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“It’s Part of the Job”

Ill-treatment and Torture of Vulnerable Groups
in Lebanese Police Stations



“It’s Part of the Job”

**Ill-treatment and Torture of Vulnerable Groups in Lebanese
Police Stations**

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Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations

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Summary

Mohammad, 30, spent 11 days in detention in the Zahleh police station in 2007 after police arrested him for drug possession. He told Human Rights Watch that the police beat him severely until he confessed to using drugs. He said, “They took me to interrogation naked, poured cold water on me, tied me to a desk with a chain, and hung me in the *farrouj* position.¹ They broke all my teeth and nose, and hit me with a gun until my shoulder was dislocated.”

Mohammad’s case is not unique. Ill-treatment and torture of detainees are serious problems in Lebanese police stations and in other pre-trial detention facilities manned by other security institutions.

This report focuses on torture and ill-treatment by the Internal Security Forces (ISF) which is Lebanon’s main police force, and in particular the Drug Repression Bureau and members of the ISF who enforce “morality-related” laws against drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people. What these three groups have in common are their precarious status under Lebanese law as well as social stigma that renders them particularly vulnerable to police abuse. Human Rights Watch has reported in the past on ISF ill-treatment of migrants as well as intelligence service torture of security suspects.

Human Rights Watch interviewed 52 people, including 25 women, arrested for suspected drug use, sex work, or homosexuality over the past five years whom ISF members had threatened, humiliated, or tortured.

The most common forms of torture reported to Human Rights Watch were beatings on different parts of the body with fists, boots, or implements such as sticks, canes, and rulers. Seventeen former detainees reported being denied food, water, or medication when they needed it, or of having their medication confiscated. Nine individuals reported being handcuffed in bathrooms or in extremely uncomfortable positions for hours at a time.

¹ A torture technique in which the victim is suspended by the feet with hands tied together to an iron bar passed under the knees. See Human Rights Watch, *Syria: Documented Torture Methods*, presentation, June 28, 2012, <http://www.hrw.org/features/syria-documented-torture-methods>.

Eleven said ISF personnel forced them to listen to the screams of other detainees in an effort to scare them into cooperating or confessing.

Twenty-one women we spoke with reported that police had subjected them to some form of sexual violence or coercion, ranging from sexual assault to offering them “favors” (such as cigarettes, food, more comfortable conditions in their cells, or even a more lenient police report) in exchange for sex.

According to the experts and former detainees we spoke with, the police do little to hide their disdain of drug users, sex workers, and LGBT people. Verbal abuse, degradation, and humiliation appear to be so common that many victims tended to gloss over them when telling their stories. To them, the practices were so common that they appeared unremarkable. Physical violence was not just used to extract confessions but also as a form of punishment, discipline, and behavioral correction. Sex workers and female drug users appeared to be at particular risk for sexual assault and blackmail.

The detainees we spoke with experienced torture and mistreatment at Beirut’s Hobeish police station, Gemmayze police station, Baabda police station, Msaitbeh police station, Zahleh police station, Ouzai police station, the Saida police station, police intelligence in Jdeideh, and in pre-trial detention in Baabda women’s prison. Similar abuses may occur at other police stations and prisons as well, but we did not research conditions at those other facilities.

The ill-treatment and torture were accompanied by other key violations. Interviewees reported police denying them phone calls to family members, access to lawyers, and medical care when needed. While article 47 of Lebanon’s Code of Criminal Procedure limits detention without charge to 48 hours, renewable once with permission from the public prosecutor, this limit is often violated in practice. Additionally, police do not always inform suspects of the charges brought against them, a violation of international and domestic law, including article 76 of the Code of Criminal Procedure.

Lebanon’s authorities are aware of the problem but have failed to take steps to address it. A high-ranking official in the ISF, Brigadier Charbel Matar, speaking on behalf of Interior Minister Marwan Charbel, admitted that torture does take place in investigation rooms and detention centers. At a public meeting of an EU-funded project that works to prevent torture

and rehabilitate victims, Matar said that “everyone is responsible” for torture, including police officers and “lawyers who intervene to pressure a detainee and judges who exert pressure on police investigators to hurry up or get a confession and turn a blind eye to a detainee in a miserable health situation that has resulted from beating or torture.”²

Torture and ill-treatment by the ISF are grounded in (1) laws that are inadequate or badly implemented, (2) a judicial system that puts too much emphasis on obtaining confessions during investigations, (3) a rampant culture of impunity, and (4) lack of proper oversight mechanisms.

Even though Lebanon has ratified the Convention against Torture, the definition of torture in the Lebanese Penal Code falls short of the international standards set out in the convention. For example, the Lebanese definition limits torture to acts carried out with the purpose of extracting a confession or obtaining information, ignoring the myriad other reasons detainees are mistreated while in custody.

Inadequate provisions in the Code of Criminal Procedure compound the problem. There is no legal guarantee, for example, that a detainee has access to a lawyer during interrogation by the police.

Even when laws do exist, they are often not implemented properly. Although detainees have the right to request medical attention, many of the detainees interviewed by Human Rights Watch said this right had been denied in practice. Twelve detainees interviewed for this report reported that they had requested to see a doctor during their initial detention at the police station but that their request had been denied. Twenty-two detainees told Human Rights Watch that they were brought before investigative judges without the presence of a lawyer guaranteed to them by law.

The over-reliance on confessions in the investigative process, coupled with the denial of access to lawyers during the crucial phase of preliminary questioning by the police, allow for unchecked abuse and mistreatment of suspects. Twenty-three individuals told Human Rights Watch that police extracted confessions from them through mental and physical

² “Qortbawi: Lebanon has not implemented anti-torture protocols”, *The Daily Star* (Beirut), February 15, 2012 <http://www.dailystar.com.lb/News/Politics/2012/Feb-15/163311-qortbawi-lebanon-has-not-implemented-anti-torture-protocols.ashx#axzz1mJodNvQJ> (accessed February 4, 2013).

coercion. In some cases the confessions were false, and in others they amounted to the only piece of evidence presented to support charges against them.

In only three cases reviewed in this report did the investigative judge order an investigation into allegations that confessions were made under duress.

Oversight of security forces is inadequate and complaints mechanisms are weak. The mechanisms that do exist, such as the ISF's human rights committee, are ineffective, understaffed, and exercise no real power. A separate complaints mechanism does exist, but it is flawed and difficult to navigate and follow-up.

How the arrest and initial detention of a person unfold have a profound effect on the ability of the judicial system to uphold fair trial standards set forth in both domestic law and in Lebanon's international commitments. Confessions extracted through torture, arbitrary detention, and failure to bring detainees before investigative judges all contribute to undermining the ability of the judicial system to ensure fair trials.

Access to redress is particularly difficult for members of vulnerable groups, such as sex workers, drug users, and LGBT people. While there are mechanisms in place to file formal complaints, logistical, social, and structural obstacles render the system woefully inadequate to ensure accountability for wrongdoing.

Twelve individuals told Human Rights Watch that police officers threatened and warned them outright against reporting. In addition, five former detainees told Human Rights Watch that investigative judges dismissed their allegations of mistreatment, intimidation, and abuse without further inquiries. Of the 49 people we interviewed that alleged ill-treatment, only 6 filed a complaint. Only two of those interviewed reported that a police officer was subsequently disciplined.

Members of marginalized social groups face further obstacles to reporting and redress. Drug users fear exposure of their conduct, LGBT people fear exposure of their sexual orientation or gender identity, while sex workers fear exposure of the nature of their work. Simply being identified as a drug user, sex worker, or LGBT person can lead to negative social consequences. The ways in which laws that criminalize sex work, homosexuality, and personal drug use are implemented exacerbate the problem and present a major

obstacle to reporting police abuse. This can only be addressed through a re-examination of these laws.

The law regulating sex work, which dates from 1931, stipulates that female sex workers must be registered and must undergo medical examinations, cannot be virgins, and must be older than 21. Article 7 of the law stipulates that sex workers can only practice sex work inside brothels, and article 523 of the Lebanese Penal Code punishes “any person who practices secret prostitution or facilitates it” with a prison sentence ranging from one month to one year. Although the law remains on the books, in practice the government does not issue licenses, leaving virtually all sex workers vulnerable to arrest for practicing prostitution without being registered.

Homosexuality is not explicitly outlawed in Lebanon. Rather, article 534 of the Lebanese Penal Code states that “any sexual intercourse contrary to the order of nature is punishable by up to one year in prison.” This provision has been used mainly to prosecute people suspected of homosexuality even though the law does not specify what might constitute “contrary to the order of nature,” leaving a large margin of interpretation to individual judges.

Drug use or possession is punishable in Lebanon by up to six months in prison and a fine. The law does not differentiate between the type of drugs used. Additionally, individuals that are convicted of selling illegal drugs or of the loosely defined act of “facilitating the consumption of drugs in any way” are given harsher prison sentences.

In the last few years, Lebanon has taken a number of steps to expand and reform the ISF, but these efforts remain inadequate and have not addressed ongoing abuses by ISF personnel. In 2008, the ISF established a Human Rights Department tasked with spreading awareness of human rights within the ISF and conducting trainings and compiling studies on various human rights issues. In 2011, the ISF also launched a committee to monitor torture in prisons. While these are welcome developments, these bodies exercise no effective authority and do not possess any investigative powers.

In January 2011, the ISF launched a new Code of Conduct setting out standards of behavior and obligations rooted in Lebanese law and international human rights principles, although its full and proper implementation remains to be seen.

Over the past few years, donors such as the US, the EU, the UK, and France have invested significant amounts of money in equipping, training, and improving the ISF. Many of these programs are focused on training and equipping the ISF. While human rights are included in the training, the cases documented in this report give reason for concern as to whether it is effective.

There have also been other recent positive developments. The Minister of Justice issued a decree in August 2012 urging a ban on anal examinations for men suspected of homosexuality, one of the most humiliating forms of pseudo-scientific investigation. These examinations are medically and scientifically useless, and also violate international standards against torture and ill-treatment. Following public outcry at the use of such examinations after police arrested 36 men for suspected homosexuality in a theatre in a suburb of Beirut, local civil society groups, with a group called The Legal Agenda at the helm, successfully lobbied both the syndicate of doctors as well as the Ministry of Justice to ban the examinations.

Lebanon should uphold its international commitments by amending its definition of torture and implementing the provisions it committed to when it signed the Convention against Torture and the convention's Optional Protocol, particularly the creation of a "national preventive mechanism," an independent body tasked with monitoring detention centers. Most importantly, Lebanon should be transparent in ensuring accountability for ISF members who commit abuses, and should create effective and accessible complaints mechanisms to ensure that happens. It should also revise its Code of Criminal Procedure to better safeguard the rights of detainees and repeal laws criminalizing homosexuality, drug use, and sex work.

Methodology

This report is based on 52 interviews with people arrested for suspected drug use, sex work, or homosexuality. The interviews were conducted in person in Beirut, Baabda, Tripoli, Zahleh, and Saida between February and July 2012. Most of the interviews were conducted after the release of the detainees, with the exception of 19 women arrested for sex work or drug use, who were interviewed while in pre-trial detention in Baabda women's prison. The interviewees were almost evenly split between men and women, and their ages ranged from the early twenties to the late forties. The time period of the arrests ranges from 2007 to 2012.

Interviewees were identified through non-governmental organizations working with drug users, sex workers, and lesbian, gay, bisexual, and transgender individuals, in addition to human rights groups working on issues of torture.

The interviews were conducted one on one in private settings in Arabic by the lead project researcher, assisted by Human Rights Watch interns.

Human Rights Watch gave no incentives to interviewees to participate and took care to avoid re-traumatization. Interviewees all gave their consent to have their stories used for this report while maintaining their anonymity and confidentiality. Where needed, researchers referred individuals to other resources.

We also interviewed one official in the ISF, two forensic doctors working with the ISF, three lawyers representing the detainees, judges and lawyers active in advocacy against police torture and mistreatment, and NGOs working with the target groups in this report, such as Skoun, Kafa, The Legal Agenda, and Dar el Amal. In addition we also met with representatives from donor countries that have substantial ISF assistance programs, specifically the US, the UK, and EU.

