee shelters demolished*, 5 July 2019, www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished

¹⁵ Amnesty International, *Lebanon: Wave of hostility exposes hollowness of claims that Syrian refugee returns are voluntary* (Press release 12 June 2019) www.amnesty.org/en/latest/news/2019/06/lebanon-wave-of-hostility-exposes-hollowness-of-claims-that-syrian-refugee-returns-are-voluntary/ Human Rights Watch, *"I just wanted to be treated like a person", How Lebanon residency rules facilitate abuse of Syrian refugees*, 12 January 2016, www.hrw.org/report/2016/01/12/i-just-wanted-be-treated-person/how-lebanons-residency-rules-facilitate-abuse/ Norwegian Refugee Council, *The consequences of limited legal status for Syrian refugees in Lebanon*, March 2014, www.nrc.no/globalassets/pdf/reports/the-consequences-of-limited-legal-status-for-syrian-refugees-in-lebanon.pdf

¹⁶ UNHCR, *Syria Refugee Response Lebanon: Places of origin of Syrian refugees registered in Lebanon*, 30 April 2015, www.refworld.org/docid/5553087f11.html (accessed on 21 February 2021).

¹⁷ Human Rights Watch, *Syria: Security Council Should Demand Humanitarian Access*, 15 July 2013, www.hrw.org/news/2013/07/15/syria-security-council-should-demand-humanitarian-access

¹⁸ UN News, *Syrians fleeing Qusayr report harsh conditions along dangerous route*, 4 June 2013, news.un.org/en/story/2013/06/441372-syrians-fleeing-qusayr-report-harsh-conditions-along-dangerous-route-un-agency

"Syrian army retakes key town of Qusayr from rebels", *BBC News*, www.bbc.com/news/world-middle-east-22778310

¹⁹ "Lebanese army tries to expel Syria-linked militants from border town", *Reuters*, 3 August 2014, www.reuters.com/article/us-lebanon-security-arsal-idUSKBN0G30E220140803

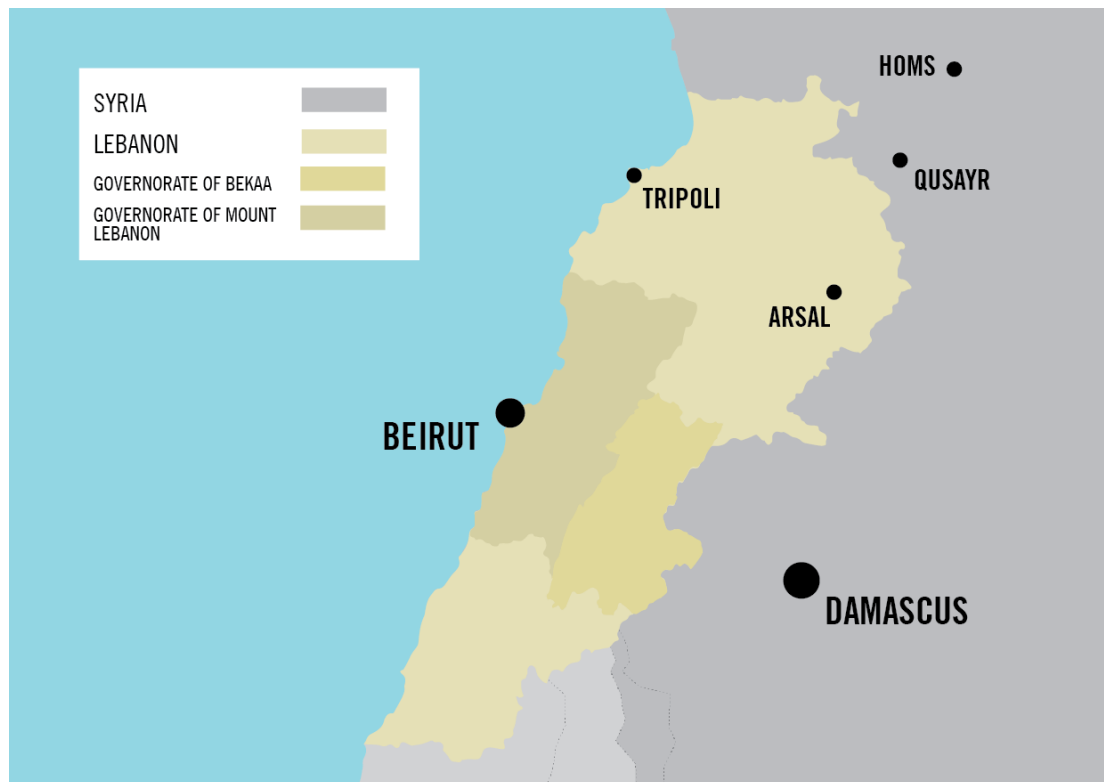
²⁰ "Lebanese army tries to expel Syria-linked militants from border town", *Reuters*, 3 August 2014, www.reuters.com/article/us-lebanon-security-arsal-idUSKBN0G30E220140803

²¹ Human Rights Watch, *Lebanon/IS: Soldier beheading a war crime if confirmed*, 1 September 2014, www.hrw.org/news/2014/09/01/lebanon/soldier-beheading-war-crime-if-confirmed

²² Lebanon Army, *Revealing the seriousness of what the terrorists planned with the Battle of Arsal*, September 2014, www.lebanarmy.gov.lb/ar/content/الارهابيونمنخلالمعركةارسال

²³ Amnesty International, *Amnesty International Report: The state of the world's human rights 2017/18*, "Lebanon", 22 February 2018.

two informal tented settlements accommodating Syrian refugees in Aarsal.²⁴ At least 350 men were detained during the raids. Most were subsequently released but there were reports that some detainees were tortured and otherwise ill-treated by soldiers and four men died while in custody.²⁵



2.3 THE LEBANESE JUSTICE SYSTEM

The Lebanese justice system is based on a civil law system, with the judiciary comprised of four main courts: the judicial court, the administrative court, the military court and the religious court.²⁶

Lebanon has adopted laws and ratified international conventions protecting due process. However, in practice, the Lebanese justice system does not meet fair trial standards, failing to uphold Lebanon's obligations, according to United Nations (UN) experts and human rights organizations.²⁷ Frequent violations of rights during detention, courts proceedings and trials have occurred.²⁸

Human rights organizations, including Amnesty International, and the UN have documented arbitrary and extrajudicial arrest and detention by security forces, including incommunicado detention, with no access to a lawyer.²⁹ Until a reform of defence rights in September 2020, lawyers were not usually allowed to meet with their clients during the early stages of detention, including during the initial interrogation by police or other

²⁴ Amnesty International, *Amnesty International Report: The state of the world's human rights 2017/18*, "Lebanon", 22 February 2018.

²⁵ Amnesty International, *Lebanon: Further investigation needed into deaths of Syrian refugees in military custody*, (Press release 25 July 2017), www.amnesty.org/en/latest/news/2017/07/lebanon-further-investigation-needed-into-deaths-of-syrian-refugees-in-military-custody/

²⁶ Lara Eid, Firas el Samad, "The Lebanese legal system and research in brief", April 2019, www.nyulawglobal.org/globalex/Lebanon1.html

²⁷ HRC Concluding Observations: Lebanon, UN Doc. CCPR/C/LBN/CO/3 (2018) §41. Human Rights Watch, *Lebanon: Civilians tried in military courts*, 26 January 2017, www.hrw.org/news/2017/01/26/lebanon-civilians-tried-military-courts#https://www.hrw.org/news/2017/01/26/lebanon-civilians-tried-military-courts

Legal Agenda, *Report on the independence of the judiciary and the right to fair trial in Lebanon*, July 2020, legal-agenda.com/wp-content/uploads/LegalAgenda_UPR2020_Submission_EN.pdf

²⁸ UNDP Lebanon, *Security and justice sector wide assessment*, March 2016, www.lb.undp.org/content/lebanon/en/home/library/crisis_prevention_and_recovery/Security-Justice-Sector-Wide-Assessment.html

²⁹ Amnesty International, *Lebanon: Military forces must end arbitrary arrests and torture of protesters* (Press release 29 November 2019), www.amnesty.org/en/latest/news/2019/11/lebanon-military-forces-must-end-arbitrary-arrests-and-torture-of-protesters/

Amnesty International, *Lebanon: Arbitrary arrests and beatings of protesters must immediately end* (Press release 16 January 2020), www.amnesty.org/en/latest/news/2020/01/lebanon-arbitrary-arrests-and-beatings-of-protesters-must-immediately-end/

Alef, *Guilty until proven innocent, Report on the cause of arbitrary arrest, lengthy pre-trial detention and long delays in trial*, January 2013, alefliban.org/wp-content/uploads/2016/10/ALEF-Arbitrary-Detention-2013.pdf

HRC Concluding Observations: Lebanon, UN Doc. CCPR/C/LBN/CO/3 (2018) §31.

security forces.³⁰ Despite the reform, practice has been slow to change.³¹ UN experts have raised concerns about pretrial detention of children and the large number of prisoners held in pretrial detention and in prolonged pretrial detention without access to counsel.³² Delays before being brought in front of a judge are often excessive and Lebanese courts have suffered from major delays.³³ As a result, the pre-trial detention rate amounts to 60% of the prison population, with detainees facing long periods of time behind bars before standing trial.³⁴

UN experts and human rights organizations have reported that Lebanese security forces practice widespread use of torture or other ill-treatment during arrests and detention.³⁵ In its latest concluding observations, the UN Committee against Torture expressed its concerns about: “various consistent reports that security forces and military personnel continue to routinely use torture against suspects in custody, including children, who are often held incommunicado, primarily to extract confessions that are to be used in criminal proceedings or as a form of punishment for acts that the victim is believed to have committed.”³⁶ It also stressed that: “the use of torture to extract confessions remains prevalent, and that confessions allegedly extracted through torture are used against the accused as evidence of guilt in civilian and military courts.”³⁷ Lebanon passed an anti-torture law in 2017, but it has a poor track record of implementing it, Amnesty International has found.³⁸ Impunity remains the norm, with complaints of torture or other ill-treatment rarely reaching court and most closed without an effective investigation.³⁹

³⁰ CAT Concluding Observations: Lebanon, UN Doc. CAT/C/LBN/CO/1 (2017) §14.

³¹ Interviews on 17, 20 and 27 November 2020.

³² HRC Concluding Observations: Lebanon, UN Doc. CCPR/C/LBN/CO/3 (2018) §31.

³³ UNDP Lebanon, *Security and justice sector wide assessment*, March 2016, www.lb.undp.org/content/lebanon/en/home/library/crisis_prevention_and_recovery/Security-Justice-Sector-Wide-Assessment.html

³⁴ UNDP Lebanon, *Security and justice sector wide assessment*, March 2016, www.lb.undp.org/content/lebanon/en/home/library/crisis_prevention_and_recovery/Security-Justice-Sector-Wide-Assessment.html

³⁵ CAT Concluding Observations: Lebanon, UN Doc. CAT/C/LBN/CO/1 (2017) §14 and §32.

Amnesty International, *Lebanon: Authorities' failure to implement anti-torture law is a disgrace*, (Press release 25 November 2020), www.amnesty.org/en/latest/news/2020/11/lebanon-authorities-failure-to-implement-anti-torture-law-is-a-disgrace/
Human Rights Watch, *Lebanon: Deaths, alleged torture of Syrians in army custody*, 20 July 2017, www.hrw.org/news/2017/07/20/lebanon-deaths-alleged-torture-syrians-army-custody
<https://www.hrw.org/news/2017/07/20/lebanon-deaths-alleged-torture-syrians-army-custody>

³⁶ CAT Concluding Observations: Lebanon, UN Doc. CAT/C/LBN/CO/1 (2017) §14.

³⁷ CAT Concluding Observations: Lebanon, UN Doc. CAT/C/LBN/CO/1 (2017) §32.

³⁸ Amnesty International, *Lebanon has a new anti-torture law – finally* (Press release 26 June 2018), www.amnesty.org/en/latest/news/2018/06/lebanon-new-anti-torture-law/

³⁹ Amnesty International, *Lebanon: Authorities' failure to implement anti-torture law is a disgrace* (Press release 25 November 2020), www.amnesty.org/en/latest/news/2020/11/lebanon-authorities-failure-to-implement-anti-torture-law-is-a-disgrace/

TIMELINE OF KEY EVENTS SURROUNDING THE DETENTION OF SYRIAN REFUGEES ACCUSED OF TERRORISM-RELATED CRIMES IN LEBANON



MARCH 2011
START OF THE SYRIAN UPRISING



JULY 2012
BATTLE OF QUSAYR (SYRIA)



APRIL 2014
THE NUMBER OF SYRIAN REFUGEES IN
LEBANON SURPASSES ONE MILLION



JULY – AUGUST 2014
BATTLE OF ARSAL (LEBANON)



SEPTEMBER 2014
FIRST CASE OF ARBITRARY ARREST OF SYRIAN REFUGEE ACCUSED
OF TERRORISM DOCUMENTED BY AMNESTY INTERNATIONAL



OCTOBER 2014
LEBANON CLOSES ITS BORDER
TO SYRIAN REFUGEES



MAY 2015
UNHCR STOPS REGISTERING
REFUGEES IN LEBANON



JUNE – JULY 2017
SERIES OF MASS RAIDS ON SYRIAN
REFUGEE SETTLEMENTS



FEBRUARY 2021
LATEST CASE OF ARBITRARY ARREST OF SYRIAN REFUGEE
ACCUSED OF TERRORISM DEFENDED BY A LAWYER

'I WISHED I WOULD DIE'

SYRIAN REFUGEES ARBITRARILY DETAINED ON TERRORISM-RELATED CHARGES AND TORTURED IN LEBANON

Amnesty International

3. ARBITRARY DETENTION

The cases of Syrian men, women and children arbitrarily detained in Lebanon documented by Amnesty International follow a consistent pattern and highlight a number of violations.

All refugees interviewed by Amnesty International reported that they were not notified of the reason for their arrest and did not have access to a lawyer or their family during the first stages of detention. Typically, they were first taken to places that they identified as military intelligence centres, in many cases to the centre of the directorate of military intelligence in Ablah (Bekaa) or to General Security offices.⁴⁰ Intelligence officials initially held and interrogated them for up to 10 days.⁴¹ Security agents then transferred refugees to the Ministry of Defence in Beirut, a military intelligence centre, where intelligence officers further interrogated them.⁴² They were held there for between a day and a week.⁴³ Security agents subsequently transferred refugees to the military court in Beirut where an investigating judge ruled on whether they should stand trial and, if so, on what charges.⁴⁴ They were normally held at the military court for between one and 10 days, along with dozens of other Syrians.⁴⁵ All were remanded in prison pending trial.

3.1 SCALE OF DETENTION OF SYRIAN REFUGEES

Hundreds of Syrian refugees have been arbitrarily arrested, detained and imprisoned on terrorism-related charges since 2014, according to Lebanese lawyers and former and current detainees interviewed by Amnesty International.⁴⁶ These detentions are continuing. The Lebanese government has never officially acknowledged the scale of this issue and did not respond to Amnesty International's request for information.

Alia Chalha, a Lebanese lawyer, told Amnesty International: "Since 2011 until now, every week, I defend two or three Syrian people [accused of terrorism] at the court. It amounts to several hundred in total and includes about 20 minors".⁴⁷ Three of the four lawyers Amnesty International interviewed reported having defended over a hundred Syrians accused of terrorism each and the fourth around 75.⁴⁸ According to two former detainees released from Roumieh prison, a current detainee and a lawyer, at the end of 2020 approximately 350 Syrians convicted of terrorism were held in Roumieh prison, one of the largest civilian prisons.⁴⁹

⁴⁰ Interviews on 7, 9, 16 and 23 September 2020; on 2, 16 and 17 November 2020; and on 3 and 11 December 2020.

⁴¹ One man, Maher, a 40-year-old Arabic teacher, stayed for a month in a place he could not identify because he was blindfolded the whole time. Interviews on 19 and 30 November 2020 and on 2 December 2020.

⁴² Interviews on 7, 9, 16 and 23 September 2020; on 2, 16 and 17 November 2020; and on 1, 3, 11 and 16 December 2020.

⁴³ Maher, mentioned above, was detained for four months. There was no apparent reason to justify treatment different from other detainees, according to Maher's account. Interviews on 16 and 30 September 2020; on 2 and 27 November 2020; and on 2 and 7 December 2020.

⁴⁴ The investigating judge conducts the investigation on allegations against a suspect who will be tried in front of a court.

⁴⁵ Six men told Amnesty International that they were detained at the military court for between six weeks and two months. Interviews on 13 July; on 7, 8 and 9 September 2020; on 2 and 7 November 2020; and on 2 and 3 December 2020.

⁴⁶ Two lawyers said that they defended first cases of Syrians accused of terrorism-related charges in 2011.

⁴⁷ Interview with Alia Chalha on 17 November 2020, Beirut.