We have used pseudonyms for all the victims we spoke to, and in some cases have withheld additional identifying information to protect their privacy and safety.

I. Recommendations

To the Ministry of Interior

- Establish a centralized and accessible system for receiving and processing complaints of Internal Security Forces (ISF) abuse of suspects or other malfeasance and ensure that complaints are trackable through unique complaint numbers.
- Ensure that all members of the ISF are clearly identifiable through name and rank tags on their uniforms.
- Ensure that the ISF properly implement the Code of Criminal Procedure, particularly its limits on pre-trial detention and the requirement that detainees be promptly brought before investigative judges.

To Investigative Judges and Other Members of the Judiciary

- Thoroughly investigate all allegations of torture and mistreatment of suspects by members of the ISF, and prosecute offenders to the full extent of the law.
- Overturn all convictions of defendants that were based upon confessions extracted under duress.
- Create and enforce guidelines to ensure that judges deem inadmissible all confessions and other evidence obtained under torture.
- Ensure that investigative judges carry out their roles in preliminary investigations as required by the Lebanese Code of Criminal Procedure.

To the Lebanese Government

- Immediately prepare and submit to the UN Committee against Torture an objective assessment of Lebanon's efforts to date to implement the Convention against Torture (CAT), as required by Lebanon's ratification of the treaty.
- Establish a national preventive mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees, and to make recommendations regarding the prevention of ill-treatment, as required by the Optional Protocol to the Convention against Torture (OPCAT).
- Establish an independent body to investigate allegations of torture and ill-treatment by officers of the ISF.
- Adhere to article 22 of CAT giving the UN CAT committee the authority to look into individual complaints.

To the Lebanese Parliament

- Amend article 401 of the Penal Code to criminalize all forms of torture and ill-treatment and make Lebanon's definition of the offenses consistent with the definition in CAT.
- Increase the penalties for torture convictions so that the sentences defendants receive reflect the gravity of the crime.
- Repeal article 534 of the Lebanese penal code, which criminalizes "any sexual intercourse contrary to the order of nature."
- Amend article 49 of the Code of Criminal Procedure to explicitly guarantee suspects the right to a lawyer during police questioning.
- Repeal article 523 of the Lebanese Penal Code, which criminalizes women who practice "secret prostitution."
- Adopt a law authorizing creation of a national preventive mechanism to monitor detention facilities and combat torture, as required by the OPCAT.

To the US, EU, UK, France, and Other Countries that Fund the Internal Security Forces

- Audit funding and technical assistance provided to the ISF to ensure that funding is not supporting policies, programs, or practices that violate international law, including torture and ill-treatment of sex workers, people who use drugs, and lesbian, gay, bisexual, and transgender persons.
- Make aid to the ISF more transparent and develop reporting and accountability mechanisms to better assess aid spending and effectiveness.
- Ensure that aid to the Internal Security Forces supports the development of internal oversight and accountability mechanisms within the ISF, including an independent body to investigate allegations of torture and ill-treatment.
- Refrain from funding Internal Security Forces units that are credibly found to abuse human rights and make resumption of funding to such units subject to enactment of reforms that guarantee the cessation of such abuses and accountability for past violations.

II. Background

Lebanon's Laws on Homosexuality, Drug Use, and Sex Work

This report focuses on police abuse against three populations: drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people. Members of these groups are easy targets for police abuse from the moment police suspect “wrongdoing” through their arrest, detention, and police investigation of the case. Police are not immune to the prejudice and social stigma attached to these groups. As described in this report, police often arrest individuals arbitrarily and without evidence on the grounds of what the police themselves describe to be “suspicious behavior.” Police may even arrest individuals on the grounds of specific appearances ascribed to members of these groups—for example, because someone “looks gay” or “looks suspicious” in the eyes of the police.

To varying degrees, sex workers, drug users, and LGBT people are marginalized socially and institutionally. The combination of such marginalization and laws that criminalize sex work, drug use, and homosexuality in the Lebanese Penal Code makes members of these groups reluctant to file complaints against police members, which creates an environment in which police can abuse them with impunity.

Victims sometimes choose not to file complaints due to direct threats from the police and other times due to fear of retaliation—police can arbitrarily re-arrest them at any time. Another factor is fear of public exposure of their behavior, work, or identities as drug users, sex workers, or LGBT people. Sometimes individuals simply lack faith in the ability of the criminal justice system to deliver justice—part of a broader problem of trust in public institutions in Lebanon. The strong view expressed by many victims of police abuse we interviewed is that the police exert complete control over their lives and may act with impunity and that they are powerless to defend themselves against police abuse and mistreatment.

The police do little to hide their disdain of sex workers, drug users, and LGBT people. Victims say that physical violence by police is common and is often used as a form of punishment, discipline, and behavioral correction. Verbal abuse, degradation, and humiliation appear to be so widespread that many victims tended not to mention them

when telling their stories, viewing such behavior as unremarkable. For members of these vulnerable social groups, the police not only represent law enforcement, but also act as judge and jury in many ways. As described below, Lebanon's laws facilitate such abuse.

Homosexuality

Article 534 of the Lebanese Penal Code states that "any sexual intercourse contrary to the order of nature is punishable by up to one year in prison." Homosexuality is not explicitly outlawed but rather is typically assumed to be "contrary to nature." The provision does not define what might constitute "nature," leaving a large margin of interpretation to individual judges, who have used it to prosecute people suspected of homosexuality.

One case that received considerable media attention demonstrates how the law can also be interpreted otherwise. In February 2007, a police patrol arrested two men sitting in a parked car in Batroun, a city in the north of Lebanon. The police suspected the two men of engaging in homosexual sex. The presiding judge, Mounir Suleiman, ordered a halt to the criminal investigation into the behavior of the men on the basis that the evidence was weak and, more importantly, on his interpretation of the concept of "contrary to the order of nature." The judge noted that what is considered unnatural is closely linked to "the mood of a society and its traditions," and emphasized the willingness of society to accept new or emerging "norms of nature."³ He added:

Man is part of nature and one [of] its elements and one [of] its cells and no one can say that any act of his acts or behavior is contradicting nature even if the act is criminal or offending simply because these are the rules of nature. If the sky is raining during summertime or if we have hot weather during winter or if a tree is giving unusual fruits, all these can be according to and in harmony with nature and are part of its rules themselves.⁴

Although article 534 of the Penal Code by its terms applies only to acts of sexual intercourse, however ill-defined, police have invoked the law when arresting individuals based solely on their appearance or mannerisms without evidence of any sexual act, a

³ International Commission of Jurists (ICJ), *Sexual Orientation, Gender Identity, and Justice: A Comparative Law Casebook* (Geneva: ICJ, 2011), p. 43.

⁴ Ibid.

reflection of stereotyped and prejudiced assumptions about sexual orientation. Human rights lawyer Nizar Saghieh conducted a study for the Lebanese LGBT organization Helem in which he examined how article 534 is used in Lebanese courts to prosecute men suspected of homosexuality. In his report he highlights a case from 2009 in which a woman reported her son to the police for suspected “homosexuality” because he was “acting like a woman.”⁵ This was enough for the public prosecutor to arrest and interrogate the young man and force him to submit to an anal examination. Anal examinations have no scientific or medical validity. In this case, the state-appointed medical examiner decided that there was no conclusive evidence to prove that homosexual sex had occurred. According to Saghieh, the young man was indicted anyway based on the public prosecutor’s assumptions about the man’s behavior and mannerisms. The judge eventually dismissed the charges for lack of evidence. Saghieh uses this case to demonstrate the danger of the police and the public prosecutor acting on prejudice toward certain behaviors, appearances, and lifestyles.⁶

Saghieh’s study also explored how the detention procedures used by police against suspected homosexuals violate Lebanese criminal procedure laws and pre-emptively punish men suspected of homosexuality through lengthy periods of temporary detention.⁷ Saghieh reviewed over 50 court cases and concluded that persons suspected of “unnatural” sexual relations are commonly detained without charge for an unnecessarily long period, exceeding the 48-hour maximum stipulated by article 47 of the Code of Criminal Procedure, even in cases where the evidence is extremely weak.

Article 534 is also sometimes used as a corrective measure by parents unhappy with their children’s sexual orientation, illustrating the pernicious synergy that can exist between social stigma and discriminatory laws. Walid, 24, told Human Rights Watch that his mother told the police to arrest him and detain him for a night at the police station in order to “scare” him out of being gay, a request he says the police complied with.⁸

⁵ Helem, “Homosexual Relations in the Penal Codes: General Study Regarding the Laws in the Arab Countries with a Report on Lebanon and Tunisia”, 2010, <http://www.helem.net/node/188> (accessed February 4, 2013).

⁶ Ibid.

⁷ Ibid.

⁸ Human Rights Watch interview with Walid, Beirut, Lebanon, May 14, 2010.

Sex Work

Sex work is highly regulated in Lebanon. The law regulating sex work, which dates from 1931, stipulates that female sex workers must be registered and must undergo medical examinations, cannot be virgins, and must be older than 21. Article 7 of the 1931 law further stipulates that they can only practice sex work inside brothels. Article 523 of the Lebanese Penal Code punishes “any person who practices secret prostitution or facilitates it” with a prison sentence ranging from one month to one year, and the law is applied quite rigorously. Male sex workers are not addressed in the law.

Since the late 1960s the government has stopped issuing new licenses for brothels. This means that in practice most sex work is unlicensed and illegal. “Super Night Clubs” have emerged to bypass these restrictions. These institutions, halfway between brothels and strip clubs, provide a space for clients and sex workers to meet, but sex takes place off-site, and therefore they do not require a brothel license. They form the crux of a regulated sex industry that currently employs an estimated 2,500 women, mainly from Eastern Europe. Women enter and stay in the country on six-month “artist” visas. The Super Night Club industry is regulated and monitored by the General Security Department on the basis of administrative directives. They are aware that the women employed engage in sex work, as evidenced by the fact that they require the women to undergo periodic HIV/AIDS and STI testing. According to the UN special rapporteur on trafficking in persons, the General Security Department issues “around 5,000 artist visas every year, meaning that at any given point there are approximately 2,500 ‘artists’ in the country,” as the visas are granted for six month periods.⁹ In her report, the special rapporteur adds:

In an attempt to shield the regulated sex industry from public opprobrium, the General Security Department also tries to reduce the women’s public visibility and limit their contacts with the general population. It would seem that the rule limiting the women’s stay to six months serves mainly this purpose. Furthermore, the women are only allowed to reside in hotels authorized by General Security and must not leave the hotel between 5 a.m. and 1 p.m. If they are sick, they may only absent themselves from work if a physician accredited by the General Security Department diagnoses them

⁹ UN Commission on Human Rights, Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda, Mission to Lebanon, E/CN.4/2006/62/Add.3, February 20, 2006.

as unfit. These rules play into the hands of exploitative impresarios who rely on strategies of isolation to subdue their victims.¹⁰

By contrast to the predominance of Eastern European women in the Super Night Clubs, workers in the unregulated sector of the sex work industry are mainly poor Lebanese and migrant women from Arab countries such as Syria and Iraq as well as some countries in Asia and Africa. Poverty, the illegal nature of their work, and their precarious migrant status all leave them particularly vulnerable to police abuse.

Drug Use

Drug use or possession is punishable by up to six months in prison and a fine of Lebanese Lira 100,000 (approximately US\$66). The law does not differentiate between the types of drugs used.¹¹ Additionally, individuals convicted of selling illegal drugs or “facilitating the use of illegal consumption of drugs for others in any way” are given prison sentences between six months and three years and a fine of LL100,000 to LL500,000 (approximately US\$66 to US\$332).¹² According to statistics from the Drug Repression Bureau, as reported by Skoun, a Lebanese addiction treatment center, 2,228 drug users were arrested in 2009 and almost half of them were aged 18-25.¹³

The “facilitation” of drug use is an ill-defined concept, and could potentially include simply using drugs in the company of others. “Facilitation” significantly raises the sentence for many drug users. Seventeen drug users told Human Rights Watch that police often tried to manipulate them into admitting to facilitation after they were arrested for use or possession just because they used drugs around their friends that joined them.