⁴⁸ Interviews on 17, 20 and 27 November 2020 and 5 February 2021.

⁴⁹ Mohamad Sabloun said that he believes there were 350 Syrians detained on terrorism-related charges. A current detainee said that, as of December 2020, there were approximately 250 Syrians held on terrorism-related charges in the block A of Roumieh prison, 100 in the block B, and between 20 and 30 in the block C. One former detainee said that they were between 400 and 500 held during his detention, and another one said there were more than 300.

Interviews with Mohamad Sabloun on 20 November 2020, Tripoli, and with refugees on 7, 23 September; and on 9 December 2020.

Fourteen refugees Amnesty International interviewed independently from one another all said that they had seen what they said were between a dozen and a hundred Syrian men, many of them from Qusayr, in various places of detention – especially at the military court – during their pre-trial detention between 2014 and 2019.⁵⁰ The interviewees said that according to the conversations that they had had with other detainees, as well as the charges that they themselves received, they believed that the majority of these Syrian detainees had been accused of terrorism-related charges.⁵¹ This suggests that hundreds of Syrians have continued to go through the Lebanese security, judiciary and penitentiary system in recent years.

The majority of the Syrian refugees detained in Lebanon on terrorism-related charges are men according to the accounts of the refugees and four lawyers interviewed by Amnesty International. However some are women, according to our research. Amnesty International interviewed two women refugees arbitrarily detained for terrorism-related accusations. In one case, a woman was detained for allegedly committing a crime herself. Hala was accused of supporting terrorism and was eventually acquitted.⁵² In another case, a woman was imprisoned because she was considered guilty by association with her husband. According to verdicts that Amnesty International reviewed, Amira was convicted for “helping a person who she knows has committed a felony to evade justice” as her husband had been convicted of “belonging to a terrorist organization in order to commit crimes against people and goods and diminish State authority and possessing manual explosives bombs without permit”. Amira herself was found not guilty of terrorism charges “because of doubt and insufficient evidence”. Nevertheless, the court convicted her of “helping a person who she knows has committed a felony to evade justice” and she was sentenced to six months’ imprisonment according to her verdict and her testimony.

Also, seven male Syrian refugees told Amnesty International that they either saw or heard other Syrian women in detention centres.⁵³ Detainees were blindfolded during a significant part of their detention and could only hear what was happening around them. Two refugees heard women as they were being interrogated, and another talked with a woman who was standing in a corridor next to him while waiting for her next interrogation session. Three men and a woman refugee saw female detainees, including Mustafa who saw his wife taken in order to pressure him (see Section 3.2). A woman refugee formerly detained at the Information Department of the General Security office in Beirut told Amnesty International: “There were 20 women in my cell [at any one time]. They were all Syrian and all accused of terrorism. They used to come and go. I’m not sure for how long they stayed.”⁵⁴ Statements by refugees and lawyers suggest that far fewer Syrian women are held than men; two lawyers interviewed had a few Syrian female clients among the dozens or hundreds of men they had represented.⁵⁵

⁵⁰ Interviews on 7, 11 and 30 September 2020; on 18, 23 and 27 November 2020; and on 2, 7 and 11 December 2020. Other detainees were kept blindfolded and thus could not see how many people were in the same place.

⁵¹ Interviewees spoke with other detainees directly or heard about their charges during their interrogations.

⁵² Interview on 16 December 2020.

⁵³ It was sometimes impossible to count them as detainees were blindfolded. Interviews on 11 and 23 September 2020; on 19 and 27 November 2020; and on 1, 2 and 4 December 2020.

⁵⁴ Interview on 1 December 2020.

⁵⁵ Interview on 27 November 2020, Beirut, with lawyer Hala Hamzeh who had defended 210 Syrian men and three Syrian women since 2012.

ARREST OF CHILDREN

Amnesty International documented the arrest of four Syrian children aged between 14 and 16, which followed the same pattern as that described above.⁵⁶ Three of these arrests took place in northern Lebanon in late 2014, in the aftermath of the battle of Arsal.

Wael, who was then 15 years old, said that military intelligence agents arrested him in the Tripoli area because he had pictures of fighting and of the IS leader, which had come from a media outlet on a WhatsApp group, on his phone. He spent five months in prison before being released pending trial.⁵⁷ Hassan, a 16-year-old, said that security forces arrested him at a checkpoint on the road between Arsal and Beirut for possession of drugs, even though he explained that it was a treatment he needed for epilepsy and that he obtained it from a doctor.⁵⁸ Amnesty International reviewed Hassan's medical report which indicated that he suffered from depression and epilepsy and needed treatment. Wael said he was handcuffed while Hassan, who was arrested separately, was blindfolded, and security agents beat both boys before taking them to a car, they said. After almost four years in pre-trial detention, Hassan was convicted of crimes including committing terrorist acts and belonging to an armed terrorist organization.⁵⁹ Military intelligence agents arrested Imad, 16, in a shop close to the camp where he lived in western Bekaa governorate, said Hashem, Imad's father who was arrested the same day in his tent. Hashem does not know why they were apprehended but said that security officials subsequently interrogated them about the battle of Arsal.⁶⁰ In a similar way, shortly after the battle of Arsal, security forces apprehended Bashir, 14, with his father, in their house in northern Lebanon for unclear reasons, his father told Amnesty International.

The Convention on the Rights of the Child (CRC) stipulates that the detention of children must be a measure of last resort and any deprivation of a child's liberty should be for the shortest appropriate time.⁶¹ The UN General Assembly and the UN Human Rights Committee have called on states to avoid, wherever possible, the use of pre-trial detention for children.⁶² Parents, legal guardians or relatives should be notified of their child's arrest at once.⁶³ Children accused of infringing the law are entitled to all fair trial rights that apply to adults, as well as to additional juvenile justice protections.⁶⁴ In the administration of juvenile justice, states must systematically ensure respect for the best interests of the child.⁶⁵ In addition, international standards recognize that children accused of infringing the criminal law require further special care and protection.⁶⁶ Children who are deprived of their liberty have the right to challenge the legality of their detention before a court or other competent, independent and impartial authority and have the right to a prompt decision on any challenge. They have the right to be assisted by counsel for this purpose.⁶⁷

The young people interviewed by Amnesty International were denied these rights and special protections. In the four cases documented, children were subjected to ill-treatment during arrest. They were held in pre-trial detention for months, sometimes several years. Their parents were not informed at once of their arrest and they were not offered the possibility of challenging the legality of their detention. Syrian children have not benefited from special care or protection during their arrest and detention (see following sections) and Lebanese security forces have failed to ensure the respect of the best interest of the child, as provided by international law.

⁵⁶ Testimonies of the children and their fathers; interviews on 7 and 30 September 2020, on 26 October 2020 and on 2 December 2020.

⁵⁷ Interview on 30 September 2020.

⁵⁸ Interview on 26 October 2020.

⁵⁹ According to his lawyer's documents, which Amnesty International reviewed, Hassan was convicted of committing terrorist acts; belonging to an armed terrorist organization in order to commit crimes against people and goods and diminish state authority; killing and trying to kill members of the Lebanese Army; kidnapping military personnel carrying out their duties; possessing explosive materials in order to commit terrorist acts; transporting war weapons without permission; destroying military centres; and stealing military equipment.

⁶⁰ Interview on 7 September 2020.

⁶¹ CRC, Article 37(b).

⁶² UN General Assembly resolution 65/213, para. 14; HRC General Comment 32, para. 42.

⁶³ Rule 10.1 of the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

⁶⁴ ICCPR, Article 9 and 14; CRC Article 40.

⁶⁵ CRC General Comment 10, para.10.

⁶⁶ ICCPR, Article 24(1); CRC Preamble and Article 3(2); Arab Charter of Human Rights, Article 17.

⁶⁷ ICCPR, Article 9(4); CRC Article 37(d).

3.2 ARBITRARY DEPRIVATION OF LIBERTY

“Someone filed a report about me, saying that I fought in Arsal. I don’t know him personally, but after a while I found out that he was a Syrian informant working for the General Security office. I don’t know him. I don’t know why he did that.”

Majed, a Syrian refugee in detention.⁶⁸

All the Syrian men, women and children with whom Amnesty International spoke had been arbitrarily detained. In the context of a crackdown by government forces following the battle of Arsal, military intelligence officers arrested 11 Syrians in their homes or at work, eight at checkpoints, and officials from the General Security office arrested five refugees, according to testimonies.

Diala Chehade, a Lebanese lawyer who has defended more than 200 Syrian refugees, explained: “The majority of Syrians have been arrested either during random security operations inside refugee camps or at checkpoint, especially when they don’t hold a valid residency permit. But they [security forces] always mention an ‘intelligence communication’ as the reason for the summon or arrest.”⁶⁹

Eight men told Amnesty International that they believed that they had been arrested on the basis of informant reports.⁷⁰ For example, Bassam said he was arrested when the vehicle he was being driven in stopped on a road outside Arsal, where six armed men wearing civilian clothes were waiting. “The man driving me told me: ‘This is where we stop. They will take care of you’. He told the men outside: ‘This is the man I told you about. He will tell you everything’,” Bassam said.⁷¹

In three of the cases, interviewees said that they believed that the informants were taking revenge or seemed to have an arrangement with Lebanese security forces to hand over Syrians. One of them, for example, was Mustafa, a refugee from Qusayr sentenced to seven years in prison.⁷² He said that he was arrested three years after the battle at Arsal, on the basis of a personal grudge that he had with another man:

“Before the war, I had family issues with a Syrian man. He wrote a report about me saying that I participated in Arsal battle... [Later] he called my father saying this arrest was revenge”.

Noureddine recounted being detained during a mass arrest at Bar Elias refugee camp where he was living:

“Military Intelligence [agents] came to the camp at 3 or 4am and arrested many men from the camp. They arrested 150 Syrians in the camp. An agent hit the door until it broke and came in.”⁷³

Three men said that they believed that the police arrested them because they had a similar name to someone else wanted by the security forces or on the basis of wrong personal information.⁷⁴ For example, Hamza told Amnesty International: “At 8am, I was arrested at a checkpoint. They asked for my ID. The officer told me to get out of the car because my name was similar to another man’s name. He said that I had to go to a [security] department, that it will only take a few days and I’ll be released afterwards.” Hamza was handcuffed, blindfolded and taken to an unknown place. His detention ultimately lasted 11 months.⁷⁵ Khaled said that he was arrested in a shop, when officers from the General Security office came. Khaled recounted: “They said: ‘Are you [name close to his]?’ I said no, but I didn’t have my ID with me. An officer said: ‘No, you are [name close to his], someone said you are’,”⁷⁶ A similar thing happened to Samer. The

⁶⁸ Interview on 19 November 2020.

⁶⁹ Interview in Beirut on 12 February 2021.

⁷⁰ Interviews on 8 and 16 September 2020; on 26 October 2020; on 2, 19 and 30 November 2020; and on 4 and 10 December 2020.

⁷¹ Interview on 30 November 2020.

⁷² Interview on 2 November 2020.

⁷³ Interview on 14 October 2020.

⁷⁴ Interviews on 23 September 2020, on 23 November 2020 and on 3 December 2020.

⁷⁵ Interview on 3 December 2020. Details have been withheld for confidentiality.

⁷⁶ Interview on 23 September 2020.

journalist said that a man wearing civilian clothes and carrying a walkie-talkie stopped him on the street to check his name. The first name and last name that the man said were the same as Samer's but the middle name differed, Samer said. "I said it was not me but the man asked me to come to the station to check."⁷⁷ Samer was then detained for 11 months.

According to information gathered by Amnesty International, apprehending and detaining women – for between a few hours and several days or even weeks – is used as a way to put pressure on their husbands or male relatives. Mustafa told Amnesty International that during his detention at a military intelligence centre in Ablah, he refused to confess to kidnapping and taking part in the battle of Aarsal:

"I wanted to keep my dignity and didn't want to confess something that I didn't do. Then the investigator told an agent: 'Go and bring his wife'. I didn't believe that they would bring her. They put me in cell for a while and then brought me back. I saw my wife. The investigator yelled at her viciously. I cannot say the words, he was cursing her, hurting her dignity, in a very offensive way. She fell down and passed out on the floor. I told the investigator that I will sign whatever he wanted."⁷⁸

Detaining women was also used to put pressure on male relatives to hand themselves in, according to Majed. He was detained in Rihaniyyeh prison for three months, where he saw eight women enter and leave cells used to hold people accused of terrorism. He said: "They were there because their husband was a member of the FSA or Jabhat al-Nusra. I heard female guards telling them: 'Don't you know how to make your husband or son come and hand himself over? Your husbands came to Lebanon and attacked or kidnapped our soldiers'... Sometimes a female guard came to beat women in the cells, but not as much as the men."⁷⁹

Two refugees told Amnesty International that during their detention, they either spoke to or heard one woman who was arrested and detained because investigators wanted her to denounce her husband as a member of a terrorist group.⁸⁰ When he was interrogated at the General Security office, Karim denied the investigator's accusation of being a terrorist. Karim said:

"They said they will call my sister and ask her if I am [a terrorist]. At that point I was very worried because I remembered [what happened] a day before. A man from Homs was standing in front of me in the corridor. They brought his wife. The investigators asked her where her husband was when he was in Syria. As she said that he was in a tent, they beat her. Because of beating, she told investigators he was terrorist."⁸¹

The International Covenant on Civil and Political Rights (ICCPR) and other international law instruments enshrine the right to personal liberty.⁸² An individual may only be lawfully deprived of his or her liberty on grounds and according to procedures established by law.⁸³ International law prohibits arbitrary arrest, detention or imprisonment.⁸⁴ In order to avoid arbitrariness, states must ensure that deprivation of liberty is in accordance with law, is proportionate and includes procedural safeguards. According to Lebanese law, arrest and detention on suspicion of a terrorism act are lawful provided they are duly based on and in accordance with other relevant domestic legislation.⁸⁵ Still, domestic laws authorizing arrest and detention, and domestic laws setting out procedures for arrest and detention, must conform to international law and standards.

The UN Human Rights Committee has clarified that the term "arbitrary" in Article 9(1) of the ICCPR must be interpreted broadly to include elements of inappropriateness, injustice and lack of predictability.⁸⁶ The UN Working Group on Arbitrary Detention has clarified that deprivation of liberty is arbitrary in the following contexts, among others:⁸⁷ an arrest or detention without a basis in law is arbitrary; in addition, an arrest or

⁷⁷ Interview on 23 November 2020.

⁷⁸ Interview on 2 November 2020. Mustafa refused Amnesty International an interview with his wife.

⁷⁹ Interview on 24 November 2020.

⁸⁰ Interviews on 11 and 23 September 2020.

⁸¹ Interview on 11 September 2020.

⁸² ICCPR, Article 9(1); Arab Charter on Human Rights (2004), Article 14(1).

⁸³ Article 9(1) of the ICCPR; Article 17(2)(a) of the Convention on Enforced Disappearance, to which Lebanon is a party; Article 37(b) of the Convention on the Rights of the Child (CRC); and Article 14(2) of the Arab Charter of Human Rights, all of which Lebanon is party to.

⁸⁴ ICCPR, Article 9(1); CRC, Article 37(b); Arab Charter of Human Rights, Article 14(2).

⁸⁵ Notably provisions of the Law of 11/01/1958, the criminal law, the Criminal Procedure Law No. 328 of 02/08/2001 and Military Justice Law No. 24 of 13/04/1968, legiliban.ul.edu.lb/Law.aspx?lawId=244405

⁸⁶ HRC: *Mukong v Cameroon*, UN Doc. CCPR/C/51/D/458/1991 (1994) §9.8, *Fongum Gorji-Dinka v Cameroon*, UN Doc. CCPR/C/83/D/1134/2002 (2005) §5.1, *Marinich v Belarus*, UN Doc. CCPR/C/99/D/1502/2006 (2010) §10.4.

⁸⁷ Working Group on Arbitrary Detention (WGAD), Fact Sheet No.26, Section IV (A)-(B).

detention that is permitted under domestic law may nonetheless be arbitrary under international standards. Detention may also become arbitrary as a result of the extent of violation of the detainee's fair trial rights.⁸⁸

The arrests of Syrian refugees documented by Amnesty International were in many instances arbitrary because they lacked foreseeability, were unfair and/or disproportionate.⁸⁹ In addition, even when there were legitimate grounds, the length of the detention became excessive, making the detention arbitrary. Being arrested for having pictures of fighting on a phone (see box below: Arrest of children), which is not a crime in Lebanese law, does not meet the criteria of foreseeability.⁹⁰ The use of mobile phone content and informant reports – that can be heavily biased – should be scrutinized by authorities.

The arrest and detention of children, which should be a measure of last resort, was also arbitrary. Not only have they been disproportionate, unjust and unpredictable, but they have also not met procedural safeguards. Arresting women in order to put pressure on their male relatives is unlawful and amounts to arbitrary deprivation of liberty, which violates international law. In addition, detaining women, not on suspicion of individually committing crimes, but rather on the basis of their gender role and marital status amounts to discrimination.⁹¹ Lebanon has an obligation to stop arresting and detaining Syrian women based on their husbands' alleged activities.

Detention of Syrian suspects has become arbitrary as a result of the extent of violations of detainees' fair trial rights during their detention (highlighted in following sections) in effect rendering their deprivation of liberty unlawful. Lebanese authorities have failed to uphold international standards and have violated human rights law.

3.3 FAILURE TO INFORM

All the Syrian refugees detained in Lebanon on terrorism-related charges interviewed by Amnesty International said that security forces failed to notify them of the reason for their arrest or detention or inform them of their rights, until they appeared in front of the military court and sometimes not even then. In Maher's case, he said he was held for more than a month before finding out why: "I didn't understand why they arrested me until [I was transferred to] the Ministry of Defence, where they said I was a member of the Free Syria Army and I participated in the Aarsal battle, which was not true."⁹² Most drew assumptions as to the reason for their arrest from the questions asked during the interrogation sessions and from investigators' accusations and realised that they were being accused of what authorities consider terrorism acts.

It was only when they came before the investigating judge in the military court that the refugees were first informed of the charges against them. In the quickest cases, the judge notified six of the detainees interviewed after two weeks, but 12 of them had to wait between three weeks and two months. Even after their trial and their release, six out of the 18 refugees who were convicted were not able to say clearly what they had been charged with or what verdict was handed down.⁹³

Similarly, in all cases, members of the security forces did not inform detainees of their rights, including their right to counsel, the interviewees said. Detainees said that they were not notified of their right to legal counsel until they appeared in front of the investigating judge in the military court.

When someone is arrested or detained, they must be notified of the reasons for their arrest or detention and of their rights, including their right to counsel. Article 9(2) of the ICCPR and Article 14(3) of the Arab Charter of Human Rights provide that every person arrested or detained has the right to be promptly informed of any charges against them. The reasons given must be specific. They must include a clear explanation of both the legal provision under which the individual is being held and the essential factual basis for the arrest or

⁸⁸ WGAD: Deliberation No.9, UN Doc. A/HRC/22/44 (2012) §38(c), WGAD Opinion 14/2006, UN Doc. A/HRC/4/40/Add.1 (2006) §§9-15; *Article 19 v Eritrea* (275/03) African Commission, 22nd Annual Report (2007) §§93-108.

⁸⁹ Article 5 of the European Council of Human Rights defines foreseeability: "Where deprivation of liberty is concerned it is particularly important that the general principle of legal certainty be satisfied. It is therefore essential that the conditions for deprivation of liberty under domestic law be clearly defined and that the law itself be foreseeable in its application, so that it meets the standard of "lawfulness" set by the Convention, a standard which requires that all law be sufficiently precise to allow the person – if need be, with appropriate advice – to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail."

⁹⁰ Three lawyers told Amnesty International that it was common for security officials to base their allegations on having pictures of armed groups on a phone.

⁹¹ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Lebanon is a signatory, prohibits discrimination against women and requires states parties to eliminate discrimination against women, specifically to "modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women" (CEDAW, Article 1, 2, 2(f)).

⁹² Interview on 2 December 2020.

⁹³ Interviews on 11 and 16 September 2020, on 18 November 2020 and on 3 December 2020.

detention.⁹⁴ This information is essential to allow the person to challenge the lawfulness of their arrest or detention and, if they are charged, to start preparing their defence.

Every person who is arrested or detained must be informed of their right to have the assistance of legal counsel.⁹⁵ Notice of the right to legal counsel should be provided immediately upon arrest or detention, before any questioning and when an individual is charged.⁹⁶

Lebanese security and judicial authorities have failed to promptly notify detainees of the reasons for their arrest, detention or their rights, thus violating international law and standards on fair trial rights.

3.4 NO CONTACT WITH THE OUTSIDE WORLD

“My father was looking for me and asking around, but security officials told him I was not there.”

Wael, a young Syrian refugee.

All of the detainees interviewed by Amnesty International said that the security forces who arrested them did not allow them to notify a third person that they had been arrested or to contact their family until they were transferred to prison, in most cases after appearing in front of an investigating judge in the military court. As a result, no one knew where they were during this period. The majority were transferred after two or three weeks but seven detainees said they waited for at least two months to be transferred to prison. Three were not allowed to make a call when they arrived at the prison. Seven detainees said that they waited for at least two months to be transferred to prison from a security detention centre.

For example, one of the interviewees, Maher, said he was first detained for a month in one detention facility which he does not know the name of or location. Then he spent four months at the detention facility within the Ministry of Defence headquarters in Beirut, before finally being allowed to call a lawyer after he had been transferred to a prison. He told Amnesty International: “They didn’t let me call anyone or have a lawyer, I asked several times but they refused.”⁹⁷ Adel, a former detainee told Amnesty International that he was too afraid to ask permission to call his family.⁹⁸ Ibrahim, who was released after two years and three months in detention, said that he was threatened when he asked to contact his family:

“When I asked to call my mother, the officer said: ‘I’ll bring her and put her in the cell next to you’.”⁹⁹

Family members were left wondering about the fate of their husband or son, especially in the case of detained children such as Hassan, a 16-year-old detainee. “After three months, my mother found out where I was through the Red Cross,” Hassan said.¹⁰⁰

In one case, security officials refused to acknowledge the whereabouts of Wael, who was then 15. “My father was looking for me and asking around, but security officials told him I was not there,” Wael said.¹⁰¹ He was eventually allowed to communicate with his family after he was transferred to Roumieh prison, more than two weeks after his arrest. His father visited him a month later.

Not allowing detainees to notify family or a lawyer of their detention and their location, resulting in detention without access to the outside world (incommunicado detention) violates international law and standards.¹⁰² People held in custody are entitled to notify a third person that they have been arrested or detained and where they are held. Detainees have the right to prompt access to families, lawyers and doctors. The right to have a third party notified of detention should be guaranteed, in principle from the very outset of police

⁹⁴ *Kelly v Jamaica* (253/1987), HRC, UN Doc. CCPR/C/41/D/253/1987 (1991) §5.8.

⁹⁵ Principle 5 of the Basic Principles on the Role of Lawyers; Committee Against Torture (CAT) General Comment 2, §13.

⁹⁶ Principle 5 of the Basic Principles on the Role of Lawyers; HRC Concluding Observations: Netherlands, UN Doc. CCPR/C/NLD/CO/4 (2009) §11; CAT Report: Mexico, UN Doc. CAT/C/75 (2003) §220(e).

⁹⁷ Interview on 2 December 2020.

⁹⁸ Interview on 11 December 2020.

⁹⁹ Interview on 10 December 2020.

¹⁰⁰ Interview on 26 October 2020.

¹⁰¹ Interview on 30 September 2020.

¹⁰² HRC Concluding Observations: Thailand, UN Doc. CCPR/CO/84/THA (2005) §15.

custody. Detained and imprisoned people have a right to communicate with the outside world, subject only to reasonable conditions and restrictions that are proportionate to a legitimate aim.¹⁰³ They also have the right to inform a third person if they are transferred from a place of detention.¹⁰⁴

Incommunicado detention facilitates torture or other ill-treatment and enforced disappearance. Enforced disappearance occurs when the state refuses to acknowledge the detention or conceals the fate or whereabouts of the individual.¹⁰⁵ International law prohibits subjecting individuals to enforced disappearance.¹⁰⁶ The UN Human Rights Committee has clarified that the intentional failure of the authorities to disclose the fate of an arrested person for a prolonged period effectively places that person outside the protection of the law. In cases of enforced disappearance, it concluded that such practices violate rights including the right to be recognized as a person before the law.¹⁰⁷ It is a violation not only of international human rights treaties, but also of customary international law.¹⁰⁸ Enforced disappearance is a crime under international law for which states are obliged to hold perpetrators responsible through criminal investigation and prosecution.¹⁰⁹

Not allowing detainees, including children, to communicate with a third party several weeks into their detention is a severe violation of due process rights and has resulted in enforced disappearance. In order to ensure the respect of the best interest of the child, children detained should have immediately been allowed to communicate with their family and a lawyer. Whenever children are detained, parents or guardians should be present at all stages of proceedings, including during questioning, unless their presence is not in the child's best interest.¹¹⁰ By not allowing refugees access to the outside world and forcibly disappearing them, Lebanon violated international law and standards.

¹⁰³ Article 17(2)(d) of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).

¹⁰⁴ Article 14(3) of the Arab Charter.

¹⁰⁵ Article 2 of the ICPPED.

¹⁰⁶ Article 1(1) ICPPED.

¹⁰⁷ HRC: *Grioua v Algeria*, UN Doc. CCPR/C/90/D/1327/2004 (2007) §7.8-7.9; *Djebrouni v Algeria*, UN Doc. CCPR/C/103/D/1871/2008 (2012) §8.9. See also General Comment 11 of WGEID on the right to recognition before the law §42.

¹⁰⁸ See, Rule 98 of the International Committee of the Red Cross's documentation of Customary International Law: [ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98](https://databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98)

¹⁰⁹ Article 6 of the ICPPED.

¹¹⁰ HRC General Comment 32, §42; CAT Concluding Observations: Albania, UN Doc. CAT/C/CR/34/ALB (2005) §8(i).

4. SUSPICIONS FUELLED BY DISCRIMINATION

“One agent told me: ‘You’re a terrorist of Syria. What made you rise against President Bashar al Assad?’ While they were beating me, they said: ‘Your God is Bashar al Assad’.”

Maher, a 40-year-old man who was imprisoned in total for four years and nine months.¹¹¹

Lebanese authorities have made terrorism-related accusations against Syrian refugees, including children, on discriminatory grounds and by conflating political affiliation with what the authorities call ‘terrorism’. According to the information collected by Amnesty International, Lebanese security officials have viewed opposing the Syrian government as equating with terrorism and have assumed that Syrian men living in northern Lebanon are highly likely to have been involved in the battle of Aarsal. Women have been considered guilty by association, based on their husband’s or other male relatives’ alleged activities.

4.1 POLITICALLY MOTIVATED ACCUSATIONS

All the Syrian refugee men Amnesty International interviewed said that military intelligence officials and judges accused them of either taking part in the battle of Aarsal against the Lebanese army or belonging to a group that the Lebanese authorities consider a “terrorist” group, such as IS, Jabhat al-Nusra or the Free Syrian Army (FSA), all armed opposition groups fighting Syrian government forces and its allies.¹¹²

When military intelligence officials interrogated him at the Ablah military intelligence centre, Ahmed said that they asked him: “Are you a member of Jabhat al-Nusra? A member of IS? Why did you come to Lebanon?” I said that it was the only way out of Syria and that I didn’t do anything.” Later, at the Ministry of Defence, an officer asked him whether he fought in Aarsal and what kind of weapons he used, Ahmed said.¹¹³

In one transcript of a refugee’s judicial investigation reviewed by Amnesty International, the military judicial investigator stated that the refugee was arrested because of information confirming that he was part of an FSA brigade. “What is problematic is that at least hundreds of Syrians have been referred to a military court, for being merely part of the FSA, and not involved in acts against the Lebanese State,” the lawyer Diala Chehade said.¹¹⁴ In addition, Lebanese security officials also accused Syrians of using weapons, attacking checkpoints or Lebanese army members and provoking explosions.¹¹⁵ Three refugees said that Lebanese security officials accused them of committing terrorist acts in Syria, such as fighting and killing Syrian Arab Army soldiers.¹¹⁶

This is what happened to him, Nouredine said:

¹¹² Interviews on 16 and 23 September 2020, on 2 and 18 November 2020 and on 3 and 11 December 2020.

¹¹³ Interview on 4 December 2020.

¹¹⁴ Interview in Beirut on 3 July 2020.

¹¹⁵ Interviews on 3 and 30 September 2020 and on 14 October 2020.

¹¹⁶ Interviews on 16 September 2020, on 14 October 2020 and on 3 December 2020.

“They asked me many questions about what I did in Syria. For example: ‘Where were you in Syria? What did you do? Did you fight against the Syrian army? Did you fight with the FSA? Did you commit terrorism act? Did you smuggle people and weapons? Where were you when the events in Arsal took place?’.”¹¹⁷

Four men working as nurses or journalists said that military intelligence officers accused them of terrorism for activities related to their work, such as treating wounded people during fighting in Lebanon or taking videos and pictures of fighting in Syria.¹¹⁸ Bassam, a 28-year-old man accused of belonging to a terrorist group said:

“He [the interrogator] said: ‘You participated in Arsal battle. We have information that you were a nurse.’ I said that I did a training but I was not a certified nurse. He replied: ‘You helped people during Arsal battle.’ I said that it was my medical duty and that I only helped people who needed it.”¹¹⁹

The two Syrian women interviewed by Amnesty International were accused of supporting terrorism by providing either logistical or financial support to their husband or to relatives accused of terrorism.¹²⁰ Both were eventually acquitted of terrorism charges, according to one’s verdict and another’s testimony.

In addition, nine people interviewed by Amnesty International reported that during interrogations in various military intelligence centres and at the General Security headquarters in Beirut investigators asked questions and made comments indicating that their alleged political or religious affiliations were the basis of their supposed “guilt”. For example, investigators directly asked four detainees whether they supported the Syrian government.¹²¹ Karim, a journalist, was detained for eight days in the Beirut General Security office. “They asked me whether I was with or against Bashar al Assad. I said I was against him. They beat me harder... The day after, they asked me: “What do you lack? Why did you become against the Assad government?” Later, Karim was transferred to the Ministry of Defence where a military intelligence agent tortured him when asking him what he did in Syria:

“I said I documented Assad’s crimes. Every time I said “Assad’s crimes”, he pulled the chain further so that my body stretches and hurt.”¹²²

Investigators asked two other detainees whether or why they wanted to overthrow the Syrian government.¹²³

In two cases, interviewees said that investigators expressed open hostility towards and denigration of the Sunni faith and members of the Sunni community, who are widely associated with Syrian opposition groups. One detainee, Ahmed, said that agents cursed Sunni figures during his interrogation. He said: “It was more painful for me than torture.”¹²⁴ The other, Samer, said that when he was interrogated at the Defence Ministry in Beirut the first question the military intelligence agent asked was about his sectarian affiliation: “I said Sunni. The moment I said that, he beat me with his fists.”¹²⁵

During his one-month detention in a location he could not identify because he was blindfolded the whole time, Maher said that his interrogators accused him of taking part in the Syrian revolution. “They told me: ‘You’re an opponent to Bashar al Assad. You took the street against Bashar al Assad.’ It was not about asking me questions. It was about revenge. They told me: ‘When you started the Syrian revolution, you became a non-believer’.”¹²⁶

These accounts suggest that Syrian refugees have been discriminated against on political and religious grounds. Suspects’ political affiliations in Syria were part of accusations brought against them during investigations. Investigators’ comments indicate that they associated opposing Bashar al Assad’s government with terrorism.

Political opinion and activities do not constitute terrorism; rather, they are protected by the rights to freedom of opinion and expression.¹²⁷ Syrian refugees should not be questioned, detained or accused for their political opinion or political activities. Doing so amounts to a discriminatory implementation of laws, which

¹¹⁷ Interview on 14 October 2020.

¹¹⁸ Interviews on 11 September 2020 and on 19, 23 and 30 November 2020.

¹¹⁹ Interview on 30 November 2020.

¹²⁰ Interviews on 1 and 16 December 2020.

¹²¹ Interviews on 11 and 30 September 2020, and on 4 and 11 December 2020.

¹²² Interview on 11 September 2020.

¹²³ Interviews on 16 September 2020 and on 2 December 2020.

¹²⁴ Interview on 4 December 2020.

¹²⁵ Interview on 23 November 2020.

¹²⁶ Interview on 2 December 2020.

¹²⁷ The right to hold opinions without interference and to peacefully exercise freedom of expression is enshrined in Article 19 of the ICCPR, to which Lebanon is a party. In addition, Article 25 stipulates that everyone has the right to take part in the conduct of political affairs.

violates the right to equality before the law, according to which law enforcement officials have a duty to ensure equal protection of the law and to respect and protect the prohibition of discrimination.¹²⁸ Accusing people of terrorism based on their political affiliation is discriminatory and highlights how terrorism-related charges can lend themselves to political or discriminatory purposes.

4.2 DISCRIMINATORY ACCUSATIONS

“During the interrogation, one agent told me: ‘You’re Syrian, don’t even think of getting out of here without a charge’.”

Khalil, who was accused of fighting in the Arsal battle and spent a year in prison in total.

Both in the interrogation phase and when appearing before an investigating judge, Syrian suspects faced discriminatory accusations.