Lebanon’s drug law, passed in 1997 stipulates that drug users have the choice between treatment and incarceration. The law includes a number of provisions that treat drug use as a public health issue, but other provisions do not. And provisions that take a public health approach have not been fully implemented. According to a study by Skoun, 40

¹⁰ Ibid.

¹¹ The Narcotic Drugs and Psychotropic Substances Act No. 673 of 16 March 1997.

¹² Ibid.

¹³ Skoun, “Situational Needs Assessment 2009”, September 2011, <http://www.opensocietyfoundations.org/sites/default/files/skoun-situational-needs-assessment-summary-20111114.pdf> (accessed February 4, 2013).

percent of the judges interviewed indicated that they never issued a primary or final verdict requiring the individual to commit to treatment as an alternative to incarceration; only 4 percent indicated that they had done so regularly.¹⁴

Article 183 of the drug law allows drug users the option of presenting themselves before a state-administered Drug Addiction Committee (DAC), a body tasked with referring drug users to government-affiliated treatment centers and responsible for following up on the progress of their treatment. The DAC is comprised of a judge, a representative of the Ministry of Social Affairs, a doctor from the Ministry of Public Health, a representative of the Drug Repression Bureau, an expert drawn from private institutions, and other individuals recommended by relevant bodies.¹⁵ Additionally, article 200 states that the Ministry of Public Health should create at least one specialized treatment center.

Further, article 200 requires the Ministry of Social Affairs to pay a monthly stipend to the dependents of drug users should their treatment impede their ability to support their families.

The law stipulates that treatment should be completely funded by the state. Should the drug user stop treatment for any reason, the committee should inform the prosecution in order that it restart the trial; however, should the user recover, the committee should issue an attestation that leads to charges being dropped.

In practice, the committee is not functional and does not have an operational budget. Despite this, some judges act on their own initiative and refer drug users to NGOs specialized in drug addiction treatment. According to Nadya Mikdashi, executive director of Lebanese drug addiction NGO Skoun, such referrals are a welcome attempt by judges to uphold the law but they are not done within a structured referral system nor are they sustainable as there is no protocol for communication between the courts and NGOs. There are fewer than 10 NGO rehabilitation centers in the country and they are mostly centralized in Beirut and Mount Lebanon.¹⁶ Most drug users are simply given jail time,

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

usually from three to six months.¹⁷ In reality, even if drug users do go to rehab, it is not guaranteed that prosecutions will be dropped.

The weak legal framework and the lack of proper implementation of the law leaves the police a wide margin to subject drug users to various forms of abuse. For example, according to statistics provided by the ISF's Drug Enforcement Bureau to Skoun, around one third of drug users are arrested through denunciation by other arrested drug users, and our research suggests that such denunciations are often extracted by force.¹⁸

The criminal records of individuals convicted of drug use are often an obstacle to gaining employment after release from prison. Ibrahim was arrested nine times between 1989 and 2007 and has been in treatment and drug-free since then. Ibrahim has been out of work for five years, with potential employers refusing to give him a job because of his criminal record. Ibrahim told Human Rights Watch that he could pay a US\$600 bribe to clean up his record, but he does not have that kind of money. "It's a vicious circle I'm trapped in," he said. "I will forever be punished for using drugs in the past."¹⁹

Lebanese Security Forces

The Internal Security Forces (ISF) are Lebanon's main police forces composed of administrative and operational branches. The ISF falls under the jurisdiction of the Ministry of Interior. The main ISF department implicated in the cases of abuse and torture documented in this report are the Judicial Police, particularly the Drug Repression Bureau (DRB) unit.

The Judicial Police is the main body responsible for the arrest and detention of accused individuals and also for the investigation of crimes. Technically, the Judicial Police operates under the jurisdiction of the public prosecutor's office, the investigative judge, and the courts. The reality is very different. As this report and others show, detainees are

¹⁷ Ibid.

¹⁸ Skoun, "Situational Needs Assessment 2009", September 2011, <http://www.opensocietyfoundations.org/sites/default/files/skoun-situational-needs-assessment-summary-20111114.pdf>, p. 33 (accessed February 4, 2013).

¹⁹ Human Rights Watch interview with Ibrahim, Zahleh, Lebanon. May 14, 2012.

often subject to the whims of judicial police officers, the latter facing little or no oversight or accountability.²⁰

The DRB is a branch of the Judicial Police responsible for investigating drug-related crimes. Our research shows that the DRB uses torture to extract confessions, to force detainees to name other users or dealers, and even as a form of punishment. The DRB has four detention and interrogation centers. The central station is in Beirut (Hobeish police station, which also houses the vice unit); a second is in southern Lebanon in the city of Saida; a third is in the Bekaa valley in the city of Zahleh, and the fourth is in the northern city of Tripoli.

The legal procedure governing the arrest of suspects is outlined in Lebanon's Code of Criminal Procedure. The public prosecutor must order the arrest, which is then carried out by the Judicial Police. The suspect must be brought before an investigative judge to be charged within 48 hours, renewable once on order from the public prosecutor. The investigative judge decides whether the suspect should be released or detained for the duration of the investigation or trial, a decision which the suspect may appeal. A suspect charged with a minor offense may be detained in this manner for two months, renewable once; a suspect charged with a serious offense may be held for up to six months, also renewable once. However, all suspects previously sentenced to a prison term of a year or more may be held for an unlimited period of time.

The ISF suffers from a lack of professionalism. Police cadets receive a basic military training and limited theoretical information with no practical training in methods of investigation or interrogation. This is insufficient compared to the actual needs. Clear standard operating procedures for investigation and standardized, structured reporting forms for investigation procedures have only recently been developed in the framework of an EU-funded project and have yet to be widely applied. According to an official at the European Union delegation in Beirut who has been working with the ISF since 2007, there is a real need for such standardized procedures because much of the evidence submitted by the ISF is rejected by the judiciary because the work is poor or shows procedural gaps.²¹ Additionally, unstructured reporting makes it difficult for a judge to exploit findings in large investigations. Despite US- and EU-funded programs to train the ISF in proper and

²⁰ Amnesty International, "Torture and ill-treatment of women in pre-trial detention: a culture of acquiescence," AI Index: MDE 18/009/2001, August 2001, <http://www.amnesty.org/en/library/info/MDE18/009/2001>, (accessed February 4, 2013).

²¹ Human Rights Watch interview with official at EU Delegation, Beirut, Lebanon, November 9, 2012.

scientific investigation and interrogation techniques, prevailing culture and practices within the ISF and the prosecution still focuses on interrogation and on pushing for a confession from the suspects, rather than proving their guilt on the basis of objective and scientific evidence.

Torture in Lebanese Law

Lebanon ratified the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) in 2000 and the Optional Protocol to the CAT (OPCAT) in 2008. However, the definition of torture in the Lebanese Penal Code falls short of the international standards set out in the convention. Accordingly, the Working Group on Lebanon's Universal Periodic Review before the UN Human Rights Council in January 2011 specifically recommended that Lebanon make several revisions to its definition of torture and criminalize all forms of torture and ill-treatment.²²

The Lebanese Penal Code treats torture as a minor crime and sets forth an overly restrictive definition of the offense. Article 401 of the Penal Code states,

Anyone who inflicts violent practices not permitted by the law against another person with the intention to extract a confession of a crime or information related to it will be imprisoned for three months up to three years. If the violent practices have led to illness or wounds, the minimum period of imprisonment is one year.²³

The phrase “violent practices not permitted by the law” unduly limits what can constitute torture. Additionally, according to article 401, violence can only amount to torture when it is used to extract confessions, excluding the use of torture to punish, intimidate, coerce, or as a form of discrimination. And the maximum prison term of three years treats the crime as a relatively minor one, deserving of a relatively light penalty.

The shortcomings of Lebanon's definition are clear when viewed next to the comprehensive definition set forth in the UN Convention against Torture:

²² UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Lebanon,” A/HRC/16/18..

²³ Lebanese Penal Code, art. 401.

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.²⁴

While another provision of Lebanese law invalidates all statements extracted under duress, that provision is often violated in practice, as detailed in this report.²⁵

Nineteen cases documented in this report show evidence that police use torture as well as cruel and degrading treatment to punish suspects for “immoral” acts such as drug use or various sexual offences. Seven people told Human Rights Watch that police officers who beat them said that they wanted to “teach them a lesson.” The Lebanese definition of torture is too narrow to apply to such cases.

When a Human Rights Watch researcher filed a complaint against an ISF officer for harassment and intimidation that the researcher herself had experienced at the hands of the ISF, the head of the Msaitbeh police station told her that “it’s normal for a police officer to slap a detainee around—it’s part of the job. You, human rights people, turn everything into a huge deal.” Such sentiments make a mockery of the ISF’s Code of Conduct, which explicitly states that “police members will not practice, incite, or disregard any act of torture or any cruel, inhumane, or degrading treatment during investigations and during the execution of their missions.”²⁶

²⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, article 1.

²⁵ Specifically, article 47 of Lebanon’s Code of Criminal Procedure states that “If [suspects] refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements,” while article 77 states that “the Examining Judge must take into consideration the principle of freedom of will of the defendant during his interrogation. He must ensure that the defendant gives his statement without any external influence, be it moral or physical. If the defendant refuses to answer and remains silent, the Examining Judge does not have the right to force him to speak.”

²⁶ Internal Security Force Code of Conduct, art 5.

III. Findings

Physical Abuse and Torture

Human Rights Watch interviewed 52 individuals that were beaten, threatened, or humiliated at the moment of arrest or during investigation. According to the victims, the police did this for a variety of reasons, including to obtain information, to force a confession, to incriminate others, to punish or discipline detainees, and to ensure that victims of violence did not speak out against the abuse they experienced at the hands of the police. The most common reason for the torture was police efforts to obtain confessions by force.²⁷

The forms of torture reported to Human Rights Watch included beatings on different parts of the body with fists, boots, or implements such as sticks, canes, rulers, or other devices. Eleven individuals said that officers in police stations and detention centers forced detainees to listen to the screams of other detainees being beaten in order to scare them into cooperating or confessing.

Nabil, 32, was arrested by officers of the Drug Repression Bureau and taken to Zahleh police station in 2008 for drug use and detained for seven days. He told Human Rights Watch that he was tortured during his detention.²⁸ He said,

I was beaten for about an hour—punched and kicked. The police officer beating me kept repeating his name to me, telling me never to forget it. I never did. He stopped beating me only when I started crying and screaming his name over and over. After the investigation I was taken to a cell with another man. An officer asked us how we liked our coffee, so the man said he liked it black, and I asked for sugar. That's when he told the other officer "One of them likes it bitter; the other sweet. What shall I get them?" That's when they took us out of the cell and started beating us with thick

²⁷ Lebanese Center for Human Rights (CLDH), Kafa, and Permanent Peace Movement, *Arbitrary Detention and Torture: The Bitter Reality of Lebanon*, January 2011, <http://case2769.files.wordpress.com/2011/03/torture-and-arbitrary-detention-engl.pdf>, (accessed February 4, 2013).

²⁸ Human Rights Watch interview with Nabil, Beirut, Lebanon, March 22, 2012.

electricity cables. The next day I heard another police officer talk about the beatings, saying, “the guys were bored; they were just having some fun with them.”²⁹

Tamara, a transsexual woman, fled from her family in the south of Lebanon to Tripoli, a city in the north. Male members of her family visited her apartment several times in an attempt to convince her to return to the family home. Tamara told Human Rights Watch that when her neighbors saw men visiting her, they complained to the police that she was a sex worker and that the men coming to her house were her clients. That was enough for police to arrest her in early 2010, even though a preliminary investigation would have shown that these men were family members, not clients. The police took Tamara to Hobeish police station in Beirut. She said,

I saw blood and people being beaten, and I was terrified. They took me into an office and three police officers started hitting me: punching me with their fists and kicking me. They didn’t even tell me what I did or why I was there. When they found out I was transsexual, they started asking me really personal questions in very insulting ways. They asked me how I get fucked and told me that if I denied that I have anal sex with men they’ll imprison me. I was so scared and did not want to get beaten anymore that I said yes to everything. Every time I denied something I would get hit, what other option did I have?³⁰

While Tamara was initially arrested for sex work, a Lebanese court found her guilty of “unnatural sexual acts,” and sentenced her to three months in prison. By the time her trial started, she had already spent five months in pre-trial detention.³¹

At the end of 2010, police arrested Carla, 26, for drug possession at a gas station in Sin el Fil, a suburb to the east of Beirut while she was in a stolen car with three men. They were taken to police intelligence in Jdeideh, where Carla says that they were beaten immediately upon arrival. She described how they used the infamous *farrouj* (roast chicken) torture

²⁹ Ibid.

³⁰ Human Rights Watch interview with Tamara, Beirut, Lebanon, April 15, 2012.

³¹ Ibid.

technique, in which the victim is suspended by the feet with hands tied together to an iron bar passed under the knees.³² She explained,

They *farroujed* me and beat me with canes until my whole body was swollen and I was bloodied. They pushed me down a set of stairs and punched me in the stomach. They refused to allow my mother to see me. I stayed there for five days in a solitary confinement cell. They blindfolded my eyes and forced me to sign some papers. I have no idea what was written on them. I began to go through really bad withdrawal—I was in so much pain. I begged the police to buy me my medication and showed them my prescription, but they refused. Instead they took me out of the room, handcuffed and blindfolded me, and hit me incessantly. They would hit me and tell me to say what they wanted me to say.³³

When Human Rights Watch spoke to Carla in April 2012, approximately one and a half years after her arrest, she was in Baabda prison still awaiting trial for drug possession and theft. The UN special rapporteur on torture has recognized that withdrawal symptoms can cause severe pain and suffering, and that the use of withdrawal symptoms to obtain confessions, or for any purposes cited in article 1 of the CAT, might be torture.³⁴ According to the special rapporteur,

Drug users are particularly vulnerable when deprived of their liberty. One of the questions in this context concerns withdrawal symptoms and to what extent they may qualify as torture or ill-treatment. There can be no doubt that withdrawal symptoms can cause severe pain and suffering if not alleviated by appropriate medical treatment, and the potential for abuse of withdrawal symptoms, in particular in custody situations, is evident. In a 2003 case, without specifically stating that the woman died from withdrawal, the European Court of Human Rights found a violation of the prohibition of inhuman or degrading treatment or punishment based on “the responsibility owed by prison authorities to provide the requisite

³² Human Rights Watch interview with Carla, Beirut, Lebanon, April 14, 2012.

³³ Ibid.

³⁴ UN Commission on Human Rights, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/10/44, January 14, 2009, para 57.

medical care for detained persons.” Moreover, if withdrawal symptoms are used for any of the purposes cited in definition of torture enshrined in article 1 of the Convention against Torture, this might amount to torture.³⁵

In 2011, seven police officers from the Drug Repression Bureau (DRB) raided Ahmad’s house while he was in the shower. The raid was motivated by a report by Ahmad’s girlfriend who worked as an informant for the Hobeish branch of the DRB.³⁶ Ahmad explained what happened during the raid:

I was still in the shower when one of them hit me on the back of the head with the butt of his rifle. I fell to the ground, and all of them started kicking me. When they were done kicking me, they asked me if I knew who they were. When I replied, “The police,” they started kicking me again saying that they were from Hobeish and started asking me where my drugs were. One of the officers, well-known at Hobeish, threatened me and said if I didn’t speak, he would “fill my mouth with my own blood.”³⁷

In 2010, members of Hizbollah’s security personnel detained Zahra, 24, accusing her of carrying cocaine, and handed her over to the police. She told Human Rights Watch that in the Ouzai police station, officers blindfolded her and threatened to hit her with a belt if she refused to confess to dealing drugs. She told Human Rights Watch that they put electricity cables on her feet, threatening to electrocute her if she did not confess and tell them to whom she sold drugs. “It didn’t matter what I said, they would hit me, threaten me, and write whatever they wanted. They made me sign something I didn’t even read. I needed food and medicine for my bruises, but they refused to give me either,” she said. Two days later, they took her to Hobeish police station, where she spent four days being interrogated. She was then taken to Baabda police station, where she says an officer beat her with a cane on her feet and told her he would let her call her brother if she let him touch her sexually. When she was transferred to Baabda prison for pre-trial detention, she told the head of the prison what had happened, but nothing came of it. Zahra has been in pre-trial detention for two years.³⁸

³⁵ Ibid.

³⁶ Human Rights Watch interview with Ahmad, Beirut, Lebanon, March 29, 2012.

³⁷ Ibid.

³⁸ Human Rights Watch interview with Zahra, Beirut, Lebanon, July 5, 2012.

Mohammad, 30, spent a total of 11 days in Zahleh police station in 2008 after police arrested him on charges of drug use. He told Human Rights Watch that he was tortured, and confessed under severe beating. He said, “They took me to interrogation naked, poured cold water on me, tied me to a desk with a chain, and hung me in the *farrouj* position. They broke my teeth and nose, and hit me with a gun until my shoulder was dislocated. At one point there were around 10 people beating me simultaneously. [When I was released] I had to pay over \$5,000 in medical bills.”³⁹

Mohammad’s case is one of the few documented instances in which an internal investigation into allegations of torture led to punishment. He says that the abusive first lieutenant in charge of his interrogation was demoted as a result. Despite this apparent admission by the state that torture was used in the investigation, Mohammad was still sentenced and spent five months in Zahleh prison—a sentence based on a confession obtained through torture, which the judge had acknowledged.⁴⁰

Many of those interviewed by Human Rights Watch described how the police had attempted to force confessions, even fake ones, from them. Joseph recounts how, in 2007, police arrested him from his home for drug use, straight from his bed:

They started beating me while I was still in bed. When I asked them what was happening they didn’t answer. They just beat me more then took to me to Zahleh police station. I was there for three days, and every day they would beat me for three to five hours, trying to force me to give out names of people I used to take drugs with. They have the craziest methods of beating you up in a way that wouldn’t leave bruises. They would hit me incessantly with the Yellow Pages, the thickest book they had. The most horrifying thing they did was when they [hung me by my legs and] took a long piece of wood, placed it under my knees and handcuffed my hands underneath it. They left me like that for 3 hours; I couldn’t feel my legs when they untied me. On the third day they blindfolded me and forced me

³⁹ Human Rights Watch interview with Mohammad, Beirut, Lebanon, June 3, 2012.

⁴⁰ Ibid.

to sign the forged confession paper. When I requested to read the confession they started beating me up again.⁴¹

Nadim's Story

In October 2010, police arrested Nadim when they could not find his brother, whom they suspected of drug dealing. When they found no evidence that Nadim had engaged in drug dealing, he says, they changed the charge to homosexuality.⁴²

Three plainclothes officers had initially approached Nadim while he was sitting at the foot of his building with the employees of a nearby women's hairdresser's shop. Nadim's experience, detailed below, highlights many of the issues discussed in this report: arbitrary arrest, physical violence, intimidation, humiliation, and a forced confession.

Nadim recounts his story as follows:

They asked me about my brother. I told them that I hadn't spoken to him in years—we are not on good terms; the neighbors can attest to that. They accused me of dealing drugs. I denied it, so one of the officers hit me hard across the face. He then accused me of having a gun and covering for my brother, just crazy accusations out of nowhere. He hit me more, handcuffed me, and dragged me to my house and searched it without a warrant. Of course, when I asked if they had one, I just got punched as an answer. The officer just kept hitting me the entire time, on my face, on my back. They put me in the back of the police car and took me to Hobeish [police station]. I overheard [one of the officers]... on the phone speaking to someone, telling them to tell my brother that they have me and that he should leave Beirut because if he finds him he will shoot him in the face.

The intimidation and the beatings never stopped. In Hobeish, the officer told me if my drug test came out positive he would beat me senseless. When the results came back, he asked the officer carrying them whether it was positive. The other officer raised his eyebrows to indicate that it wasn't.

⁴¹ Human Rights Watch interview with Joseph, Beirut, Lebanon, May 14, 2012.

⁴² Human Rights Watch interview with Nadim, Beirut, Lebanon, July 12, 2012.

He assumed I didn't see that and said, "Oh, positive for coke and heroin?" as if to justify beating me more. He took me into a room and made me crawl under the bed to humiliate me.

He then asked me why I had a condom on me. I asked him in turn whether it was illegal to carry a condom, so he hit me again. When he asked me why I had messages and names of gay men on my phone, I asked him whether it was illegal to speak to gay men. He hit me again so hard my eye split and I began bleeding. I begged him to stop hitting my face but this egged him on further and he hit me even harder. He forced me to sign a confession that I have sex with men, all the while hurling punches and abuse at me. He then made me take off all my clothes and looked at me, told me I'm a faggot, insulted me, threatened me.

After a while another officer came in and made me take off all my clothes again, hit me, and insulted me. He tried to get information out of me about other gay men or pimps or prostitutes, and even asked me whether I pay for sex or get paid for it. Whenever I would deny their accusations I would get beaten over and over. I then asked to be able to make a phone call, but he refused and took me back to my cell.

The next day, two more men came in and interrogated me again. By this time the drug issue was dropped, the case was now about homosexuality. I was allowed a phone call this time, so I called the LGBT rights organization Helem. The officer took the phone from me and told them that a lawyer is not allowed in Hobeish during interrogation, and if they wanted to see me they should go to the public prosecutor's office.

When I told the interrogating officer that I was forced to confess to having sex under duress, he got a thick electricity cable and whipped my palms. He then said that he would get a forensic doctor to check me, but that I would have to pay. I didn't have any money so I didn't end up paying him, but if I had, they probably would just have pocketed it.

I asked him to write down [the name of the officer who] had beat me into confessing, but he said he wouldn't and warned me not to speak about it, threatening that if I did I would regret it for the rest of my life.

He kept intimidating me, trying to get me to confess again. He lied to me, saying that if I confessed it would be just a minor crime, but if I continued to deny it and the anal examination turned out positive it would become a felony and I would be in jail for three years.

The exam turned out negative, and so they had no choice but to release me without charge. They had no evidence of anything. Still, they told me that they would release me only on condition that I become an informant for them and snitch on my brother and on other drug dealers, users, gay men, and prostitutes.⁴³

Cruel, Inhuman, and Degrading Treatment

Twenty-one women detained for sex work or drug use told Human Rights Watch that they had experienced some form of sexual violence. Seventeen individuals reported being denied food, water, and medication when they needed it, or of having their medication confiscated. Nine reported being handcuffed in bathrooms or in extremely uncomfortable positions for hours at a time.

Threats by police were commonplace. Almost all those who spoke to Human Rights Watch said that they were threatened with physical violence, with five reporting that police threatened to physically harm their families as a form of retaliation or punishment. Interviewees told Human Rights Watch that police regularly used abusive language, that it was expected. Women interviewees reported sexually abusive language.

While Ramzy was driving through an area known to be a meeting place for gay men one night in September 2010, a young man flagged him down and indicated that he wanted to have sex with him. Ramzy told Human Rights Watch that after the man got into his car, another man came up to the car window, grabbed his shirt, and slapped him. The young man sitting

⁴³ Ibid.

next to him began beating him as well. Ramzy assumed he was being robbed as they dragged him into the back of a civilian car where one of the men punched him in the face.⁴⁴

At that point, he still did not know that the men were police officers or that he was being arrested. He only learned that when the men took him to Hobeish police station where they confiscated his pants and ordered him to do 10 sit-ups naked.⁴⁵ He told Human Rights Watch,

I looked well-off, so I didn't get beaten up or anything [after I got to the station]. My other cellmates did though, including one gay guy in his forties who was also entrapped in a similar manner. I stayed in detention for a week. They questioned me for about four hours, and the investigators kept trying to twist my story. I ended up signing a statement that I did not entirely agree with.⁴⁶

Some police stations now have cameras installed in an effort to monitor police behavior. However, as illustrated by the experience of Ahmad, 44, arrested in 2011 for drug use, police officers who are intent on using violence have found a way around that. He said,

Whenever I'd hear the phrase "come stand here," I knew it was code for "come here so we can beat you up" outside the view of the camera. That's how it would happen in the station if they weren't satisfied with the beating they gave me on the way there. They made me stand in the corner for six hours without being allowed to speak. If I opened my mouth at all, I would get beaten.