In several instances, interviewees said that investigators were prejudging the detainees when starting interrogation. During his interrogation at the Beirut General Security office, Khaled said that the investigator told him: “You look like a terrorist.”¹²⁹ During his interrogation at the Defence Ministry, an investigator told Samer that he will not leave without a file with charges against him, according to the man’s testimony.¹³⁰ During his eight-day detention at the Beirut General Security office, Karim pleaded with the investigator not to charge him with terrorism. Karim said that the investigator replied: “Why? So that you can get out of the prison faster?... You will not get out of prison for all your life.”¹³¹

Three interviewees said that judges were convinced from early on that they were guilty. Fadel appeared in front of the investigating judge at the military court for his first hearing. He told Amnesty International:

“He talked to me in an offensive way. He accused me of fighting and killing Syrian [Arab] Army members. He said: ‘You’re a murderer of Syrian soldiers. You’re a terrorist.’ He was asking questions and replying himself.”¹³²

Everyone has the right to be presumed innocent and treated as innocent, unless and until they are convicted according to law in the course of proceedings which meet at least the minimum prescribed requirements of fairness.¹³³ If Fadel’s account is confirmed, the judge failed to respect this rule, thus violating Fadel’s right to a fair trial.

According to another detainee, Bassam, when an investigator at the Ministry of Defence interrogated him about his alleged participation in the battle of Arsal and inspected Bassam’s body, the investigator invented physical marks in order to confirm his accusation. “The investigator said: ‘You do have a scar from the fight?’ I said that I didn’t. He said: ‘You had a small injury and it has disappeared’,” Bassam said.¹³⁴

The principle of equality and non-discrimination is one of the cornerstones of the international human rights system.¹³⁵ The prohibition on racial discrimination is a peremptory norm of customary international law, which means that it applies to all states regardless of their treaty obligations.¹³⁶ In treating Syrian nationals discriminatorily, be it as a result of their nationality or their political opinions, Lebanon is violating the right to non-discrimination.

¹²⁸ Articles 2(1), 3 and 26 of the ICCPR.

¹²⁹ Interview on 23 November 2020.

¹³⁰ Interview on 11 September 2020.

¹³¹ Interview on 11 September 2020.

¹³² Interview on 16 September 2020.

¹³³ Article 14(2) of the ICCPR.

¹³⁴ Interview on 2 December 2020.

¹³⁵ Article 2(1) and 26 of the ICCPR; Articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

¹³⁶ Case Concerning the Barcelona Traction, Light and Power Company, Limited (*Belgium v Spain*) (Judgment), International Court of Justice Rep 3 (1970), paras 33–34.

5. WIDESPREAD USE OF TORTURE AND OTHER ILL-TREATMENT

“I was tortured every day, except Eid.”

Bassel, who was detained for 15 days at the Ministry of Defence.¹³⁷

“Your life will end in this place.”

Security agent's threat to Maher, during his detention in an unidentified location.¹³⁸

Five Syrian refugees reported that military intelligence officers subjected them to ill-treatment when they apprehended them. Arrests were often carried out with excessive use of force and/or ill-treatment. Almost all the men interviewed had been handcuffed and blindfolded when arrested and taken to the first place of detention. Five Syrian men told Amnesty International that they were beaten during arrest; two said that they subsequently lost consciousness, including Hamza, who said that he had a 1.5cm-long wound on the head: “They beat me on my head with a Kalashnikov. It was bleeding.”¹³⁹

During detention and interrogation, all but one of the Syrian refugees interviewed by Amnesty International, including men, women and children, said that military intelligence officials subjected them to practices that amount to torture or other ill-treatment.¹⁴⁰ The four lawyers confirmed that the majority of their Syrian clients accused of terrorism told them that security officials tortured them or otherwise ill-treated them.¹⁴¹ Detainees and lawyers said that lawyers were never present during interrogations, since detainees were not allowed to have access to legal counsel before reaching the military court (see above and below, Sections 3.3 and 6.1.1). Torture or other ill-treatment occurred most frequently at the Ablah military intelligence centre, the General Security office in Beirut and the Ministry of Defence detention centre, according to refugees' testimonies.

¹³⁷ Interview on 13 July 2020.

¹³⁸ Interview on 2 December 2020.

¹³⁹ Interviews on 8 and 11 September 2020, on 2 and 19 November 2020 and on 1 and 2 December 2020.

¹⁴⁰ The man who was not mistreated was a public figure among the Syrian opposition. Interview on 10 December 2020.

¹⁴¹ Interviews on 17, 20 and 27 November 2020 and on 5 February 2021.

The lawyer Diala Chehade said that in 2017, one detainee died after military intelligence officials tortured him. She tried to file a complaint on behalf of his widow, but the lawyer said that military officials blocked it.¹⁴²

5.1 IN DETENTION

“I stayed three days in a row, night and day, standing in the corridor, handcuffed and blindfolded alongside other people. We had to beg to go to the bathroom and for water. They gave us food once a day. There were officers guarding us so that we didn’t sit or sleep. If somebody tried to, they would force him to stand again and I heard beating. On the fourth day, they took me to the interrogation room. I was already psychologically weak and upset because I had had no sleep.”

Mohamed, a Syrian refugee who was detained for a week at the General Security office in Beirut.¹⁴³

The information collected by Amnesty International shows that in each place where the organization documented detention of Syrian refugees, security agents subjected them to torture and other ill-treatment, including sleep deprivation, insufficient food, humiliation and stress positions. This treatment was designed to put them under pressure and increase their vulnerability during interrogation.

Some of this treatment was degrading and dehumanizing, such as replacing names by numbers or forcing detainees to be naked in front of others. Five refugees told Amnesty International that military intelligence agents at the Ministry of Defence assigned them numbers instead of using their names.¹⁴⁴ “At 8.30, an investigator called my number. They don’t call us by name but by number. My number was 15,” said Bassam, who was detained for eight days at the Ministry of Defence detention centre.¹⁴⁵

Two men detained in the Ablah military intelligence centre (Bekaa) and one man detained in Rihaniyyeh prison (Mount Lebanon) said that security agents forced them to stand naked in front of others, either for searches or before showering.¹⁴⁶ “One of the agents told me to remove all my clothes, including my underwear, for a search. But I was in the corridor with 10 people around. I did it,” one of them, Bassam, said.¹⁴⁷

Seven refugees in all reported that security agents prevented them from sleeping in between interrogation sessions. “I was in a cell, and an agent came in saying: ‘Stay awake’ and made sure no one was sleeping. I was too scared to sleep. At 3am, they took me back to the interrogation room,” Bassam said.¹⁴⁸

Six refugees told Amnesty International that they had insufficient food and water at some point during their detention in various centres.¹⁴⁹ “After standing for two hours, I was hungry and thirsty. I asked a guard for

¹⁴² Interview in Beirut on 3 July 2020.

¹⁴³ Interview on 9 September 2020.

¹⁴⁴ Interviews on 9 and 30 September 2020, on 18 and 30 November 2020 and on 4 December 2020. See also, Amnesty International, *Lebanon is failing torture survivors by delaying implementation of crucial reforms* (Press release 26 June 2019), www.amnesty.org/en/latest/news/2019/06/lebanon-is-failing-torture-survivors-by-delaying-implementation-of-crucial-reforms/

¹⁴⁵ Interview on 30 November 2020.

¹⁴⁶ Interviews on 16, 19 and 30 November 2020.

¹⁴⁷ Interview on 30 November 2020.

¹⁴⁸ Interview on 30 November 2020.

¹⁴⁹ Interviews on 9, 11 and 30 September 2020, and on 16, 19 and 27 November 2020.

food. He told me that it was forbidden,” said Karim, who was then detained at the General Security office in Beirut.¹⁵⁰

The four cases of children detention documented by Amnesty International show that these four children were not treated any better. Wael, who was then 15 years old, was detained in a military intelligence office where he was denied drinking water:

“I didn’t get any water. And the two following days I didn’t get any food either. I stayed during an hour or an hour and a half under the sun and I fainted. After I came back to consciousness, they brought me water,” Wael said.¹⁵¹

Seven male interviewees told Amnesty International that they had been forced to stand in stress positions, generally legs widely stretched apart, in between interrogation sessions and sometimes during interrogation.¹⁵² Ahmed, who was detained at the Ministry of Defence for about four days said:

“They made me stand in the corridor facing the wall and opening my feet. After 15 minutes, I couldn’t stand it and I closed my feet a little. The guard came, hit me and opened my legs again. I fell down after five minutes. I said: ‘If you want to kill me, kill me, but I can’t stand anymore.’ The guard asked why I disobeyed. I said that I had been tortured for five days and couldn’t stand it anymore. He cursed me and yelled at me. He made me face the wall without opening my legs during 10 hours.”¹⁵³

These actions caused suffering to detainees and amount to cruel and degrading treatment, which is prohibited by international law.¹⁵⁴

5.2 DURING INTERROGATION

“Now you’re at the Ministry of Defence. The department where you were before was a walk in the park. We’re here to make you leave this place dead.”

Military intelligence agents to Ahmed, who was detained at the Ministry of Defence for about four days.¹⁵⁵

Security officials have used a wide range of means to ill-treat and torture detainees during interrogations, such as mock executions, the use of electric devices and specific torture techniques with tools, as well as severe and repeated beating, threats with a dog and cigarettes burns, among others.¹⁵⁶

5.2.1 BEATINGS

“They hit me intentionally on my sensitive parts several times. The officer hit me with all his strength. I fell and lost consciousness. He hit me in the same way a second time. I couldn’t stand up for 30 minutes. It felt like knives tearing through my stomach.”

Ahmed, speaking of the treatment he endured during his detention in the Ablah military intelligence centre.¹⁵⁷

¹⁵⁰ Interview on 11 September 2020.

¹⁵¹ Interview on 30 September 2020.

¹⁵² Interviews on 8, 11, 16 and 23 September 2020 and on 18, 19 and 23 November 2020.

¹⁵³ Interview on 4 December 2020.

¹⁵⁴ In Article 7 of the ICCPR.

¹⁵⁵ Interview on 4 December 2020.

¹⁵⁶ Interviews on 13 July 2020; on 23 September 2020; and on 16, 19, 23 and 30 November 2020.

¹⁵⁷ Interview on 4 December 2020.

Twenty-one Syrians interviewed told Amnesty International that security agents repeatedly beat them during interrogation, in every detention centre they attended. According to the refugees, officials used various implements including metal sticks, electric cables and plastic hose pipes to beat detainees. In one case the detainee was naked when he was beaten, he said.¹⁵⁸

Khaled, who reported being detained at the General Security office in Beirut at that time said:

“For three to four days, I was in the interrogation room, beaten by investigators with sticks, metal bars, electric cables on my head, on my stomach, on my legs, all over the body. Every time blood came out of an area, they said: ‘We don’t want him to die in our arms’.”¹⁵⁹

Karim, who was also held at the General Security office in Beirut, told Amnesty International:

“He [the investigator] beat me on my neck, with his feet on my stomach, and sometimes with a stick, until I fainted... I couldn’t stand because my foot was not responding and I fell. They brought a doctor to check my foot. He said that I couldn’t stand because blood had gathered in my foot and I needed to sit.”

Security officials left him alone for two days before interrogating him again:

“I was beaten very severely to a point where I couldn’t feel anything or where I was beaten. Two people were beating me, I don’t know with what. I was tossed with feet from one side of the room to another as I was handcuffed and blindfolded.”¹⁶⁰

In six cases, detainees were also beaten after the interrogation.¹⁶¹ Bassel said that after he appeared in front of the judge at the military court, he was transferred to Rihaniyyeh prison where he was beaten every day for three weeks: “They beat us with plastic tubes from the bathroom on our back. My back had open wounds that started becoming really bad. In the end, there were maggots inside my wounds.”¹⁶² Bassel said that he could not get treatment at first. “A military doctor look at the wound and said that nothing was wrong. After 20 days, the Red Cross visited to prison. I told the woman [the Red Cross employee] to check my back. She asked a doctor from the Red Cross to come. He gave me medicines and after that they [prison guards] stopped beating me.”

In one case, as a father and son were detained together, military intelligence agents forced the son to beat his father, according to the father’s testimony. “They brought a hose, gave it to my son and forced him to beat me. I couldn’t bear it. My blood pressure dropped, they took me to the hospital,” the father said.

Four men reported being beaten on their “sensitive parts” and two of them said that they subsequently fainted.¹⁶³ Nouredine said:

“The agent hit me with a plastic hose pipe on my sensitive area three times. I said: ‘Please stop, I can’t take it anymore.’ He replied: ‘I’m hitting you here so you can’t bring any more children to this world, so that they don’t contaminate this community.’ Because of this, I was peeing blood for three or four days”.¹⁶⁴

As a direct result of beatings, four men said they had lost consciousness and two said they had broken teeth.¹⁶⁵

The two women interviewed by Amnesty International said that they have been subjected to ill-treatment, even though they have not been tortured in the same way as men have been.

When Amira was interrogated at the Information Department of the General Security office in Beirut about text messages that her husband sent to her, she was beaten once. “The investigator came close to me, put a glove on and slapped me on my face. He said: “You don’t want to talk?”, Amira said.¹⁶⁶ Besides being slapped once, Amira was not physically mistreated the rest of the time. But at the Information Department of the General Security office in Beirut, security agents beat her husband in

¹⁵⁸ Interviews on 16 and 23 September 2020; on 2 November 2020; and on 2 and 4 December 2020.

¹⁵⁹ Interview on 23 September 2020.

¹⁶⁰ Interview on 11 September 2020.

¹⁶¹ Interviews on 1 July 2020; on 16 September 2020; on 2, 16 and 19 November 2020; and on 4 December 2020.

¹⁶² Interview on 13 July 2020.

¹⁶³ Interviews on 14 October 2020; on 2 November 2020; and on 2 and 4 December 2020.

¹⁶⁴ Interview on 14 October 2020.

¹⁶⁵ Interviews on 1 July 2020.

¹⁶⁶ Interview on 1 December 2020.

front of her, which inflicted psychological pain on her. “They brought my husband, they beat him in front of me. Sometimes they used a metal stick. All I did was crying,” Amira said.¹⁶⁷

In addition, interrogators used insults and sexually-related means to pressure Hala and Amira when interrogating them. “The officer talked to me in an offensive way. He said “I will f*** you, I will beat you”. Every word was under the belt,” Hala said.¹⁶⁸ Amira said that agents interrogating her insulted her and showed her video clips of a sexual nature.¹⁶⁹

Some male refugees witnessed beatings of women. During his interrogation at the Information Department of the General Security office in Beirut, Khaled said that he met a woman as he was standing in the corridor, waiting between two interrogation sessions:

“I heard what happened in the investigation room. There was a Syrian woman called Huda inside.¹⁷⁰ They [investigators] told her: ‘Why don’t you confess on your husband? Why didn’t you say before that your husband is with Jabhat al-Nusra?’ They beat her, cursed her and then took her outside for 15 minutes. I asked her why she was beaten. She said that her husband is with Jabhat al-Nusra. She said that she was sexually harassed by the investigator and that he slapped her. She said that because she didn’t reply, he hit her with electric cables and a plastic hose pipe. I saw blood on her head. I left before her. I heard them telling her: ‘You’re not going anywhere now’.”¹⁷¹

Torture and other ill-treatment continued for some women after they were transferred to prison. In the civilian prison where she was imprisoned for a year and a month, Hala saw a cellmate who showed signs of mistreatment:¹⁷²

“They used to take women out of prison for two or three days. I don’t know where they took them. I remember one Syrian woman who was charged with terrorism [crime]. They took her for a few days. When she came back, she was not speaking. I asked her if they beat her and she started crying. Her body was covered with bruises.”¹⁷³

In addition, the detention of women was used as a tool in the ill-treatment of their male relatives. Amira’s detention related to her husband’s allegations of terrorist activities caused him mental pain. “I wanted the ground to split and take me down. It was very hard to know that my wife was here. She is a woman. I was afraid that she couldn’t sustain the pain. It was very hard to have dragged her into this,” Khalil said.¹⁷⁴ Ill-treatment of men by means of the detention of women constitutes an additional breach of human rights law. Both the beating of women, and the detention of family members in order to intimidate suspects, could reach the threshold of constituting torture or other ill-treatment in contravention of international law.¹⁷⁵

5.2.2 OTHER TORTURE METHODS

“He put my finger between doors and closed the door on it. He put me upside down on the door. Sometimes he would put me under a chair and would kick me with his feet. He also hanged me from my feet, upside down, on the door of the investigation room, for two hours.”

Majed, who was interrogated at the Beirut General Security office.¹⁷⁶

¹⁶⁷ Interview on 1 December 2020.

¹⁶⁸ Interview on 16 December 2020.

¹⁶⁹ Interview on 1 December 2020.

¹⁷⁰ Name has been changed in order to protect her security.

¹⁷¹ Interview on 23 September 2020.

¹⁷² The name of the prison has been withheld for security reasons.

¹⁷³ Interview on 22 December 2020.