Officers would visit me one at a time, one would threaten me with violence and one would be nice to me asking me to cooperate. Good-cop/bad-cop style: first they beat you; then they psychologically terrorize you.⁴⁷

Ahmad was one of the few individuals interviewed by Human Rights Watch who complained to the investigative judge about his treatment by the police. He reported that

⁴⁴ Human Rights Watch interview with Ramzy, Beirut, Lebanon, March 29, 2012.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

he showed the judge the bruises on his back and on his legs 27 days after his arrest. Ahmad says that he does not know what happened to his complaint and that he has no way of following up.⁴⁸

Sexual Abuse and Gender-Based Violence

Human Rights Watch interviewed 25 women who had been detained for possession of drugs or for sex work. Twenty-one of those women told Human Rights Watch that they experienced some form of sexual violence by the police. This abuse included unwanted touching or groping, sexual assault, and rape. Women reported that they were blackmailed for sex in exchange for drugs or promises of better treatment or being set free.

Sexual Abuse of Drug Users

Fadwa told Human Rights Watch she was sexually assaulted by police. In the summer of 2008, the police caught her and a female friend using drugs in the bathroom at a large outdoor party and used their positions as police officers to force them to have sex with them.⁴⁹ Fadwa recounts her story as follows:

Two officers followed us and went into the other bathroom stall and saw what we were doing because they climbed on the toilet and peeked at us from above. They told us to get out and led us out aggressively by our hands.

They took us to a closed space in the event venue, a bit far out where no one could see. The space was separated into two different rooms. One officer went with me and the other one went with my friend. That's how they separated us in order to "investigate."

He asked me about the drugs then took them and put them in his pocket. As I was answering him, he kissed me on the lips so I pushed him away. That's when he asked me, "Why, do you have a boyfriend?" I didn't, but thought that might protect me, so I said yes and told him that my boyfriend was here with me.

⁴⁸ Ibid.

⁴⁹ Human Rights Watch interview with Fadwa, Beirut, Lebanon, June 14, 2012.

It didn't matter though. He asked for my number so that he could see me later on and dialed my number to check whether the number I gave him was right. He kissed me again and grabbed my breast so I pushed him away, once again.

I told him that I wanted to see my friend, so I went into the other room. The officer who was there told my friend to leave and the officer that was with me left as well, leaving me alone with the other policeman.

He asked me where I got the drugs from and did a "full body search." It was humiliating, I felt so violated. He put his hands on my breasts and said that he wanted to check if I was hiding anything in my bra. I didn't know at the time that he had no right to search me.

I forcefully took his hand off my breast, so he sat on the stairs, spread his legs and pulled me to him. He put his hand in my pants and touched my ass. I told him I wouldn't sleep with him, and that I was a virgin.

When I was leaving he pushed me to the wall and started really being aggressive. He unzipped his pants and pushed my neck towards his erect penis so that I would give him a blow job so I told him I couldn't do that because I have herpes and that if I gave him a blow job I'd transmit the infection to him. That still didn't deter him. He grabbed my hand and put it on his penis and forced me to give him a hand job while he had one hand on my ass and the other hand on my breasts.

As soon as he was "finished" I ran away while he was fixing his clothes.

The next day the officer who was first with me in the first room called me. He kept calling me for a week asking to see me. I kept saying no to him, and then one day I yelled at him, and he never called back.

Rather than lodge a formal complaint, she chose to use her family's connections with high ranking members of the Internal Security Forces to discipline the police officer "off the

record.” Fadwa said that she later found out that senior officers had him beaten up. When asked why she did not lodge a formal complaint, Fadwa said that the risk of being prosecuted for drugs if she complained was too great, so she saw her options as either keeping quiet, getting revenge through informal channels, or filing a formal complaint and risk going to prison.⁵⁰

Nawal, 29, also told Human Rights Watch she was sexually assaulted by police. In July 2012, Nawal was arrested by a military police officer late at night in the Ashrafieh district of Beirut following an altercation with a man who was harassing her. She said she was taken to the military police station in the Mathaf area, where the officers found she was carrying pills without a prescription. She was kept overnight at the military police station because, they told her, there was no space available at the Hobeish police station, where she was supposed to be transferred. The next day she was taken to Baabda police station, where a police officer sexually assaulted her. She said,

At the time there was only one police officer at the station. He asked me if someone had searched me and led me by the hand next to the bathroom. He ran his hands all over me, put them inside my bra and my underwear, and forced his fingers inside me. I feel ashamed, but I was too scared and weak to protest. Later, when the shift changed, another police officer followed me into the bathroom when I went to wash my face. He cornered me and took off his pants and forced me to touch him. I was crying but did as he said.⁵¹

Sexual Abuse of Sex Workers

Sex workers are particularly vulnerable to sexual assault and harassment. In March 2012, Abeer was arrested for allegedly engaging in sex work out of a cafe in Hayy el Sellom, a poor district in the southern suburbs of Beirut. Abeer told Human Rights Watch that she was arrested for no reason and has since been held in Baabda prison awaiting trial.⁵² Abeer told Human Rights Watch,

⁵⁰ Ibid.

⁵¹ Human Rights Watch interview with Nawal, Beirut, Lebanon, August 15, 2012.

⁵² Human Rights Watch interview with Abeer, Baabda, Lebanon, July 2, 2012.

I didn't understand why I was arrested and shoved into the car. One of the officers told me it was because I'm a prostitute and not to lie about it or he'll kill me. I started to cry, I just didn't understand what happened. A few years ago I was arrested for sex work, but that is over, this time I really wasn't doing anything. When we got to Hobeish [police station] I was slapped around and insulted and thrown in a cell with other women. A police officer in civilian clothes came into the room and tried to get someone, anyone, to have sex with him. He would try to touch us, grab our breasts, at first telling us that if we let him, he'd bring us cigarettes. When he touched me, I pushed him away and then he got more forceful, squeezing my breasts really hard and yelling at me. When I screamed, he put his hand over my mouth and hit me hard across the face.

The next day another officer interrogated me, and I told him that I didn't know why I was in detention. He made fun of me and told me to shut up and sign a paper. I don't read, so I don't even know what was on it. They kept me there for four days, and I don't even know why.⁵³

Another woman, Gharam, told Human Rights Watch that she was raped by a police officer in the Gemmeyze police station in February 2012. She was arrested after police detained her daughter for sex work; she was charged with facilitating her daughter's prostitution activities.⁵⁴ She said,

I stayed in Gemmeyze station for three days and they treated me and my daughter very badly. One of the officers told me to show him how I set my daughter up with clients and the others started laughing. We are poor; I don't have a husband; we have nothing to eat—what could we do? During my time there one of the officers came to me at night and told me that if I didn't let him sleep with me, I'd go to jail for 10 years and my daughter for even longer. I was so scared that I let him. The next day I was transferred to the Baabda station where I spent another three days before going to Baabda prison. I didn't tell anyone what happened, I was too scared. He had threatened me to

⁵³ Ibid.

⁵⁴ Human Rights Watch interview with Gharam, Beirut, Lebanon, April 14, 2012.

stay quiet. I've been here since February, and I don't have money for a lawyer. I have no idea where my daughter is. Why am I still here?⁵⁵

Soumaya, a sex worker who has been in pretrial detention in Baabda prison for nine months, told Human Rights Watch that it was expected that police officers would try to have sex with women arrested for prostitution.⁵⁶ She explained,

It's normal. They don't see us as human beings. They know that we are poor, that we probably don't have families, and that no one asks about us. We're easy to take advantage of. I was arrested three times in the past five years. Every time a police officer would come to the cell and try something with me. At first I protested, I fought back, but then I understood that it's useless. If you want to be treated well, you have to have sex with them. If you do that, they will take care of you. Otherwise you could get beaten, insulted, even raped. If you let them sleep with you, they might even help you get out without charges.⁵⁷

Women often do not report police violence, especially violence with a sexual component. According to the Lebanese domestic violence NGO Kafa, it is extremely rare for women to report sexual violence because of the social stigma associated with being a survivor of sexual assault, fears that they will be blamed or not taken seriously, and the re-traumatizing process of reporting such crimes in Lebanon, which usually entails speaking to officials who have no training in dealing with victims of sexual violence.⁵⁸ When a complaint is filed, the complainant is often taken directly to the place where the assault took place by male police officers, and many times she is forced to confront her attacker directly, a process which can be extremely difficult and which many women prefer to avoid.

In August 2009, Rasha Moumneh, a Human Rights Watch researcher, was threatened and physically assaulted by a police officer at the Msaitbeh police station when she went there in her professional capacity to visit a detainee who had been arrested for homosexuality. This incident, detailed below, illustrates the extent to which prejudice and discrimination

⁵⁵ Ibid.

⁵⁶ Human Rights Watch interview with Soumaya, Beirut, Lebanon, May 15, 2012.

⁵⁷ Ibid.

⁵⁸ Human Rights Watch interview with Ghada Jabbour (Kafa), Beirut, Lebanon, August 17, 2012.

affect police behavior towards detainees, and the degree to which such behavior is practiced with impunity.

When Moumneh arrived at the police station seeking to speak with the detainee, the officer asked Moumneh whether she was “a girl or a woman,” an obvious attempt to intimidate and harass her by confronting her with a question about her sexual experience and implying that her sexual behavior was open to police scrutiny. When she refused to answer, he threatened to launch an investigation against her and subject her to a forensic exam to determine whether or not she was a virgin. Moumneh said he had no right to ask her such a question, and that while he could conduct an investigation if he so chose, she had the right to know on what basis he was asking her these questions and whether there was an actual charge against her. Throughout the exchange, the officer kept yelling at her, telling her to “shut up” and threatening to kick her out of the station and deny her access to the detainee the police had called her in to see. When Moumneh asked about the charge leveled at the detainee, he said that the detainee was “a faggot.”

When Moumneh asked whether the detainee had been caught engaging in homosexual sex, the police officer responded that it was not necessary for him to actually have engaged in any sexual act to charge him with “homosexuality,” and then stated categorically that “[I] step on this law with my boot,” and that “I am the law and will implement it as I see fit.” When Moumneh mentioned that she worked for a human rights organization, the police officer laughed and made fun of her and of the very notion of human rights. He then informed her that he was a member of Hizbullah, and when she asked what relevance that fact had to the situation at hand, he grabbed her arm, pushed her against the wall, and called an officer to “remove this garbage from the station.”

Medico-Legal Abuse: Anal Examinations

Although Article 534 of the penal code criminalizes sexual acts, police seldom detain people who are actually found having sex. Arrests for homosexuality are arbitrary on principle, even more so because the law itself does not explicitly criminalize homosexuality. One method the police use for determining culpability in these cases is anal examinations conducted by a forensic doctor on orders from the public prosecutor. On July 28, 2012, the Lebanese NGO The Legal Agenda launched a successful campaign to end forensic anal examinations targeting first the Lebanese Doctors’ Syndicate and then

the Ministry of Justice. The campaign followed a raid on a porn cinema in the Burj Hammoud district of Beirut in August 2012 in which 36 men were arrested and subjected to the procedure.⁵⁹ Three of the men were charged with homosexuality and public lewdness, while the rest were released.

Forensic anal examinations are medically and scientifically unsound and violate international standards against torture and cruel and degrading treatment, including the Convention against Torture and the International Covenant on Civil and Political Rights, which Lebanon has ratified. The U.N. Committee against Torture, in its 2002 review of Egypt, investigated the issue of forensic anal examinations and called on the government “to prevent all degrading treatment on the occasion of body searches.”⁶⁰

The Legal Agenda spearheaded efforts to end these examinations. In response to these efforts, Dr. Sharaf Abu Sharaf, head of the Lebanese Doctors’ Syndicate, issued a directive on August 8, 2012. The directive called for an end to the procedure, stating that forensic anal examinations are medically and scientifically useless in determining whether consensual anal sex has taken place and that they constitute a form of torture. He added that they also violate article 30 of the Lebanese law on medical ethics, which prohibits doctors from engaging in harmful practices.

In a statement given to the Lebanese daily *Al-Akhbar* on August 2, Justice Minister Shakib Qortbawi said that he had two months earlier written to Lawyer General Said Mirza urging him “to halt random rectal examination procedures, after the issue was raised by human rights organizations.” However, the lawyer general’s subsequent directive, the text of which The Legal Agenda published on August 7, contradicts the spirit of the Minister’s statement to *Al-Akhbar*.

The Legal Agenda stated that far from ordering an end to the procedures, the lawyer general’s directive in fact institutionalized them further, instructing public prosecutors to order the anal examination be carried out only “with the consent of the accused, according to standard medical procedures, and in a manner that does not cause significant harm.”

⁵⁹ “Lebanon: Stop ‘Tests of Shame,’” Human Rights Watch news release, August 10, 2012, <http://www.hrw.org/news/2012/08/10/lebanon-stop-tests-shame>.

⁶⁰ Committee against Torture, “Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Conclusions and recommendations of the Committee against Torture, Egypt,” CAT/C/CR/29/4 December 23, 2002.

The directive added that if the accused refuses to undergo the examination, he should be informed that his refusal “constitutes proof of the crime.”⁶¹

After much public pressure, Minister Qortbawi released a statement addressed to the public prosecutor on August 11, 2012, asking him to issue a directive ending anal examinations completely, although that has yet to happen.⁶²

Nevertheless, this statement constitutes a significant step forward for the rights of LGBT persons in Lebanon, although it remains to be seen whether the examinations will indeed stop completely. In addition, while this procedure has been one of the more common ways police “prove” culpability in homosexuality cases, it is not the only method. As detailed below, LGBT people, like others in Lebanon, are often coerced into confessing.

Lack of Due Process

The Lebanese Code of Criminal Procedure guarantees detained suspects due process rights, such as the right to contact a person of their choosing (a family member, employer, etc.), the right to meet with a lawyer, the right to an interpreter, the right to be examined by a medical doctor upon request, and the right to speedy judicial review of their detention.

Article 47 of the Code of Criminal Procedure stipulates that the police must inform all detained suspects of these rights, although almost all of the individuals interviewed by Human Rights Watch reported that the police did not inform them of their rights, particularly the right not to answer any questions, guaranteed in the Code of Criminal Procedure.

Individuals who had been detained for sex work, drug use, and homosexuality in Lebanon described to Human Rights Watch being picked up by police and detained without due process: 19 former detainees told Human Rights Watch they did not have access to a lawyer;

⁶¹ The Legal Agenda, "After the head Beirut's doctor's syndicate's directive to stop the tests of shame, the Legal Agenda publishes the public prosecutor's directive legalizing them", August 7, 2012, <http://legal-agenda.com/newsarticle.php?id=136&folder=legalnews&lang=en> (accessed February 4, 2013).

[illegible]

12 claimed that investigative judges did not take allegations of torture and forced confessions into consideration; and 14 were not informed of the charges against them.

Under Lebanese law, police are allowed to detain suspects for a maximum of 48 hours for preliminary investigation before sending them to appear before an investigative judge, the 48-hour period renewable once with permission from the public prosecutor. According to a report by the American Bar Association, suspects are routinely held in police stations or courthouse holding cells in excess of that legal time limit. Additionally, Lebanese law provides that the period of custody should be calculated from the moment of arrest,⁶³ but if the arrest happens at the beginning of a weekend it is common for police to begin the calculation the following week.⁶⁴ Human Rights Watch documented 15 cases in which suspects had been detained for over 96 hours in either the police station or in a courthouse holding cell before appearing in front of a judge.

Among the reasons for these violations are lack of funding and the limited resources available to the judicial system, which suffers from a lack of staffing and extremely high caseloads.

Eleven interviewees who were arrested for drug use told Human Rights Watch that police denied them access to medical treatment when they requested it. In only four cases were doctors able to visit individuals while in detention. As noted below, denial of medical treatment to induce withdrawal symptoms may constitute torture or ill-treatment.

In some cases, police have even used a suspect's medical condition to extract information from them—an act that the special rapporteur on torture has made clear can amount to torture.⁶⁵ The case of Saeed, 24, illustrates the problem. Police arrested Saeed in 2010 for using heroin. He told Human Rights Watch that he started to go into withdrawal on his second day in Hobeish police station. He said,

I was in so much pain, I was screaming and crying. I begged them to let me see a doctor, but they just laughed at me. They used the fact that I was

⁶³ Lebanese Code of Criminal Procedure, art. 47.

⁶⁴ Human Rights Watch interview with Nizar Saghie, Beirut, Lebanon, August 21, 2012.

⁶⁵ UN Commission on Human Rights, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/10/44, January 14, 2009, para 57.

withdrawing to get me to confess and to implicate other people. They knew I was in too much pain to resist, and they promised me that they would let me see a doctor if I told them what they wanted to know. I never did see a doctor though. Leaving me like that was their way of punishing me.⁶⁶

Nabil was arrested in 2008 for using drugs. He told Human Rights Watch that he was severely beaten in Zahleh police station, where he says that police detained him for eight days so that his bruises would disappear before he was let out. He said that throughout the eight-day period he experienced extremely painful withdrawal symptoms and kept asking for his medication but that the police ignored him.⁶⁷

Although Lebanese law guarantees the right to a lawyer, the wording and implementation of the relevant provision, article 49 of the Code of Criminal Procedure, raises serious concerns about whether adequate checks and balances are in place to prevent torture and mistreatment by the police. Article 49 states that “the public prosecutor should conduct the initial interrogation. If he does, the suspect’s lawyer may be present during interrogation.” While the law does not expressly prohibit the presence of a lawyer during police interrogation, police interpret it as guaranteeing the presence of a lawyer *only* if the public prosecutor carries out the questioning, and as not applicable to police interrogations. Police are very strict about denying suspects access to lawyers during this phase. This is particularly a concern since most questioning of suspects is conducted by the police rather than the public prosecutor, although such interrogation is primarily the latter’s job. Torture and mistreatment most often take place during police interrogation as police seek confessions. Allowing a lawyer to be present during this crucial phase would almost certainly help prevent police abuse.

Ala’a, a non-Lebanese Arab national, was arrested in April 2012 while he was playing cards with two friends in a parked car next to the house of a prominent Lebanese politician. Police accused them of homosexuality, and kept Ala’a in detention for two weeks, moving him from station to station. Ala’a was not allowed to inform his family, who were abroad at the time, and his lawyer was denied access to him twice. After not hearing from him, his

⁶⁶ Human Rights Watch interview with Saeed, Beirut, Lebanon, July 2, 2012.

⁶⁷ Human Rights Watch interview with Nabil, Beirut, Lebanon, April 12, 2012.

parents became worried and traveled to Lebanon, looking for him in hospitals and jails until they found him in General Security.⁶⁸

Mounira, arrested for drug use in 2011, told Human Rights Watch that the police actually forced her to call her father and lie to him, telling him that she was sleeping at a friend's house rather than detained at the police station so he would not come looking for her.⁶⁹

According to human rights lawyer Nizar Saghieh, judges often impose sentences that equal the time detainees have already spent in detention in police stations, effectively giving police the power to determine the sentence. As a result, the sentences for the same offense can arbitrarily range between a few days and several months.⁷⁰ Saghieh added that the police often do not abide by laws regulating how long detainees can be held before being sent to investigative judges and as a result the police themselves effectively determining the timing of trials. According to Saghieh, the police justify this by saying that they do not have enough cars or personnel.

Article 9 of the International Covenant on Civil and Political Rights (ICCPR) states that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. This does not always happen in Lebanon. For example, when Othman was arrested in 2010 after being entrapped by a police officer posing as a gay man and asking him for sex, he was beaten, bloodied, and forced to spend a night in Hobeish police station before he was informed that he had been arrested for homosexuality.⁷¹

Police arrested Samira in 2009 on suspicion of sex work as she was on her way home from a grocery store, telling her it was because of the way she looked. She told Human Rights Watch that the police had no evidence against her and no reason to arrest her. After six days of humiliation, beatings, abuse, and a forced confession, she was transferred to Baabda prison for two months of pre-trial detention. During the six days she was held in a

⁶⁸ Human Rights Watch interview with Ala'a, Beirut, Lebanon, August 13, 2012.

⁶⁹ Human Rights Watch interview with Mounira, Beirut, Lebanon, March 27, 2012.

⁷⁰ Human Rights Watch interview with Nizar Saghieh, Beirut, Lebanon, August 21, 2012.

⁷¹ Human Rights Watch interview with Othman, Beirut, Lebanon, April 4, 2012.

police station before her transfer she was not permitted to call her family. A court later found her innocent of all charges.⁷²

Michel was arrested and detained for four days in Hobeish police station in June 2012 for carrying medication prescribed to him by a psychiatrist at Skoun where he was being treated for substance dependence.⁷³ He said,

I was at a mall in Ashrafieh having a drink with my friend. When I went out to get cigarettes, three men approached me. One of them stuck his hand in my pocket and told me he was looking for drugs, so I told him that I didn't have any and asked him who he was and told him that he didn't have the right to put his hand in my pocket and search me out of the blue. So he told me that he and the other two men were from the ISF and that they knew that one of the people I was with had drugs on him. They told me they would let me go if I called my friend over. I did, but they didn't find anything on him. They searched me once again and that's when they found the medication that I carry. They asked me what the medications were for, and I told them very clearly that I go to Skoun for treatment and these meds were prescribed, but they insisted that I was a drug user. I kept telling them that I was clean and that I had a urine test yesterday but they didn't care.⁷⁴

Michel says that the police then handcuffed him and dragged him into their jeep and took him to Baydoun police station in the Ashrafieh district of Beirut. Even after Michel contacted his psychiatrist who confirmed to the police that he is a patient and that the pills he was carrying are prescribed, the police did not release him. Police only freed him after four days in detention.⁷⁵

Carla, whose story appeared earlier in this report, was badly beaten and detained for 21 days in the Baabda police station. She was not allowed to see or call her mother despite repeated requests. Police then took her to Hobeish police station, where she was detained for another four days while police forced her to help them entrap a drug dealer. She says

⁷² Human Rights Watch interview with Samira, Beirut, Lebanon, April 12, 2012.

⁷³ Human Rights Watch interview with Michel, Beirut, Lebanon, May 14, 2012.

⁷⁴ Ibid.

⁷⁵ Ibid.

she was then moved to the Ouzai police station where she was held for one week of continuous interrogation. While there, she says a police officer suggested he could get her released if she slept with him, but she declined. After that she was taken to Baabda prison, where she was still being held when she spoke to Human Rights Watch more than a year later, without ever having seen an investigating judge.⁷⁶

Role of Defense Lawyers

Defense lawyers sometimes contribute to ISF impunity. Seven former detainees told Human Rights Watch that their lawyers had advised them against complaining to the judge about abuse on the grounds that it would either take too long or be difficult to prove, especially in cases where there were no physical signs of abuse.

According to research conducted by the American Bar Association, Lebanese defense lawyers sometimes fail to appear at court hearings, often without consequence. The ABA report also documented instances where lawyers did not adequately represent their clients, charging them extra fees, for example, or not pursuing correct legal procedures.⁷⁷

Human Rights Watch also heard of cases in which defense lawyers did not properly follow up on their clients' cases. Joseph, arrested in 2007 for drug use, said that he asked the police to send a forensic doctor to visit him in detention. A doctor came and took pictures of bruises inflicted by police, but Joseph does not know what happened to the doctor's report and says it was not included in his file.⁷⁸ He told Human Rights Watch that he repeatedly asked his lawyer to follow up on the doctor's report, but the lawyer did nothing. The end result was a conviction and no proof that he had been beaten by the police.

Police Corruption

Corruption is pervasive in Lebanon. Transparency International's corruption perception index ranked Lebanon 134 out of 183 countries in 2011.⁷⁹ According to a defense lawyer

⁷⁶ Human Rights Watch interview with Carla, Beirut, Lebanon, April 14, 2012.

⁷⁷ American Bar Association (ABA), *Detention Procedure Assessment Tool for Lebanon* (Washington, DC: 2012).

⁷⁸ Human Rights Watch interview with Joseph, Beirut, Lebanon, May 14, 2012.