¹⁷⁴ Interview on 27 November 2020.

¹⁷⁵ ICCPR, Article 7, CAT Article 1.

¹⁷⁶ Interview on 19 November 2020.

According to five interviewees, security agents used electric cables and devices to inflict pain during interrogations in the Ablah military intelligence centre, at the Beirut General Security office and at the Ministry of Defence.¹⁷⁷ Majed, who was interrogated at the Beirut General Security office by a security agent, told Amnesty International: “He had an electric wire plugged in. He put in my fingers and gave me electric shocks. I felt it in my brain. I still have a wound on my thumb.”¹⁷⁸

In the Ablah military intelligence centre, Ahmed said that military intelligence officials subjected him to a similar treatment: “They hit me with electric wires and pipes on my hands to the point that my fingers became swollen and the same size as my toes. Every time, I was scared that my hands would blow up.”¹⁷⁹

Almost half of the refugees interviewed reported that Lebanese security agents tortured them with techniques also used in Syrian prisons.¹⁸⁰ At the Ministry of Defence, Bassel said that he endured the “flying carpet” as he was strapped face-up on a foldable board, and one end brought up to the other.¹⁸¹ Seven refugees with whom Amnesty International spoke said that they were subjected to “balango”, where prison guards hoist an individual in the air for hours by their wrists tied behind the back. Agents at the Ministry of Defence tortured Karim, the journalist, with this technique. “He [the investigator] took my hands that were handcuffed and attached a metal chain to the handcuff. I was pulled by a chain. I started getting off the ground until I was standing on my toes. The pulling stopped. The officer said: ‘Tell me your story in Syria’. I said I documented Assad’s crimes. Every time I said ‘Assad’s crimes’, he pulled the chain further so that my body stretched and hurt.”¹⁸²

In two cases, security agents inflicted “shabeh”, when an individual is suspended by their wrists, which are usually manacled to a hook or over a door or pipes in the ceiling, and beaten.¹⁸³ “After five minutes, it felt like my shoulder was torn apart,” Ahmed said.¹⁸⁴

In one case, a refugee told Amnesty International that he was subjected to a mock execution. At the Ministry of Defence, military intelligence officials interrogated Mahmoud about a box of weapons that they said he had when arrested, which he denies. He said:

“The investigator took a gun out, he put one bullet in it and put the gun on my head. He pulled the trigger. I started crying. I couldn’t bear the situation... He pulled the trigger a second time. I broke down. I said that I’d tell him whatever he wanted [to hear].”¹⁸⁵

Torture and other ill-treatment resulted in physical harm, sometimes severe, for 12 of the Syrian refugees interviewed by Amnesty International, according to their testimonies.¹⁸⁶ Four of them said that a doctor examined them after their arrest, while in detention, because they were subjected to violence or torture.¹⁸⁷

Bassel reported that he was taken to hospital twice during his detention because of injuries sustained under torture and other ill-treatment. He said that the security agents who arrested him beat him and put a plastic bag on his head. He fell down and lost consciousness. He woke up at the hospital where he spent a few hours. He was transferred to the Ministry of Defence where he was held for 15 days, during which he was tortured every day except on Eid, using methods including “balango” and “the flying carpet”. He told Amnesty International: “They wanted to take me to the military court but the court refused me because my arm was dislocated. Military intelligence agents took me to the hospital. I stayed there for 13 days. I had black and yellow marks on my feet and my back.”¹⁸⁸

Mustafa also reported being transferred to hospital after passing out because he had been severely beaten during interrogation. He told Amnesty International: “I woke up in hospital. The doctor told me: ‘We feared that you had internal bleeding, but thank God, you don’t.’ Then he told the guard standing next to him: ‘His body can’t bear any more beating.’ The guard replied: ‘Don’t worry, he will bear more.’ The doctor said: ‘I’m

¹⁷⁷ Interview on 1 July 2020, on 11 September 2020, on 2 and 19 November 2020 and on 4 December 2020.

¹⁷⁸ Interview on 20 November 2020.

¹⁷⁹ Interview on 4 December 2020.

¹⁸⁰ Interviews on 13 July 2020; on 11 and 23 September 2020; on 18 and 23 November 2020; and on 3, 4, 7 and 11 December 2020. See also: Amnesty International, *“I wanted to die”, Syria’s torture survivors speak out* (Index: MDE 24/016/2012); Amnesty International, *Human Slaughterhouse: Mass hangings and extermination at Saydnaya Prison, Syria* (Index: MDE 24/5415/2017).

¹⁸¹ Interview on 13 July 2020.

¹⁸² Interview on 11 September 2020.

¹⁸³ Interviews on 3 and 4 December 2020.

¹⁸⁴ Interview on 4 December 2020.

¹⁸⁵ Interview on 18 November 2020.

¹⁸⁶ Interviews on 13 July 2020; on 8, 11, 16 and 30 September 2020; on 14 and 26 October 2020; on 2, 19, 27 and 30 November 2020; and on 7 December 2020.

¹⁸⁷ Interviews on 13 July 2020; on 11 September 2020; on 26 October 2020; and on 7 December 2020.

¹⁸⁸ Interview on 13 July 2020.

writing a report saying that he can't take on anymore and I'll send it. You do what you want'." ¹⁸⁹ He was sent back to the Ministry of Defence, where interrogation and torture continued.



↑ A woman Amnesty International spoke with told of how her son had been tortured in front of her during interrogation. Artist: Jawad Morad, © Amnesty International

5.3 TORTURE AND OTHER ILL-TREATMENT OF CHILDREN

“The moment I walked in I knew I was walking to hell. All I can remember is that they started beating me.”

Hassan, aged 16 at the time of his interrogation at the Beirut General Security office. ¹⁹⁰

Two refugees who were 15 and 16 when they were arrested, and two fathers who were detained with their teenage son told Amnesty International that security agents mistreated or tortured children, severely and repeatedly beating them and causing physical injuries to two of them, according to the two injured. ¹⁹¹

Hassan, then 16, said he was interrogated at the Beirut General Security office:

“I remember the first punch I received was on my belly. They beat me saying that I was a terrorist and I had to die. I had blood streaming out of my mouth. I couldn't feel anything. Everything was blurry. I passed out for about 30 minutes I think, then they threw water on me. They took me to wash my mouth because it was covered with blood. They told me that tonight ‘the evening joy will be on you’, which meant that I was going to be their toy. Every 30 minutes, they beat me, they didn't let me sleep for one minute. I stayed eight days.” ¹⁹²

¹⁸⁹ Interview on 2 November 2020.

¹⁹⁰ Interview on 26 October 2020.

¹⁹¹ Interviews on 7 and 30 September 2020, on 26 October 2020 and on 2 December 2020.

¹⁹² Interview on 26 October 2020.

Wael, aged 15 at the time, said that he was treated as harshly at the Ministry of Defence by security agents:

“Two agents came. One held my shoulder and the other pulled the chair behind me so I fell on the ground. He started beating me with his fists. One of the men told the investigators: ‘This man is a minor, what do you want to do with him?’ The investigator said: ‘Don’t be too hard on him’. But he was laughing at me. I stayed for five minutes on the ground as men in the room were beating me on my legs and kicking me.”¹⁹³

5.4 FAILURE TO INVESTIGATE TORTURE ALLEGATIONS

“Ninety per cent of my clients said that they had been beaten. But for us, it’s difficult to prove. We tried to send a doctor to examine them, but most doctors are too afraid to report beatings. And after a while, beating marks may have disappeared. So we are unable to prove that a detainee was beaten.”

Alia Chalha, a lawyer who has defended hundreds of Syrians accused of terrorism since 2011.¹⁹⁴

The four lawyers representing Syrian refugees in Lebanon who were interviewed by Amnesty international said that while most of their Syrian clients accused of terrorism have been subjected to torture or other ill-treatment, it has not been possible to get judicial authorities to acknowledge or investigate these allegations.¹⁹⁵ Mohamad Sablouh, who says he has defended approximately 75 Syrians accused of terrorism-related offences since 2014, told Amnesty International: “The problem is that neither the court nor the court judge open an investigation into [claims of] torture.”¹⁹⁶

Without evidence of torture or other ill-treatment, it is difficult to insist on officials investigating allegations. Three refugees told Amnesty International that military court employees (whom the detainees were not able to identify further) tried to hide the signs of beatings and other forms of torture from judges. In one case, staff members appeared reluctant to allow a transferred detainee into court because he had bruises and in three cases agents tried to hide suspects with signs of ill-treatment from judges, according the detainee, Bassam.¹⁹⁷ He said:

“They don’t introduce you to the judge if you have bruises on your body. They make us take our clothes off, look for bruises, and if there are any, they wait for these to be gone and then take us to the judge. I didn’t have many bruises on my body, so after five days, they [military court employees] took me in front of the judge.”¹⁹⁸

However, detainees’ testimonies and court documents show that military court officials and judges were aware that torture and other ill-treatment had been taking place in detention centres. Ten refugees Amnesty International interviewed said that they explicitly told the judge that they were beaten and confessed under torture.¹⁹⁹ The military court report of Hassan’s interrogation before the investigating judge, reviewed by Amnesty International, quotes Hassan as saying: “I said what I said because of the effect of beating”.

When the investigating judge questioned Samer and read the interrogation report of the Ministry of Defence to him, Samer denied confessing anything: “I told the judge that this was not what happened and that I

¹⁹³ Interview on 30 September 2020.

¹⁹⁴ Interview on 17 November 2020.

¹⁹⁵ Interviews on 17, 20 and 27 November 2020 and on 5 February 2021.

¹⁹⁶ Interview on 20 November 2020, Beirut.

¹⁹⁷ Interviews on 14 October 2020, on 2 and 18 November 2020, and on 2 December 2020.

¹⁹⁸ Interview on 2 December 2020.

¹⁹⁹ Interviews on 11 and 30 September 2020; on 2, 18, 19 and 23 November 2020; and on 2, 7, 10 and 11 December 2020.

didn't say anything. The judge said: 'But you signed?' I said that I signed this under torture and I was blindfolded."²⁰⁰

Wael, who was 15 when he was first arrested, was tried by a military court. According to Wael and his lawyer, when the lawyer told the judge that Wael was beaten and so did not do the things he had confessed to, the judge laughed and said: "They all say that they have been beaten and did not do anything."²⁰¹

In one case, an investigating judge asked about the detainee's treatment. "The judge asked me if I had been beaten. I said yes and that I signed the paper [the interrogation report] under beating and torture," Khaled said. In contrast, Amnesty International documented a case indicating that a military judicial investigator tried to wrongly stress that a detainee spoke freely. Ahmed's investigation report quotes him saying to the military judicial investigator: "I freely speak to you without being subject to any pressure or coercion." Ahmed denied saying this during his investigation.²⁰²

5.5 LEBANON'S OBLIGATIONS UNDER INTERNATIONAL LAW

The cases of torture and other ill-treatment documented suggest that Lebanese security officials have committed multiple violations of international human rights law.

Everyone deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person.²⁰³ No one may be subjected to torture or to other cruel, inhuman or degrading treatment or punishment. The right to freedom from torture and other ill-treatment or punishment is enshrined in Article 7 of the ICCPR, Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture, CAT) to which Lebanon is party, Articles 37(a) and Article 19 of the CRC, and Article 8 of the Arab Charter.²⁰⁴ This right is absolute. No exceptional circumstances whatsoever, including threats of terrorism or other violent crime, may be invoked to justify torture or other ill-treatment. The prohibition applies irrespective of the offence allegedly committed.²⁰⁵ The prohibition of torture is also a rule of customary international law, binding on all states whether or not they are parties to particular treaties which contain the prohibition. It is one of a small number of peremptory norms of general international law (*jus cogens* rules). International law leaves no room for states or individuals ever to try to justify any act of torture or other ill-treatment, anywhere, at any time, against any person, for any reason.

In addition, international law provides specific obligations in the context of interrogation. People undergoing questioning by the authorities must not be subjected to torture or other ill-treatment. Those questioned on suspicion of involvement in a criminal offence also have the right to remain silent and to the presence and assistance of a lawyer.²⁰⁶ Blindfolds should be expressly prohibited.²⁰⁷ None of these standards has been met in the cases of Syrian refugees documented by Amnesty International.

By repeatedly subjecting most Syrian detainees to torture or other ill-treatment during their interrogation, the Lebanese authorities violated Article 1 of the Convention against Torture and the absolute prohibition of torture. Under international law, the authorities have an obligation to prevent torture; investigate whenever there are reasonable grounds to suspect acts of torture or other ill-treatment have occurred, even when no official complaints have been made; bring those responsible to justice; and provide reparation to victims.

²⁰⁰ Interview on 23 November 2020.

²⁰¹ Interview on 30 September 2020 and on 9 January 2021.

²⁰² Interview on 7 January 2021.

²⁰³ Article 10 of ICCPR and Article 20(1) of the Arab Charter. The right to humane treatment is expressly non-derogable under the Arab Charter (Article 4(2)).

²⁰⁴ Lebanon ratified the CAT and its Optional Protocol in 2000 and 2008 respectively.

²⁰⁵ Article 2(2) of CAT; HRC General Comment 20, §3; CAT: General Comment 2, §5, Israel, UN Doc. A/57/44 (2001) §53(i) and CAT/C/ISR/CO/4 (2009) §14.

²⁰⁶ Special Rapporteur on the independence of judges and lawyers, United Kingdom, UN Doc. E/CN.4/1998/39/add.4 (1998) §47.

²⁰⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 12th General Report, CPT/Inf (2002) 15, §38; Special Rapporteur on torture: UN Doc. A/56/156 (2001) §39(f).

6. VIOLATIONS OF THE RIGHT TO DUE PROCESS

“There were 17 procedural violations in [Hassan’s] file. Among them, the court did not investigate torture allegations, there was a lack of evidence.”

Mohamad Sabloun, Hassan’s lawyer. Hassan was sentenced to life imprisonment.²⁰⁸

Under Lebanese law, terrorism charges have two particularly grave human rights consequences. First, the pre-trial detention of individuals accused of terrorism is not limited, unlike for many other crimes.²⁰⁹ Second, civilian suspects are investigated and tried before a military court in a procedure which violates various human rights and does not guarantee a free and fair trial (see Section 7.1).

During their pre-trial detention, the refugees interviewed by Amnesty International were denied prompt access to a lawyer. Twenty-two refugees interviewed said that they did not see a lawyer before the start of the judicial investigation. This undermined their ability to defend themselves and challenge the legality of their detention. Proceedings were delayed and refugees generally had to wait several weeks before appearing in front of the investigating judge. While six of the refugees interviewed had their first hearing with the investigating judge two weeks after their arrest, 12 of them waited between three weeks and two months and one waited five months. Lengthy delays between hearings and mass trials resulted in excessively long proceedings. As a result, it has been common for Syrian refugees to spend several years in pre-trial detention, without legal recourse to the means to challenge their ongoing detention, according to interviewees and lawyers. Fourteen refugees told Amnesty International that they spent between four months and a year and a half in detention pending trial; 10 said they were detained for three to four years before their trial took place. Due process violations in cases involving Syrian refugees reflect the overall failures of the Lebanese justice system documented by Amnesty International, including long proceedings’ delays and the common practice of torture in custody.²¹⁰

²⁰⁸ Interview in Tripoli on 6 January 2021.

²⁰⁹ The law, dated 6 June 2010, amended article 108 of the criminal procedure law on how long detainees can be held, introducing exceptions, including for terrorism-related crimes.

²¹⁰ Amnesty International, *Lebanon: Government must urgently release more prisoners to prevent spread of COVID-19*, (Press release 21 April 2020), www.amnesty.org/en/latest/news/2020/04/lebanon-government-must-urgently-release-more-prisoners-to-prevent-spread-of-covid19/

Amnesty International, *Lebanon: Authorities’ failure to implement anti-torture law is a disgrace*, (Press release 25 November 2020), www.amnesty.org/en/latest/news/2020/11/lebanon-authorities-failure-to-implement-anti-torture-law-is-a-disgrace/

6.1 LIMITED AND LATE ACCESS TO LEGAL COUNSEL

“Until the military court, no one told me I had the right to have a lawyer. Only [the judge] did.”

Karim, who was detained for a week before being brought before a judge.²¹¹

As detainees were not allowed to communicate with a third party during the first stages of their detention (see Section 3.3), 22 out of the 24 refugees interviewed said that they did not have access to legal counsel until they were transferred to prison, after their first hearing with the investigating judge.²¹² As a result, these interviewees had no legal assistance during interrogation or their first hearing before an investigating judge. Only nine detainees told Amnesty International that the investigating judge told them they had the right to hire a lawyer or could have one assigned.²¹³ All others were notified later.