⁷⁹ The Lebanese Transparency Association, *Corruption Perceptions Index as measured by Transparency International during 2011: Stability in Lebanon in spite of Arab revolutions*, 2011, http://www.transparency-lebanon.org/press/PR_CPI2011_1Dec2011_En.pdf (accessed February 4, 2013).

interviewed by Human Rights Watch who preferred to remain anonymous, lawyers and defendants regularly pay bribes to police for either favorable treatment or simply to complete procedures in a timely manner. The pervasive system of personal and familial connections (*wasta*) allows well-connected people to exert influence for preferential treatment. Such preferential treatment can be as small as getting good food in detention, to avoiding a beating, to having the case dropped entirely.

Nabil was arrested in 2011 for using drugs and taken to Hobeish police station, where he says he has strong family connections. “I was treated fine,” he says. “There were many people there getting beaten up; I could hear their screams, but I wasn’t one of them. You just need to make sure they get a call from the right person, and you’ll be fine.”⁸⁰

Nine other individuals interviewed by Human Rights Watch who were arrested for drug use or homosexuality reported that their socio-economic status played a large part in determining how police treated them in custody. Ali’s case is one illustration of this. In 2007, police arrested Ali and his boyfriend in Ashrafieh for engaging in sexual acts in a parked car. Ali said that when they found out that he was a university professor, their tone changed completely from one of insults and verbal abuse to respect. Ali recounted that the investigating officer even went so far as to completely make up a bizarre story about how he and his friend were found in that situation and how it was misinterpreted by the police as being a homosexual encounter. “Other people in the cell with me who were poor and destitute were treated like garbage,” he said. Ali and his boyfriend were released two days later without charge.⁸¹

Marwan comes from a prominent, well-off family. He was arrested four times over the course of three years, the last time in 2010. In each instance, Marwan says that he was treated well by the police, while the people he was with, who did not enjoy the same social standing or affluence, were beaten and forced to sign false confessions. This was vividly demonstrated when police arrested Marwan and a friend of his in April 2010. Both were carrying small amounts of cocaine. Marwan told Human Rights Watch,

⁸⁰ Ibid.

⁸¹ Human Rights Watch interview with Ali, Beirut, Lebanon, June 14, 2012.

I was immediately able to pull strings to avoid getting charged. My friend didn't have the same connections though, and the police insisted that they had to have something to show for the arrest. They took me aside and tried to convince me to sign a statement saying that my friend was attempting to get me into cocaine and that he's a dealer, making me out to be innocent. First, that's untrue: we're both just cocaine users. Second, I wasn't about to send my friend to jail for five years while I got off scot-free. We argued back and forth, and finally they figured out a way to get us both released without charge.⁸²

Farah suffered from police mistreatment after being arrested for drug use, but her boyfriend's family's personal connections were strong enough that she was released from custody without charge. In the summer of 2007, a police officer caught her taking drugs at a beach in the south of Lebanon. She says that when the police officer saw her, he grabbed her by the hair and dragged her along the stairs as she screamed. Her boyfriend at the time saw what was happening and called for her but did not follow them because he was also on drugs and was scared he would get caught as well.⁸³ She said,

They took away my phone and threw me in the police jeep. There were two other men with me in the car who looked like they were on drugs. I started yelling from the car that I had the right to call my parents, and that's when the officer who was standing next to me came in and slapped me repeatedly. He was wearing a ring on one of his fingers, so my cheek turned blue. When he left, I started yelling again asking for my phone; that's when he came into the jeep and kicked me in the stomach, saying, "Can you imagine what my boot would feel like on a girl's stomach?"

A while later, I started yelling again because one of the men in the jeep was overdosing, and I begged the police to take him to the Red Cross ambulance parked nearby. He didn't care and hit my leg with his rifle. I started crying from pain, and he started yelling at me to stop crying and telling me that it was none of my business. We stayed in the car for an hour and half until my boyfriend came back with his father who has personal

⁸² Human Rights Watch interview with Marwan, Beirut, Lebanon, March 22, 2012.

⁸³ Human Rights Watch interview with Farah, Beirut, Lebanon, April 14, 2012.

connections with the police and was able to get me out. When my boyfriend's dad saw the bruises on my face, he yelled at the officers, but they just told him that I deserved it because I was driving them crazy.⁸⁴

Wissam was arrested three times, once in 2007 and twice in 2008, and told Human Rights Watch he experienced both police violence and police corruption. The first time Wissam was arrested, he was returning home after having bought drugs in the Bekaa region. When he was caught, he quickly swallowed the bag of drugs before the police could find anything. Wissam says he was beaten at the Zahleh police station for 24 hours.⁸⁵ He said,

They wanted to know where I hid the drugs, I kept telling them that I had swallowed it all and that I was in pain but they kept beating me. It wasn't until I started overdosing because one of the bags burst in my stomach that they took me to Khoury Hospital. When I went to court and reported this to the judge, the officers denied it, and the judge quickly closed the case and dismissed the charges without investigating anything. I don't know what happened to my file. It doesn't even exist.⁸⁶

In 2008, Wissam was arrested in Beirut and brought to Hobeish police station. He told Human Rights Watch that the police extorted him for money because he came from a well-known and rich family: "When they found out who I was, they beat me up for two days until the money came. When they got the cash they wanted, they released me without charge."

Twenty days later Wissam was arrested again for drug possession and was tortured by the police, who this time were seeking the names of drug dealers. He told Human Rights Watch,

First Lieutenant ... told me that no matter what strings I pulled this time, I wouldn't be released and that he would teach me a lesson. After a really bad beating, punches, kicks, and more beatings with sticks, he ordered the officers to take me to a cell that they had filled with water around 10 cm

⁸⁴ Ibid.

⁸⁵ Human Rights Watch interview with Wissam, Zahleh, Lebanon, July 13, 2012.

⁸⁶ Ibid.

deep, so that I'd be forced to stand up and wouldn't be able to sleep. I stood there like that for four days, all because they wanted me to give them names of dealers.⁸⁷

Mounira was arrested in 2011 for drug use in the Mar Mkhayel district of Beirut. She knew the name of the arresting officer, who was also the one who beat her, but she refused to give it to Human Rights Watch out of fear of retaliation. The police transferred her to Hobeish police station where she says they forced her to assist them in entrapping drug dealers.⁸⁸ She said,

They forced me to call the person who gave me the drugs to set up an appointment with him, promising me that if I did so they would let me go. We agreed to meet that day, but [the dealer] never showed up. They took me back to Hobeish but wouldn't let me call my family. My mom has cancer and my dad has heart problems, but they still wouldn't let me call. At around midnight, they told me to call my dad and tell him that I was sleeping at a friend's house.

At 7 a.m. the next day, I went into interrogation in the morning. The investigating officer kept trying to get other names out of me. He started hitting me and pulling me by the hair and forcing me to admit to things that simply were not true. I said yes to everything after that because I wanted the beating to stop, and I was really scared. The next day they even tried to stick me with an accusation of drug dealing—just like that. Every time my phone rang they would try to force me to ask the person on the line how many grams they want, but I refused, because I just don't deal.

On the fourth day, they brought me in front of a man they had arrested, a dealer, and asked me if I knew him. We both said no. The officer grabbed me and turned me to face him and asked me again menacingly if I was absolutely sure I didn't know him. When I said no again, he hit my face and punched me so hard in the stomach I couldn't stand up straight for hours.

⁸⁷ Ibid.

⁸⁸ Human Rights Watch interview with Mounira, Beirut, Lebanon, June 15, 2012.

He said that I had previously confessed to knowing him. It wasn't true. I had no idea what they had written down. They just forced me to sign, and during the beatings I was just delirious from fear, so I just agreed to everything. I spent eight days in Hobeish and five days in Baabda police station, and I've been in Baabda prison since then awaiting my trial. When I was taken to the investigative judge on the ninth day, I told him that I had only signed because I was forced to. He didn't say a thing.⁸⁹

Judges' Reliance on Forced Confessions

Forcing someone to confess violates not only international law but also article 47 of the Lebanese Code of Criminal Procedure, which states that "if [suspects] refuse to speak and remain silent, this must be mentioned in the official report. They must not be forced to speak or to be interrogated, under penalty of invalidity of their statements." Our interviews suggest that, despite this provision, police continue to use physical force and threats to obtain confessions, and judges continue to accept such confessions as evidence, particularly in cases involving drugs.

As noted above, confession remains a key element of many investigations in Lebanon. Judges and policemen often repeat the popular saying "confession is the king of evidence," reflecting a combination of bad habit and inadequate training, despite efforts by donor agencies to equip the ISF with the tools and the training necessary to conduct scientific investigations without having to rely on confessions.⁹⁰

When detainees are brought before an investigative judge, they have an opportunity to confirm or deny the confession and state whether duress was used. However, most individuals interviewed by Human Rights Watch whose confessions were coerced did not report the duress, whether because of threats by the police, because the judge did not ask them, or because of fear of retaliation. Even when they did report that their confessions had been extracted under duress, judges tended to ignore the allegations. Speaking about arrests for homosexuality, human rights lawyer Nizar Saghie says that in many cases a

⁸⁹ Ibid.

⁹⁰ One of the most notable of these projects is the EU-funded "Security and Rule of Law" project, which started in 2009 and is scheduled to run until 2014 and aims to improve the ISF's criminal investigation capabilities and internal training structures and resources.

confession, even one extracted under duress, is the sole piece of evidence used to convict a suspect.⁹¹

Thirty-nine individuals told Human Rights Watch that police coerced them to sign statements that they had not read or did not agree with, in part or in their entirety. Courts' heavy reliance on these statements constitutes a serious violation of a suspect's right to due process and a fair trial.

Even though Lebanese law prohibits the use of forced confessions to convict people of crimes, 30 former detainees told Human Rights Watch that courts used such confessions to convict them despite their having informed the court that the confessions were obtained by force, allegations the courts ignored.

⁹¹ Helem, "Homosexual Relations in the Penal Codes: General Study Regarding the Laws in the Arab Countries with a Report on Lebanon and Tunisia", 2010, <http://www.helem.net/node/188> (accessed February 4, 2013).

IV. Impunity

Lebanon's record in investigating and prosecuting those responsible for torture is abysmal. Despite the formal criminalization of the use of violence to extract confessions, the Lebanese judiciary rarely, if ever, investigates or prosecutes allegations of torture.⁹²

Hopes were raised on August 6, 2008, when the Minister of Interior asked the General Inspectorate to investigate allegations of abuse occurring inside Lebanese prisons. This followed serious allegations of corruption and of ill-treatment of prisoners in Roumieh prison. However, the ministry never made public the results of the investigation and it is unclear whether anyone was charged.⁹³ According to Lt-Colonel Kaed Bey, the head of the ISF's Human Rights Unit, there are no official statistics on the number of complaints filed against members of the ISF or the number of investigations and prosecutions that resulted.⁹⁴

The apathy of investigative judges is partly to blame. In only two of six cases we examined in which detainees filed complaints alleging abuse did the investigative judge order inquiries into the allegations.⁹⁵ Several NGOs have reported that, in most cases, investigative judges ignore allegations of torture and admit confessions obtained through coercion or torture, even when it is the only evidence presented at trial.

Inadequate Complaint Mechanisms

Technically, it is fairly easy to file a complaint against an ISF officer. A complaint may be made in person, by phone, through the public prosecutor's office, or through an intermediary (anonymous complaints are not accepted).⁹⁶ In practice, however, the complaints mechanism is ineffective and haphazard, and it is hard for individuals to follow up on their cases. There is no central office where complaints are processed and no system

⁹² Alef, "Situational Update on the Occurrences and Trend of Torture in Lebanon (2008-2010)," October 2010, http://www.univie.ac.at/bimtor/dateien/lebanon_progress_report_en.pdf (accessed February 4, 2013); Human Rights Watch interview with Ghada Jabbour (Kafa), Beirut, Lebanon, August 17, 2012; Human Rights Watch interview with Nizar Saghih, August 21, 2012, Beirut, Lebanon.

⁹³ "Lebanon's 2009 Parliamentary Elections: A Human Rights Agenda," Human Rights Watch news release, May 13, 2009, <http://www.hrw.org/news/2009/05/13/lebanon-s-2009-parliamentary-elections>.