Until the adoption of a new law to safeguard defence rights in September 2020, the Lebanese Criminal Procedure Law did not explicitly state that accused should be assisted by a lawyer in the first stage of interrogations.²¹⁴ As a result, accused usually did not have access to legal counsel before they appeared in front of the investigating judge, in violation of international law, according to lawyers' and refugees' testimonies. The Law No. 191 of 30/01/2020 explicitly provides that detainees have the right to access a lawyer during the initial interrogation.²¹⁵ However, lawyers told Amnesty International that the Law has not been implemented thoroughly to date.²¹⁶

Four of the interrogation reports that Amnesty International reviewed mention that rights guaranteed by Article 47 of the Lebanese Criminal Procedure Law, including the right to call a lawyer, a family member or a doctor, were expressly stated to suspects during interrogations that took place before 2020.²¹⁷ However, all but one of the interviewees who spoke to Amnesty International specifically said that they were not notified of these rights until they met the investigating judge, or later in a few cases. Only Bassam said that he was made aware of these rights on arrival at the Ministry of Defence. He said:

“There was a document saying that it was allowed to have a lawyer, make a phone call and in case of sickness go to the hospital. When I asked for a lawyer, they [employees] said no, that it was just for showing off. I had asthma but I was not allowed to go to the hospital,”²¹⁸

The lawyers interviewed by Amnesty International also said that they did not have access to their clients before the judicial investigation.²¹⁹ The discrepancies between four interrogation reports seen by Amnesty International and testimonies of refugees suggest that Lebanese security agents are aware of the law, but do not abide by it.

Children interviewed by Amnesty faced the same situation as adults and did not have access to a lawyer before they met a judge, with two of them respectively waiting one and three months in detention before seeing a lawyer.²²⁰ Hassan's military judge investigation report that Amnesty International reviewed mentions that Hassan, who was 16, “requested not to have a lawyer attending the investigation.” Hassan denied requesting such a thing.²²¹

All refugees eventually manage to have a lawyer defending them, but only weeks, if not months, into their detention, which delayed proceedings as some had their hearing with the judge cancelled because they had

²¹¹ Interview on 11 September 2020.

²¹² In two cases detainees had access to a lawyer earlier. Interviews on 11 September 2020 and 2 December 2020.

²¹³ Interviews on 7, 8 and 30 September 2020; on 18, 23 and 27 November 2020; and on 2, 7 and 10 December 2020.

²¹⁴ Law No. 191 of 30/01/2020.

²¹⁵ Articles 76, 78, 79, 82 and 83 of the Law No. 191 of 30/01/2020.

²¹⁶ Interviews with Hala Hamzeh on 27 November 2020, Beirut and with Alia Chalha on 6 January 2020, Beirut.

²¹⁷ Article 47 provides the procedures to be followed by the judicial police in connection with offences falling outside of the category of *in flagrante*, legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=1113218&LawId=244483&language=ar

²¹⁸ Interview on 2 December 2020.

²¹⁹ Interviews with Mohamad Sabouh in Tripoli on 24 January 2021 and with Diala Chehade in Beirut on 5 February 2021.

²²⁰ Interviews on 30 September 2020 and on 26 October 2020.

²²¹ Interview on 15 January 2021.

no lawyer.²²² Majed said that he met his lawyer for the first time at his first hearing with the judge, 10 months after his arrest.²²³

However even once they were able to contact lawyers, the detainees said that they faced the considerable challenge of then paying for them. Lawyers fees vary depending on individual cases but it typically cost refugees several thousands of US dollars. Many refugees were unable to afford one as the majority of Syrian refugees in Lebanon live below the poverty line.²²⁴ Three detainees had to get into debt in order to pay a lawyer.²²⁵ This was the case for Hala: “My son hired a lawyer. It cost US\$15,000. We had to mortgage our destroyed house in Syria.”²²⁶

People deprived of their liberty who do not have a lawyer of their choice have the right to effective, qualified assigned counsel, when the interests of justice require it. The assigned counsel must be free of charge if the person cannot afford to pay.²²⁷

In four of the cases documented by Amnesty International, detainees were offered a lawyer appointed by the court, but two refused because they perceived them as having links with military officials or because assigned lawyers had a bad reputation among refugees.²²⁸ “For the second hearing, I still didn’t have a lawyer because I couldn’t afford it. The judge said: ‘If you want, I can assign you a military personnel’ meaning a lawyer from the military. But I heard from other detainees that they look at your file only one hour before the trial and then during the trial, they say that the client is guilty,” Mustafa said.²²⁹ In two cases, detainees said that assigned lawyers did not defend them effectively.²³⁰ Hashem, who attended his son’s trial, told Amnesty International: “They assigned a lawyer who spoke against my son at the court. The lawyer said: ‘You should sentence this man with the highest sentence because he fought against the Lebanese army’.”²³¹

Everyone deprived of their liberty or facing a possible criminal charge has the right to the assistance of a lawyer to protect their rights and to help in their defence from the very start of a criminal investigation.²³² The right to legal counsel pre-trial includes the right to access a lawyer, time to consult the lawyer in confidence, to have the lawyer present during questioning and to be able to consult them during questioning. In addition, everyone deprived of their liberty has the right to undertake proceedings to challenge the lawfulness of their detention before a court.²³³

As the Syrian refugees did not have access to legal counsel for at least several weeks into their detention, they were unable to challenge its legality.

This late and limited access to a lawyer had additional consequences for detainees. Their rights during detention were not protected, including the right to be free from torture and other ill-treatment and the right not to be compelled to incriminate oneself; and they could not prepare their defence. Lebanon has infringed a key element of fair trial rights by not ensuring that Syrian detainees, including children, had access to effective legal counsel from the start of their detention.

²²² Interviews on 13 July 2020, on 2 and 27 November 2020, and on 7 December 2020.

²²³ Interview on 19 November 2020.

²²⁴ Interviews 13 July 2020; on 7, 16 and 30 September 2020; on 14 October 2020; on 2 November 2020; and on 16 December 2020.

²²⁵ Interviews on 13 July 2020, 16 September 2020 and 16 December 2020. See also UN World Food Programme (WFP), “Nine out of ten refugee families in Lebanon are now living in extreme poverty, UN Study says”, 18 December 2020, www.wfp.org/news/nine-out-ten-syrian-refugee-families-lebanon-are-now-living-extreme-poverty-un-study-says

²²⁶ Interview on 16 December 2020.

²²⁷ Articles 13(1) and 16(4) of the Arab Charter.

²²⁸ Interviews on 7 and 30 September 2020; on 14 October 2020; and on 2 November 2020.

²²⁹ Interview on 2 November 2020.

²³⁰ Interviews on 7 September 2020 and 14 October 2020.

²³¹ Interview on 7 September 2020.

²³² Article 17(2)(d) of the ICCPR; Article 37(d) of the CRC; Article 16(4) of the Arab Charter. Human Rights Council resolution 13/19, UN Doc. A/HRC/RES/13/19 (2010) §6.

²³³ Article 9(4) of the ICCPR; Article 17(2)(f) of the ICCPR; Article 37(d) of the CRC; Article 14(6) of the Arab Charter.

6.2 EXCESSIVE PROCEDURAL DELAYS

“I went 27 times to the court. Every time my hearing was postponed because there are 240 people in my file.”

Maher, who was tried more than four years after his arrest.²³⁴

Syrian detainees have faced excessive delays before appearing before the investigating judge for a first hearing and during trial proceedings, according to testimonies, lawyers and legal documents reviewed.²³⁵

In the Lebanese judicial system, the investigation hearing is the initial opportunity for someone who is being prosecuted to be released on bail. There may then be a number of subsequent pre-trial hearings before a final trial is conducted.²³⁶

Twelve Syrian refugees said they were brought before an investigating judge between three weeks to two months after their arrest. But five said they had to wait for two months and one as long as five months for that initial hearing.²³⁷ The four lawyers said that on average, it takes nine months to a year for Syrian detainees to have their first hearing before a judge.²³⁸ The lawyer Mohammad Sabloun said:

“I met the president of the new military court, he admitted that he has 6,800 cases to review, and he does not have time to review them before trial. He admitted that many people have been detained for a very long time and they had to wait for the trial date before being released.”²³⁹

While in half of the cases Amnesty International documented pre-trial detention last between six months and a year, in nine cases it lasted for more than two years. For example, Ahmed and Hassan, who was 16 when he was arrested, were detained for four years before standing trial, and Majed has been detained for five years and is still awaiting trial, according to their testimonies and legal documents reviewed by Amnesty International.

Many detainees reported that hearings and trials were postponed several times. “My first hearing was supposed to be in June 2017 but it was postponed to 2018, then to late 2018, then to December 2019. It was postponed seven times,” said Khaled, who was tried three and a half years after his arrest.²⁴⁰ Three detainees said that three to six months passed between each postponed hearing.²⁴¹

Judges postponed hearings or trials for a number of reasons. In some cases it was because the accused did not have a lawyer.²⁴² In others the delay was caused by the outbreak of COVID-19 and lockdowns in prisons. Six of the interviewees had their hearings delayed because they were part of mass trials.²⁴³ “I had my first hearing in 2016 [two years after the arrest]. I was on trial for the Aarsal battle, with 110 or 115 other people. Hearings kept being postponed because one person doesn’t have a lawyer, etc. It lasted two and a half years,” Ahmed said.²⁴⁴ The two children were included in two mass trials with 44 and 19 other people respectively.²⁴⁵ Wael was released after four and a half months.²⁴⁶ However, Hassan was tried almost four years after his arrest: “I stayed one year in prison before receiving the paper with my charges. I stayed another year until the trial, but it was postponed nine times.”²⁴⁷

²³⁴ Interview on 2 December 2020.

²³⁵ Interviews on 17, 20 and 27 November 2020 and 5 February 2021.

²³⁶ Article 111 to 146 of the Lebanese Criminal Law of 11/03/1943.

²³⁷ Interviews on 13 July 2020, on 7 and 9 September 2020, on 2 and 27 November 2020, and 2 December 2020.

²³⁸ Interviews on 17, 20 and 27 November 2020.

²³⁹ Interview on 20 November 2020.

²⁴⁰ Interview on 23 September 2020.

²⁴¹ Interviews on 13 July 2020 and on 18 and 23 November 2020.

²⁴² Interviews on 2 and 27 November 2020, and on 1 and 4 December 2020.

²⁴³ Interviews on 9 and 30 September 2020, on 26 October 2020, on 19 November 2020, and on 2 and 4 December 2020. Amnesty International reviewed three court documents mentioning mass trials.

²⁴⁴ Interview on 4 December 2020.

²⁴⁵ Interviews on 30 September 2020 and 26 October 2020. Amnesty International reviewed court documents mentioning the mass trial of 44 people.

²⁴⁶ Even though Wael was released after four and a half months, he was released to be deported to Syrian, see Chapter 8.

²⁴⁷ Interview on 26 October 2020.

These excessive delays in proceedings violate international law. Prolonged detention without trial violates the right to be free from arbitrary detention and other fair trial rights such as the presumption of innocence. International standards require that anyone arrested or detained be brought promptly before a judge or other officer authorized by law to exercise judicial power and set out the rights of anyone facing a criminal charge (Article 9(3) of the ICCPR and Article 14(5) of the Arab Charter). In most cases, delays of more than 48 hours following arrest or detention have been considered excessive.²⁴⁸

In Lebanese law, the pre-trial detention of individuals accused of terrorism is not limited, unlike for many other crimes.²⁴⁹ This constitutes a breach of fair trial rights and violates international law, as it is inconsistent with the presumption of innocence, the presumption of release pending trial and the right to trial within a reasonable time or release.²⁵⁰

Anyone detained on a criminal charge has the right to trial within a reasonable time or to release pending trial (Article 9(3) of the ICCPR, Article 14(5) of the Arab Charter). Similarly, criminal proceedings must be started and completed within a reasonable time (Article 14(3)(c) of the ICCPR, Article 40(2)(b)(iii) of the CRC).²⁵¹

While the reasonableness of the time may be arguable, the delays and protracted proceedings experienced by interviewees of more than two and up to four years cannot be considered reasonable.²⁵² In addition, Lebanese judicial authorities' special diligence in the conduct of proceedings may be questioned when three to six months pass between each hearing.

Additional safeguards apply to children. According to the Committee on the Rights of the Child, the CRC requires proceedings against children to be completed "without delay". The time frame for completing cases brought against children should be much shorter than that for adults. As the detention of a child must be a measure of last resort, any child who is arrested and deprived of their liberty should be brought before a competent authority within 24 hours to examine the legality of detention.²⁵³ The Committee on the Rights of the Child calls for a final decision on charges not later than six months after they have been presented.²⁵⁴ If children are deprived of their liberty, including before trial, this must be for the shortest appropriate time. Alternatives to detention must be available and their appropriateness explored (Article 37(b) of the CRC). States must provide by law for regular review of the continuing necessity and appropriateness of the pre-trial detention, preferably every two weeks.²⁵⁵

Detainees should not be punished with a prolonged detention because they are part of mass trials, causing further delays. Amnesty International is concerned that mass trials are conducive to breaches of fair trial standards and are likely to fail to demonstrate individual criminal responsibility. As a result, Syrian refugees who are part of trials including dozens or over a hundred accused are at increased risk of not receiving an individualized sentence.

²⁴⁸ HRC Concluding Observations: El Salvador, UN Doc. CCPR/C/SLV/CO/6 (2010) §14; Special Rapporteur on torture, UN Doc. E/CN.4/2003/68 (2002) §26(g) and UN Doc. A/65/273 (2010) §75.

²⁴⁹ The law, dated 6 June 2010, amended article 108 of criminal procedure law on how long defendants can be detained, introducing exceptions, including for terrorism-related crimes.

²⁵⁰ HRC Concluding Observations: Argentina, UN Doc. CCPR/C/70/ARG (2000) §10; Moldova, UN Doc. CCPR/C/MDA/CO/2 (2009) §19; Italy, UN Doc. CCPR/C/ITA/CO/5 (2005) §14.

²⁵¹ CRC General Comment 10, §52.

²⁵² The UN Human Rights Committee considered that a delay of some 16 months before the start of the trial of an individual accused of murder violated the ICCPR, noting that the authorities had gathered all evidence for the case within days following the arrest. See *Teesdale v Trinidad and Tobago*, HRC, UN Doc. CCPR/C/74/D/677/1992 (2002) §9.3).

²⁵³ CRC General Comment 10, §83.

²⁵⁴ CRC General Comment 10, §83.

²⁵⁵ CRC General Comment 10, §83.

7. TRIALS

On several aspects, trials have not met fair trial standards. Six refugees also highlighted the flawed nature of the investigation process which undermined the right to a fair trial. For example, these refugees and Mohamad Sabloun, a Lebanese lawyer, reported that investigators did not verify what they said to counter the accusations, especially evidence on their location that would have been easy to corroborate.²⁵⁶ When investigators accused Khalil of fighting in the Aarsal battle, Khalil said that he was at work at that time, but there is no indication that investigators sought to verify this information with his colleagues.²⁵⁷ To the knowledge of detainees and lawyers, investigators did not try either to trace or understand the origin of pictures in suspects' phones, the basis of several accusations. Lebanese lawyer, Alia Chalha said:

“People have been prosecuted for only receiving pictures, even if they didn’t answer messages, or just for visiting a website. They shouldn’t be prosecuted and punished for intentions.”²⁵⁸

Among the refugees who spoke to Amnesty International, at the time of writing four were still awaiting trial. Two of the refugees, who were journalists, and two who were children at the time of the alleged crimes, had been acquitted and released. The remaining 18 were sentenced to between six months and seven years in prison and two refugees, including one who was a child when he was arrested, were sentenced to life imprisonment.

7.1 CIVILIANS TRIED BY MILITARY COURTS

According to Lebanese judicial authorities, terrorism crimes and/or crimes involving military personnel fall within the jurisdiction of military courts. Among the 26 cases of Syrian refugees documented, 23 were tried before a military court, including two who were children when the alleged crimes occurred (among the four cases of children documented by Amnesty International). Wael and Hassan, who were arrested when they were respectively 15 and 16, were tried in front of a military court.²⁵⁹ While Bashir, 14, was released free of charge, Imad and Hamza who were separately accused of committing terrorism-related crimes in Syria when they were respectively below 16 and 17, were tried before criminal courts, according to their lawyers and court documents.²⁶⁰

In Lebanon, military courts have jurisdiction over crimes involving military personnel.²⁶¹ Their jurisdiction extends to civilians who may be tried on security charges. Military justice is an exceptional and separate judicial system situated within the Ministry of Defence and military judges are appointed by the Minister of Defence. Therefore, the basic condition of independence and impartiality of the court cannot be guaranteed.²⁶² Amnesty International takes the view that military courts are unsuitable to hear cases against civilians as they lack the necessary independence.²⁶³

²⁵⁶ Interviews on 16, 23, and 30 September 2020; on 2 and 27 November 2020; on 2 December 2020; and on 20 January 2021.

²⁵⁷ Interview on 27 November 2020.

²⁵⁸ Interview on 17 November 2020.

²⁵⁹ Interviews on 30 September 2020, 26 October 2020 and 3 December 2020.

²⁶⁰ Hamza was a child at the time of the alleged crime but he was an adult when he was arrested. Therefore, in this report, his case is documented among adults' cases even though his sentence is included among children's sentences.

²⁶¹ Military justice law 24 (13/04/1968), www.legallaw.ul.edu.lb/LawView.aspx?opt=view&LawID=244405

²⁶² Souleyman Takiyeddine's booklet (in Arabic):

سليمان تقي الدين، استقلال القضاء، دراسة خلفية للخطوة الوطنية لحقوق الإنسان، 2008، ص. 13-14 و 28 و 31.

Ramzi Joreige's article (in Arabic) :

While the UN Human Rights Committee has not yet held that trials of civilians before military courts are completely prohibited, it has stated that they should be exceptional and that the courts must be independent, impartial and competent and must respect minimum guarantees of fairness.²⁶⁴ Furthermore, states permitting such trials must show that they are necessary and justified and that the regular civilian courts are unable to undertake such trials, or that they are authorized under international humanitarian law. The Working Group on Arbitrary Detention has called for states in legal transition that permit trials of civilians before military courts to provide a procedure through which civilians are able to challenge the competence of the military court before an independent civilian judicial authority.²⁶⁵

The UN Human Rights Committee has expressed concerns about “the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians” as well as “the procedures followed by these military courts.”²⁶⁶ The Lebanese military justice system violates judicial guarantees and human rights, including the right to defence and the right to a just and fair trial. “In military court, a lawyer can’t do much,” a lawyer said.²⁶⁷ A military court is exempted of justifying its decisions because of its exceptional and brief procedures; it releases a written judgment that does not necessarily set out a detailed rationale for the decision. Access to sessions is restricted and the right of appeal is limited.

Amnesty International opposes trials of civilians before military courts because they cannot ensure guarantees of fair trial and the rights of defence, and raise concerns around independence and impartiality.²⁶⁸ Civilians, including Syrians accused of terrorism crimes, should be tried in civilian courts.

7.2 COERCED CONFESSIONS AND UNRELIABLE EVIDENCE

“The accusation was ready and written before the investigation started.”

Maher, who was interrogated about his alleged participation in the battle of Aarsal.²⁶⁹

“Now you have to answer ‘Yes it happened’ to everything I tell you.”

Investigator to Majed during interrogation at the Beirut General Security office.²⁷⁰

Out of the 11 verdicts reviewed by Amnesty International, six included mentions that the suspects were found innocent of terrorism charges “because of doubts and insufficient evidence”. While it indicates a degree of objectivity in rulings, it also shows that evidence has been very fragile. Statements by detainees and lawyers and court documents indicate that accusations against Syrian suspects have relied mainly on confessions obtained under duress, self-incrimination and information from cell phones presented as evidence. Nasser, sentenced to three years’ imprisonment said:

“The investigators beat me, they forced me to admit I was a member of Jabhat al-Nusra and Daesh [the Arabic acronym for IS]. Then they forced me to put my fingerprint on the report. Since I was handcuffed and blindfolded,

رمزي جريج، المحكمة العسكرية، النهار، 12 تموز 2019، ص.3 ملاحظات.

²⁶³ Amnesty International, *Fair Trial Manual*, Ch. 29 (Index: POL 30/2002/2014).

²⁶⁴ HRC General Comment 32, §22.

²⁶⁵ WGAD, UN Doc. A/HRC/7/4 (2008) §82(c).

²⁶⁶ HRC, Concluding observations, 01/04/1997.

²⁶⁷ Interview on 27 November 2020.

²⁶⁸ Amnesty International, *Fair Trial Manual*, Ch. 29 (Index: POL 30/2002/2014).

²⁶⁹ Interview on 2 December 2020.

²⁷⁰ Interview on 23 November 2020.

they took my hand for the fingerprint. They beat me before so I didn't resist when they took my hand. They didn't allow me to read it and then they sent me to Roumieh prison.”²⁷¹

Fourteen of the Syrian refugees interviewed told Amnesty International that they eventually said that they had committed crimes solely in order to put an end to the torture or other ill-treatment.²⁷² Khalil described what happened to him when he was interrogated at the Beirut General Security office:

“After six days, I fell down. I couldn't stand up, my feet were not holding me any more, I was not able to walk. They only gave me one sandwich a day, sometimes no food at all. I was beaten in the morning and at night. I was numb. It was hard to bear because I didn't do anything. In the end, I told them: ‘Write what you want, I can't stand it any more’.”²⁷³

Security agents also threatened and intimidated detainees to force them to confess, they said. Mahmoud said that while he was under interrogation at the Ablah military intelligence centre, an agent told him: “You have to speak, otherwise you'll get out of here dead.”²⁷⁴ Bassam, who has a phobia about dogs, said that agents at the Ministry of Defence took him to a floor where there were dogs. Bassam said that he immediately told them that he would confess to anything.²⁷⁵

Six refugees said that as a result of their treatment they incriminated themselves and invented events.²⁷⁶ Mahmoud said that, after having been threatened and tortured with the “balango” technique, he told the investigator: “I will tell you what I did but all of this is not true.” Mahmoud said that he then invented a story about him during the battle of Aarsal and the investigator wrote a report based on it.²⁷⁷ In three cases, investigators reportedly encouraged detainees to incriminate themselves.²⁷⁸

Bassam said that the investigator at the Ministry of Defence told him: “You need to tell me a good story that the judge will believe.”²⁷⁹ Khalil, who said he was weakened after days of interrogation and mistreatment, said that the investigator advised him to admit a comparatively small crime leading to a short sentence in order to put an end to the process: “The investigator told me: ‘Tell the judge that you were only trading weapons. So that he has a something to charge you with’.”²⁸⁰

Bassam said that military intelligence officials used ill-treatment to coerce detainees into incriminating others. While Bassam was being interrogated in the Ministry of Defence about his alleged participation in the battle of Aarsal, the investigator confronted him with someone he knew: “He brought Ahmad to the room where I was and asked him: ‘Is what I'm saying true?’ Ahmad, without knowing what he was referring to, said it was true.”²⁸¹

Ill-treatment was also used against the two children in order to coerce them into making a confession, they said. Wael said: “I was thinking that I needed to say something just to get out, but without harming myself.”²⁸²

Refugees reported that investigators threatened their relatives in order to compel them to confess. In one case, they detained a father and a son; in six they threatened to bring or brought a refugee's wife, sister or mother to the place of detention.²⁸³ Karim said he confessed during interrogation at the Beirut General Security office after investigators threatened to bring his sister: “I imagined my sister going through the same beating. I told them that I would sign any accusation.”²⁸⁴ Bassam said that during interrogation in the Ablah military intelligence centre, an agent told him: “You have to speak, otherwise we can invite your family for a visit. And then we'll see how you will speak.”²⁸⁵

²⁷¹ Interview on 7 December 2020.

²⁷² Interviews on 7, 8, 11, 16 and 30 September 2020; on 14 and 26 October 2020; on 2, 16, 19, 23, 27 and 30 November 2020; and on 7 December 2020.

²⁷³ Interview on 27 November 2020.

²⁷⁴ Interview on 18 November 2020.

²⁷⁵ Interview on 2 December 2020.

²⁷⁶ Interviews on 30 September 2020; on 14 October 2020; on 2, 18 and 19 November 2020; and on 2 December 2020.

²⁷⁷ Interview on 18 November 2020.

²⁷⁸ Interviews on 2 and 27 November 2020 and on 2 December 2020.

²⁷⁹ Interview on 2 December 2020.

²⁸⁰ Interview on 27 November 2020.

²⁸¹ Interview on 2 December 2020.

²⁸² Interview on 30 September 2020.

²⁸³ Interviews on 7, 11 and 23 September 2020; and on 2, 19, 23 and 30 November 2020.

²⁸⁴ Interview on 11 September 2020.

²⁸⁵ Interview on 2 December 2020.

Four refugees said that security agents threatened to deport them back to Syria.²⁸⁶ Majed, who was interrogated at the Beirut General Security office, told Amnesty International: “The investigator threatened to send me back to Syria and to hand me over to Syrian authorities. That’s the most brutal thing somebody can do to me because I defected from the military.”²⁸⁷

The four lawyers interviewed confirmed that court decisions mainly rely on confessions that were obtained under torture.²⁸⁸ “Most of cases are based on the above mentioned ‘confessions’... taken from the suspect against their will and with the use of mental and physical ill-treatment and torture,” the lawyer Diala Chehade said.²⁸⁹ Verdicts reviewed by Amnesty International indicate that confessions were the main basis for convictions.

At the end of the process, 16 refugees said that investigators coerced them into signing interrogation reports that they were not able or allowed to read before signing.²⁹⁰ “Once you sign the paper they want, the beating stops”, said Hashem, who was interrogated and tortured with his son.²⁹¹

Wael, then aged 15, described what happened to him while held at the Ministry of Defence:

“He [the investigator] gave me five or six papers and told me to sign them. I said that I will not sign anything. Somebody came from behind and hit my head to the point that I hit the table. Because I refused to sign, they took me out of the room. I stayed there waiting for five hours without being able to move or lean on a wall. After five hours, they took me back to the room. The investigator said: ‘Don’t you want to sign this to be over with [it] and be transferred to the court?’ I just wanted to get out. I had enough of interrogation. So I signed everything. I didn’t have time to read what was on the papers because it happened so fast.”²⁹²

All the detainees with whom Amnesty International spoke said that they were coerced into signing confessions and/or not allowed to read them. “Several of these confessions were proven false by physical evidence. Those who were not able to show that their “confessions” were false were convicted. The notion “beyond reasonable doubt” is rarely applied in cases of terrorism,” said Diala Chehade, a Lebanese lawyer.²⁹³

Eleven detainees interviewed by Amnesty International told investigating judges that they confessed under torture, with three of them saying that they showed bruises on their body. In addition, in 18 cases, detainees denied having said or done what was set out in their interrogation report during their hearing with the investigating judge. Therefore, when it was alleged that their confessions were not made freely the court should have investigated this claim and, unless it could be proven that the evidence was not ascertained as the result of torture, it should have been excluded.

The way many detainees appear to have been coerced to confess guilt violates international law. If these claims are correct then Lebanon has failed to uphold international standards of due process. Violations affecting children constitute an additional failure of Lebanon to protect the rights of children in detention.

²⁸⁶ Interviews on 9 September 2020; on 14 October 2020; on 19 November 2020; and on 4 December 2020.

²⁸⁷ Interview on 23 November 2020.

²⁸⁸ Interviews on 19 June 2020, on 3 July 2020 and on 17 and 27 November 2020.

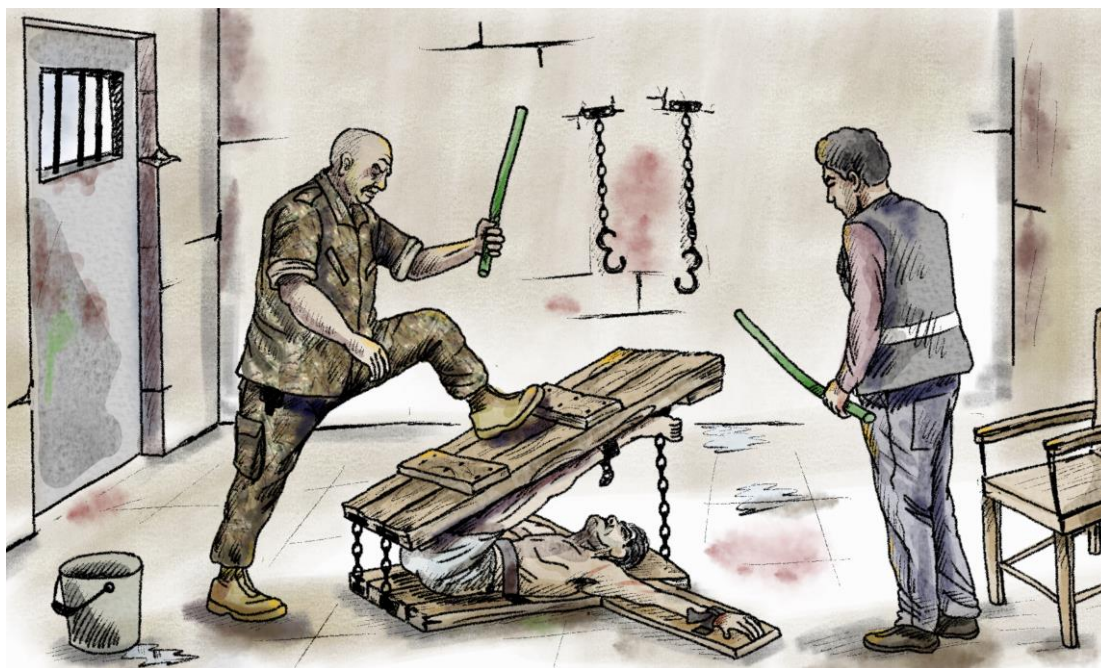
²⁸⁹ Interview in Beirut on 5 February 2021.

²⁹⁰ Interviews on 11, 16, 23 and 30 September 2020; on 14 and 26 October 2020; on 2, 18, 19, 23 and 27 November 2020; and on 2, 3, 4, 10 and 11 December 2020.

²⁹¹ Interview on 7 September 2020.

²⁹² Interview on 30 September 2020.

²⁹³ Interview in Beirut on 5 February 2021.



👁️ ↑ One interviewee told Amnesty International that Lebanese security forces inflicted the “flying carpet” on him which entails being strapped face-up on a foldable board, with one end brought up to the other. Artist: Jawad Morad, © Amnesty International

APPLICABLE LEGAL STANDARDS

No one charged with a criminal offence may be compelled to confess guilt or testify against themselves.²⁹⁴ The right not to be compelled to incriminate oneself or confess guilt is broad. It prohibits any form of coercion, whether direct or indirect, physical or psychological. Such coercion includes, but is not limited to, torture and other cruel, inhuman or degrading treatment. Additionally, statements obtained by torture cannot be admitted as evidence.²⁹⁵

The Special Rapporteur on torture has recommended that confessions made by people in custody should only be admissible as evidence if they are recorded, made in the presence of a competent and independent lawyer and confirmed before a judge. They should never be the sole basis for a conviction.²⁹⁶

If an accused alleges during the course of proceedings that they have been compelled to make a statement or to confess guilt, the judge should have the authority to consider the allegation at any stage. Statements elicited as a result of torture, other ill-treatment or other forms of coercion must be excluded as evidence in criminal proceedings (Article 15 of the Convention against Torture).

States must take particular care to ensure respect for children’s right to be free from compulsion to confess guilt or incriminate themselves. Children may also be led to confess or incriminate themselves not only because of physical coercion but also because of their age and stage of development, deprivation of liberty, the length of interrogation, their lack of understanding, the fear of unknown consequences or of imprisonment, or the promise of lighter sanctions or release.²⁹⁷ Children should not be questioned unless a lawyer and a parent or guardian is present.

²⁹⁴ Article 14(3)(g) of the ICCPR; Article 40(2)(b)(iv) of the CRC; Article 16(6) of the Arab Charter.

²⁹⁵ This prohibition is guaranteed by, among others, Article 15 of CAT and Article 7 of the ICCPR, as interpreted by the UN Human Rights Committee.

²⁹⁶ Special Rapporteur on torture: UN Doc. A/56/156 (2001) §39(d), (f), UN Doc. A/HRC/13/39/Add.5 (2010) §§100-101. See CAT Concluding Observations: Chad, UN Doc. CAT/C/TCD/CO/1 (2009) §29.

²⁹⁷ CRC General Comment 10, §57.

7.3 VAGUE AND OVERLY BROAD CHARGES IN LEBANESE ANTI-TERROR LAW

Apart from some specific, temporary and exceptional provisions, Lebanon does not have extensive anti-terrorism legislation. Lebanese law defines terrorism as “all acts intended to cause a state of terror and committed by means liable to create a public danger such as explosive devices, flammable materials, toxic or corrosive products, and microbial or infectious agents.”²⁹⁸ The key element of the definition is the act of “creating a public danger”, which Amnesty International assesses to be vague and overly broad and not in conformity with the principle of legal certainty. Many terrorism-related offences are captured under relevant provisions of the Criminal Code.²⁹⁹

Amnesty International analysed court documents, including 11 sentences, of 16 of the Syrian refugees interviewed, 15 men and one woman. Based on initial accusations and according to the Lebanese criminal law, the Syrian refugees interviewed by Amnesty International were charged with crimes including: terrorism crimes or complicity in the commission of terrorism-related crimes; “belonging to an armed terrorist organization” or to Jabhat al-Nusra; “attempted murder of military personnel”; “possessing illegal weapons or bombs”; “transporting explosive materials in order to commit terrorist acts”; and, in one case, “participating in Arsal incidents in 2014 which resulted in the killing, wounding and kidnapping of military personnel and destruction”.³⁰⁰

There is a lack of legal certainty and clarity regarding what precisely constitutes an act of terrorism, both in international and Lebanese law. The “principle of legality” under international law requires that criminal laws be sufficiently precise so it is clear what constitutes a criminal offence and what the consequences of committing the offence would be.³⁰¹ This recognizes that ill-defined and overly broad laws are open to arbitrary application and abuse. Human rights bodies have repeatedly criticized states for adopting imprecise and overly broad definitions of terrorism in domestic legislation.

In the absence of a universally agreed definition of “terrorism” under international law, states and international bodies have created their own. In that process, over the years, definitions of terrorism have become even more vague and overly broad.³⁰² This lack of clarity in many counter-terrorism laws has led, in turn, to a lack of certainty regarding what precisely constitutes an act of terrorism.³⁰³ The consequences can be significant, ranging from the profiling of members of certain groups to deliberately targeting political opponents.

²⁹⁸ Article 314 of the Lebanese Criminal Law of 11/03/1943.

²⁹⁹ UNDP Lebanon, *Security and justice sector wide assessment*, March 2016,

www.lb.undp.org/content/lebanon/en/home/library/crisis_prevention_and_recovery/Security-Justice-Sector-Wide-Assessment.html

³⁰⁰ Ten out of 16 Syrian refugees whose legal files were reviewed by Amnesty International were convicted of “illegal association to commit crimes against people and goods” (Article 335 of Criminal Law of 11/03/1943) and/or of possessing “explosives or inflammable substances or toxic or incendiary product” (Article 5 of Law of 11/01/1958), which can carry a life sentence with hard labour (Article 6 of Law 11/01/1958). In addition, many were also found guilty of “possessing illegal weapons” (Articles 72 and 76 of Law of 12/06/1959 on weapons). Several were also convicted of “intentional murder, notably of a civil servant” (Article 549 and 549-5 of Criminal Law of 11/03/1943) and of “destroying or sabotage of other’s goods” (Article 733 of Criminal Law of 11/03/1943). Article 335 of the Lebanese Criminal Law of 11/03/1943: legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=1012929&LawID=244611&language=ar; Law of 11/01/1958: legiliban.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=183689&LawID=181450&language=ar; Articles 72 and 76 of Law of 12/06/1959: legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=1058947&lawid=180890; legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=732739&lawid=180890. Articles 549 and 733 of Criminal Law 11/03/1943: legiliban.ul.edu.lb/LawArticles.aspx?LawArticleID=1016437&lawid=244611.

³⁰¹ See Martin Scheinin, former UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report to the Commission on Human Rights, E/CN.4/2006/98, para. 46: “The first requirement of article 15, paragraph 1, [ICCPR] is that the prohibition of terrorist conduct must be undertaken by national or international prescriptions of law. To be ‘prescribed by law’ the prohibition must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct”.

³⁰² Martin Scheinin, former UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report to the Commission on Human Rights, E/CN.4/2006/98, para. 26-50; 72.

³⁰³ Amnesty International, *Dangerously disproportionate, The ever-expanding national security state in Europe* (Index EUR 01/5342/2017).

8. DEPORTATION ORDERS AND FORCIBLE RETURN

According to Lebanese law, a foreign national who has been imprisoned must be transferred, on their release, to a General Security office in order to decide whether they should be granted residency or be expelled.³⁰⁴

Amnesty International directly documented three cases of actual deportation to Syria or deportation decisions after terrorism-related detention, as detailed below. In addition, two lawyers told Amnesty International that among their Syrian refugee clients, one was deported to Syria, two received a deportation order and two others disappeared after being detained at a General Security office.³⁰⁵

Imad, 21, was arrested for allegedly belonging to an armed group, according to his father, his lawyer and legal documents. He was sentenced to three years in prison. As he was serving his sentence, a Public Prosecutor filed a deportation order on the basis of an alert from another Prosecutor.³⁰⁶ Imad's lawyer filed a submission in order to halt the deportation, which was rejected.³⁰⁷ Lebanese authorities handed Imad over to Syrian security forces at Jdeidet Yabous crossing along with four other Syrian refugees.³⁰⁸ Once in Syria, his father said that Imad was detained, interrogated and tried. Imad was eventually released because the family bribed authorities, his father said.³⁰⁹

Wael, then aged 15, was taken to the border before his deportation was halted. After being detained for four and a half months without trial, Wael was taken to the General Security office, where he was held for 15 days without being allowed to contact his lawyer or his family.³¹⁰ He was then taken to the Al Masnaa crossing. He called his lawyer and the following day an agent from the General Security came to the border crossing to give him new residency papers, allowing him to remain in Lebanon. According to Wael's lawyer, the deportation decision was an individual decision by a General Security officer without legal basis, rather than a legal decision, and therefore it was possible to reverse it.³¹¹

In the third case, investigators recommended at the end of their interrogation report to deport a suspect.³¹² In Ahmed's investigation report reviewed by Amnesty International, the military judicial investigator wrote: "After finishing with him, give him to the General Directorate of the General Security in order to deport him from Lebanese territory." Ahmed told Amnesty International that he was not deported, but his case suggests that the deportation of Syrians is considered as a possible outcome when people are accused of terrorism.

The lawyers interviewed by Amnesty International also reported similar cases. In total, three of their Syrian refugee clients had received a deportation order, they said. One eventually left for a third country while the

³⁰⁴ Article 18, law of 10 July 1962: www.legallaw.ul.edu.lb/LawView.aspx?opt&LawID=179943&TYPE=PRINT&language=ar

³⁰⁵ Interviews with Hala Hamzeh on 8 July 2020, Beirut, and with Alia Chalha on 23 July 2020, Beirut.

³⁰⁶ Official report on file with Amnesty International, details omitted.

³⁰⁷ Amnesty International reviewed official documents mentioning the appeal.

³⁰⁸ Official report on file with Amnesty International, details omitted.

³⁰⁹ Interview with Imad's father on 1 July 2020.

³¹⁰ Many detainees have been held at a General Security office for various period of time after their release from prison in order to assess their residency status.

³¹¹ Interview on 11 December 2020.

other two have been detained for months.³¹³ In two cases, security agents transferred two Syrian men, previously imprisoned for terrorism, to General Security offices. Their family has not heard from them since; one for more than a year and the other for five years, according to their lawyer, Alia Chalha.³¹⁴ When she asked General Security officials about the men's whereabouts, she was told one had been released, which the lawyer did not believe as he did not contact his family. In the other case, officials said that the man was not in their facility, according to Alia Chalha.³¹⁵ In both cases, the men's parents believe that they were deported to Syria, where one of them had been sentenced to death.³¹⁶

The Ministry of Justice informed Amnesty International that Lebanon had deported 6,002 Syrian nationals since May 2019; the breakdown however did not include the number of Syrian nationals deported after having been convicted of the crime of "terrorism". According to Lebanese law, a foreign national can be expelled from Lebanon on the decision of the Director General of General Security if their presence is "harmful to public security and safety" (Law of 10 July 1962, Article 17).³¹⁷ Decisions are made on a case by case basis, but according to the general rule stated on the General Security website, convicted Syrian refugees detained by the General Security will be sent to their country of origin and banned from re-entering Lebanon.³¹⁸ The Director General of General Security may detain those who have been issued with a deportation order, with the approval of the Public Prosecutor, pending their deportation (Law of 10 July 1962, Article 18).

All deportations of Syrians from Lebanon back to Syria violate the international law principle of *non-refoulement*. This prohibits states from sending anyone to a place where they would be at real risk of serious human rights violations such as persecution, torture or the death penalty. This principle is enshrined in numerous international human rights instruments and also forms part of customary international law.³¹⁹ The principle of *non-refoulement* applies to everyone, including those who are excluded from refugee protection and those who have been convicted of a crime. Therefore, Lebanon has violated international law by deporting Syrians in the cases documented by Amnesty International.

³¹³ Interviews with Hala Hamzeh on 8 July 2020, Beirut, and with Alia Chalha on 23 July 2020, Beirut.

³¹⁴ Interview with Alia Chalha, Beirut, on 6 January 2021.

³¹⁵ Interview with Alia Chalha, Beirut, on 6 January 2021.

³¹⁶ Interviews with Alia Chalha on 6 January 2021, Beirut.

³¹⁷ Deportation takes place either by informing the concerned person that they must leave Lebanon within the time limit specified by the said Director General, or by deporting them to the borders (Article 17): legiliban.ul.edu.lb/LawArticles.aspx?LawTreeSectionID=266429&LawID=179943&language=ar

³¹⁸ General Directorate of General Security of Lebanon, *The expulsion from Lebanon*, www.general-security.gov.lb/en/operations/details/147

³¹⁹ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, Art. 33(1); CAT, 10 December 1984, Art. 3(1); Republic of Turkey, Law No. 6458 of 2013 on Foreigners and International Protection, 29 October 2016, <https://www.refworld.org/docid/5a1d828f4.html> Art. 4; Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, Arts 2 and 3; UNHCR, The Principle of Non-Refoulement as a Norm of Customary International Law: Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93, 31 January 1994.

9. CONCLUSIONS AND RECOMMENDATIONS

“Their treatment and the way they spoke to me was as if I were not human.”

Bassam, who was tortured during his investigation at the Ministry of Defence.³²⁰

“My wife was pregnant when I was arrested. My daughter was four years old when I first met her.”

Noureddine, who served a four-year sentence for belonging to a terrorist group.³²¹

CONCLUSIONS

Over the past seven years, hundreds of Syrian men, women and children who sought safety in Lebanon have been arbitrarily arrested, detained and subjected to torture or other ill-treatment, as well as a wide range of violations of the right to fair trial. Arbitrary detentions of Syrian refugees on suspicion of terrorism-related crimes continue, even though the alleged crimes relate to events that took place more than six years ago.

Arrest and detention of refugees on terrorism-related charges highlights the discrimination that Syrians face in Lebanon. Refugees have been accused of terrorism-related crimes based on the conflation of political and/or religious affiliation and terrorism or because they lived in areas close to battles involving groups considered as terrorist groups. Women's complicity or guilt for terrorism-related crimes has been inferred solely from their marital status or family relationship, an assumption that relies on a narrow notion of gender roles and amounts to discrimination. The use of vague and overly broad terrorism accusations has allowed the profiling of members of certain groups.

The Lebanese authorities violated refugees' right to due process. Syrians were not notified of the reason for their detention, they were not allowed to inform their relatives of their location or to contact a lawyer in the first days and weeks of their detention. This prevented them from challenging their detention and undermined their right to prepare their defence. Syrian detainees were subjected to torture or other ill-treatment and Lebanese officials failed to investigate torture allegations. There were excessive delays during detention and judicial investigations, resulting in some refugees being held in pre-trial detention for

³²⁰ Interview on 2 December 2020.

³²¹ Interview on 14 October 2020.

prolonged periods, in some cases for several years. In addition, refugees were tried by military courts, which do not ensure fair trial guarantees.

During trials, judges have relied mainly on confessions obtained under torture and on weak and unreliable evidence to convict. Refugees have been tried for crimes based on vaguely defined and overly broad charges, as terrorism is not precisely defined under Lebanese law. Among the refugees who spoke to Amnesty International, at the time of writing four were still awaiting trial. Two journalists and two children had been acquitted and released. Others were sentenced to between six months and seven years in prison and two refugees, including one who was a child when he was arrested, were sentenced to life imprisonment. In some cases, after completing their sentences, refugees were issued with deportation orders or forcibly returned to Syria.

Due process violations in cases involving Syrian refugees reflect the overall failures of the Lebanese justice system documented by Amnesty International, including long delays in proceedings and common practice of torture in custody. While Lebanese nationals have faced similar violations to those described in this report, Syrians have been particularly vulnerable to violations because of discrimination based on their nationality, political and/or religious affiliation; and because they lack regular migration status in Lebanon.

Detention has had a harsh impact on Syrian refugees, with torture and other ill-treatment causing psychological trauma that refugees do not have the resources to address. Many have had to take on debts in order to pay a lawyer, bail or penalties. After their release, refugees remain terrified of being arrested again and/or handed over to the Syrian authorities and are frequently stopped at the numerous checkpoints and arrested if they do not have a valid residency permit, which is the case for the majority. Of the 26 refugees whose case was documented by Amnesty International, three have been arrested a second time.

Lebanese authorities must put an end to abusive and discriminatory treatment of Syrian refugees and end the practice of trying civilians in military courts.

RECOMMENDATIONS

TO THE LEBANESE GOVERNMENT:

- Immediately end torture and other ill-treatment in detention and fully, promptly and effectively implement the 2017 Anti-Torture Law.
- Create or assign an independent, accessible body comprised of people with experience in criminal investigations, human rights and forensic medicine, to promptly, impartially and efficiently investigate all credible complaints or other reports of torture and other ill-treatment.
- Provide an effective remedy to survivors of torture and other ill-treatment by conducting prompt, thorough, independent and impartial investigations into all allegations of torture and other ill-treatment during detention; and bring those responsible to justice in fair trials that meet international standards, without recourse to the death penalty.
- Implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including by establishing an independent, efficient and well-resourced body with powers to conduct unimpeded and unannounced visits to all places of detention and all persons deprived of their liberty.
- Invite and facilitate a visit to Lebanon by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and ensure that the Rapporteur has access to all detention facilities and detainees in Lebanon.
- End the practice of trying civilians in military courts.
- Ensure that trials for terrorism-related charges fully respect international law and standards of fairness. In particular:
 - Ensure criminal proceeding start and are completed within a reasonable timeframe;
 - Ensure that suspects are not discriminated against and are presumed innocent unless and until proven guilty during interrogations and at all stages of the criminal procedure;

- Ensure that all detainees are promptly notified of the reasons for their arrest and detention, have access to legal counsel upon arrest and can challenge the legality of their detention before an independent court;
- Ensure that all detainees are provided access to medical care, are held in recognized places of detention and are allowed regular visits by their families and lawyers;
- Ensure that confessions obtained under torture or ill-treatment are not used as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.
- Ensure that detention of children is imposed only a last resort measure and that their best interest is always prioritized.
- Grant independent monitors access to every detention centre.
- Ensure that Syrian refugees in Lebanon are provided absolute protection from *refoulement* to Syria or other places, regardless of their criminal record or residency status.
- Implement Law No. 191 of 30/01/2020 on defence rights and ensure lawyers are present at all stages of criminal proceedings, including in first interrogations.
- Ratify the 1951 Refugee Convention and its 1967 Protocol.

TO THE MINISTRY OF DEFENCE:

- End the arbitrary arrest of Syrian refugees on terrorism-related charges and release immediately all Syrians who have been detained arbitrarily, including children and women detained in order to influence their male relatives.

TO THE MINISTRY OF THE INTERIOR

- Provide all Syrian refugees with a regular migration status which protects them from *refoulement*.
- End all deportations of Syrian refugees to Syria, as well as all other forms of direct or indirect transfers, in line with the international obligation of *non-refoulement*.
- Stop issuing deportation decisions against Syrian refugees and detaining them on immigration-related grounds.

TO THE LEGISLATIVE:

- Ensure that each constituent element of terrorism-related offences under national law is precisely and sufficiently circumscribed to uphold the principle of legality.

TO INTERNATIONAL DONORS OF THE LEBANESE GOVERNMENT

- Call on the Lebanese government to guarantee that Syrian detainees are free from torture and other ill-treatment, that they have unrestricted access to their family and lawyers and that they fully enjoy their human rights during all stages of criminal proceedings.
- Call on the Lebanese government to end all deportation of Syrians to Syria.
- Call on the Lebanese government to immediately release all Syrian detainees who have been arbitrarily detained.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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“I WISHED I WOULD DIE”

SYRIAN REFUGEES ARBITRARILY DETAINED ON TERRORISM-RELATED CHARGES AND TORTURED IN LEBANON

Hundreds of Syrian men, women and children who found refuge from the Syrian conflict in Lebanon have been arbitrarily detained on terrorism-related charges since 2014 until present time. Lebanese security forces have accused them of terrorism-related crimes, based on vague and overly broad charges and on discriminatory grounds. Syrian women have been detained because of their husband's or other male relatives' alleged activities. During detention, Lebanese military intelligence tortured or otherwise ill-treated refugees and subjected them to a wide range of violations of the right to fair trial.

Amnesty International's research shows that Lebanese security forces failed to notify refugees of the reason for their arrest and did not allow them to contact their family or a lawyer. Their trials have not met international standards: refugees have been tried in military courts and court decisions have been based on weak evidence, extracted under coercion.

International law prohibits arrest, detention or imprisonment without a basis in law and guarantees the right to freedom from torture and other ill-treatment.

Amnesty International is calling on the Lebanese government to end the arbitrary detention of Syrian refugees on terrorism-related charges, their torture and ill-treatment and to guarantee their fair trial rights.