⁹⁴ Human Rights Watch interview with Lt-Colonel Ziad Kaed Bey, Beirut, Lebanon, July 27, 2012.

⁹⁵ The two cases remain pending.

⁹⁶ Human Rights Watch interview with Lt-Colonel Ziad Kaed Bey, Beirut, Lebanon, July 27, 2012.

by which the complainant can keep track of the complaint. The lack of a centralized system also makes it difficult to document the number of complaints filed and their outcomes. Because of the lack of name tags on officers' uniforms, it is often difficult for people to correctly identify their abusers.

Only six people that Human Rights Watch spoke to actually filed a complaint. When we asked the others why they did not file complaints, they responded that they were directly threatened by the police, had no faith in the system, did not know how to go about it, did not want to risk exposure or retaliation, or were simply too scared.

Only two of the six complainants we spoke with said that measures had been taken against the offending police officers, although in one of those cases the officer was demoted (the case, detailed above, involved a police beating that resulted in permanent injuries to the detainee and a \$5,000 medical bill that the detainee said he had to pay himself).⁹⁷

In two of the other four cases where complaints were filed, interviewees told Human Rights Watch that their lawyer did not follow up with the case and no decision was reached. In the remaining two cases, interviewees said that police told them that there was not enough evidence to determine that abuse had taken place.

Moumneh, the Human Rights Watch researcher whom police threatened with a forced virginity test, promptly filed a complaint against the officer with both the Minister of Interior and the General Director of the ISF, and was asked to give her testimony twice. The process at the Ministry of Interior was respectful and attentive, while the process in the Msaitbeh police station left much to be desired. Rather than objectively assess the situation and take her testimony, the investigating officer attempted to make excuses for the assaulting officer's behavior, suggesting overtly that it was normal that he thought that Moumneh might be a sex worker because she was visiting a person charged with homosexuality and because she had a visible tattoo. And having assumed she was a sex worker, the investigating officer said, it was also normal that the offending officer would have treated her in such a manner. The officer writing down the testimony went so far as to

⁹⁷ Human Rights Watch interview with Mohammad, Beirut, Lebanon, June 3, 2012.

say that he would have done the same thing, and constantly referred to Moumneh's personal life in a derogatory and humiliating manner.

Such treatment indicates an extreme lack of professionalism in the ISF and a lack of proper training about how to handle complaints and investigations. Human Rights Watch was later informed that the officer responsible for the assault was given a four-day jail sentence.

Nawal, the woman that was sexually assaulted in Baabda police station, told police officers in Hobeish police station about the assault the next day. Still traumatized by the incident, she was taken back to the exact place where the assault happened and six male police officers asked her to walk them through the incident and identify the men. Nawal trembled and cried as she recounted the story to Human Rights Watch:

It was humiliating. They were all men, I was still completely shaken and scared by what had happened and they immediately put me in front of the police officers who attacked me. They denied it and gave me the dirtiest looks. The officers in Hobeish told me they would take care of the situation, but I still don't know if anything happened. I didn't tell the investigative judge—I assumed that telling police officers in Hobeish was enough. They didn't explain to me what the procedure to complain was or how to do it. I just wanted to get it over with.⁹⁸

Lack of Proper Oversight Mechanisms

One of the most important provisions in the Optional Protocol to the Convention against Torture (OPCAT) is that Lebanon is required to set up a “national preventive mechanism” (NPM) to help prevent torture through a monitoring system that includes periodic visits to detention facilities by independent monitors. However, Lebanon's record to date raises serious concerns that the fate of OPCAT implementation will be similar to that of Lebanon's implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Lebanon has yet to comply with provisions of the latter treaty, including the requirement that it submit a report detailing steps it has

⁹⁸ Human Rights Watch interview with Nawal, Beirut, Lebanon, August 15, 2012.

taken to implement the treaty to the CAT Committee, the international body responsible for overseeing implementation of the treaty. That report is now 11 years overdue. An additional reason for concern is that Lebanon ratified CAT with reservations to article 22, which allows for individual complaints to the CAT Committee when internal mechanisms of redress prove ineffective.

Under the OPCAT, states parties are required to create NPMs to monitor and conduct regular visits to places of detention and make recommendations to the authorities for improvements in the treatment of detainees and their conditions of detention. In November 2011, two members of parliament (MPs) introduced a draft bill to establish an NPM, the result of two years of consultations among MPs, national and international NGOs, and the Office of the High Commissioner for Human Rights. The draft bill mandates the establishment of a National Human Rights Institution, which includes a permanent Committee for the Prevention of Torture, a body tasked with carrying out the duties of the NPM. The Human Rights Committee of the Lebanon's parliament began examining the draft legislation in January 2012, two years after the deadline for the establishment of the NPM had passed, and at this writing parliament had still not passed it.

Since 2007 Lebanon has taken some steps to counter torture. In February 2007, it granted the International Committee of the Red Cross access to all Lebanese detention facilities, including those run by the Ministry of Defense. In accordance with OPCAT, the Subcommittee on Prevention of Torture (SPT) visited Lebanon from May 24 to June 2, 2010, and presented its confidential preliminary observations to Lebanese authorities. The Internal Security Forces Inspectorate General then created a Human Rights Department by decree no. 755 of January 3, 2008, tasking it with disseminating knowledge of human rights and enhancing human rights awareness amongst ISF officers.⁹⁹ In February 2011, the ISF created its Committee for Monitoring against the Use of Torture and Other Inhuman Practices in Prisons and Detention Centers, jointly administered by the ISF and Lebanese prisoner rights organization Association Justice and Mercy (AJEM). In January 2012 the ISF also launched an official Code of Conduct which sets out professional and ethical standards of behavior to guarantee respect for human rights and protection of public freedoms in accordance with Lebanon's Constitution and its human rights obligations.

⁹⁹ Human Rights Watch interview with Lt-Colonel Ziad Kaed Bey, Beirut, Lebanon, July 27, 2012.

However, the Human Rights Department remains severely understaffed and effectively exercises no real power. It cannot, for example, order or carry out investigations into allegations of torture or mistreatment. Thus far it has also not reported any of its findings to the public. The Committee for Monitoring against the Use of Torture is toothless and so far has not operated as an effective body for prevention or accountability.

V. Role of International Community

The US, EU, UK, and France, among others, have contributed significant amounts of aid and technical assistance to the ISF over the past few years. The assistance has mainly been in the form of trainings, various internal reform projects, and updated equipment.

The US is the ISF's biggest donor, having contributed around \$125 million since 2008 in contributions to various reform projects, trainings, and equipment. The EU has spent around 16.5 million euro on various ISF reform projects since 2007. According to US and EU representatives familiar with ISF assistance programs, police abuse of suspects stems in part from lack of skills in investigative techniques (other than extracting confessions) and from lack of police training (much of the training they receive is military training, inappropriate to most policing situations).

Donor countries are thus heavily invested in training ISF officers in basic interrogation and investigation techniques. The US has thus far trained 9,000 officers in these methods and has built an updated training facility for this purpose, while the EU has trained 55 officers to be trainers themselves, and they in turn have trained around 5,000 officers. According to the US embassy in Lebanon, the US-funded training incorporates a human rights module.¹⁰⁰

However, Human Rights Watch research, as well as research by other local and international organizations, has found that police abuse of suspects in stations remains a problem, and reliance on confessions, often extracted through coercion, remains common. This is particularly a problem with the Drug Repression Bureau and police units concerned with preserving morality. Section 620M of the Foreign Assistance Act (the "Leahy Law") prohibits the US government from providing any assistance to a security unit if there is credible information that the unit has committed gross violations of human rights. According to the US embassy in Lebanon, all ISF members trained using US funding are subject to vetting under the Leahy Law and the US government does not train units for whom there is credible information about human rights abuses brought to the embassy's

¹⁰⁰ Email from US embassy in Lebanon to Human Rights Watch, March 6, 2013.

attention through third parties or the embassy's own investigations.¹⁰¹ To our knowledge, the Leahy Law has not yet been applied to deny aid to any ISF units.

The UK Foreign and Commonwealth Office (FCO) began working with the ISF in 2008 and has focused its efforts on helping the ISF develop a strategic plan for the organization, fostering a culture of human rights, and strengthening ties between the public and the police force. Additionally, the FCO has supported the ISF to develop a Code of Conduct that includes basic human rights standards often neglected by police officers, and has assisted the ISF to develop a broad implementation program for it, which has yet to be rolled-out.

While considerable time, money, and energy has gone into training the ISF, the impact is still minimal compared to the needs identified and its impact has been unevenly spread across the ISF. The Information Branch and Crime Scene Investigation Units are now the most technically advanced units in the ISF.¹⁰² By contrast, the judicial police, particularly those units discussed in this report, do not appear to have benefitted from trainings in the same way, and older methods, such as extraction of confessions by force, are still a mainstay of their investigation techniques.¹⁰³

So far, to our knowledge, no donor country has funded implementation of ISF oversight mechanisms, and the absence of statistics on police abuse or other documentation of ISF response to complaints makes it impossible to track progress on this front.

¹⁰¹ Ibid.

¹⁰² Human Rights Watch interview with official at EU Delegation, Beirut, Lebanon, November 9, 2012.

¹⁰³ Ibid.

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Annex 1: Letter to the Minister of Justice

February 4, 2012

Mr. Shakib Qortbawi
Minister of Justice
Lebanese Ministry of Justice
Sami Solh Street, Adliya district
Beirut, Lebanon

Dear Minister Qortbawi,

Human Rights Watch is preparing a report on police abuse and mistreatment of vulnerable communities in Lebanon – namely drug users, sex workers, and lesbian, gay, bisexual, and transgender persons. While the report mostly focuses on police treatment of detainees, it also examined the role of investigative judges. Our established practice is to submit our findings to the authorities whose record is the subject of the report, in order for their information and point of view to be reflected in the reports that we publish.

We submit the questions below, as well as a summary of our principal findings, in the hope that you will respond. We will endeavor to reflect any relevant information you send to us into our report, provided we receive it by February 25, 2013.

1. Lack of Judicial Investigation of Allegations of Torture

Between February and August 2012, Human Rights Watch spoke to 52 individuals that the Internal Security Forces (ISF) had arrested for suspected drug use, sex work, or homosexuality over the past five years. Forty-nine of those interviewed reported that ISF members threatened, humiliated, or tortured them. According to the witnesses, physical violence was not just used to extract confessions but also as a form of punishment, discipline, and behavioral correction.

The most common forms of torture reported to Human Rights Watch included beatings on different parts of the body, with fists, boots, or implements such as sticks, canes, or rulers. Eleven former detainees said that police forced them to listen to the screams of other detainees being



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beaten in order to scare them into cooperating or confessing. Seventeen reported being denied food, water, and medication when they needed it, or of having their medication confiscated. Nine individuals reported being handcuffed in bathrooms or in extremely uncomfortable positions for hours at a time.

Fifteen women out of 19 detained for sex work or drug use told Human Rights Watch that police had subjected them to some form of sexual violence, ranging from sexual assault to giving prisoners “favors” (such as cigarettes, food, more comfortable conditions in their cells, or even a more lenient police report) in exchange for sex.

Twenty-three individuals told Human Rights Watch that police extracted confessions from them through mental and physical coercion. In some cases the confessions were false, and in others they amounted to the only piece of evidence presented to support charges against them.

Additionally, Human Rights Watch has found that the current complaints mechanism is ineffective, haphazard, and it is very hard for individuals to follow up on their cases. Only six people with whom Human Rights Watch spoke actually took the steps to file any complaints. When asked why they did not file complaints, they responded that they either were directly threatened by the police, had no faith in the system, did not know how to go about it, did not want to risk exposure or retaliation, or were simply too scared. It is especially difficult for communities who are already socially marginalized to file complaints. Out of 49 interviewed who alleged ill-treatment, only 6 filed a complaint. Only two of those interviewed reported that a police officer was disciplined for torture and mistreatment.

Allegations made by former detainees about investigative judges were telling. Twenty-two former detainees told Human Rights Watch that they were brought before investigative judges without the presence of a lawyer guaranteed to them by law. In only three cases reviewed in this report did the investigative judge order an investigation into allegations of duress in the obtaining of confessions. Five former detainees told Human Rights Watch that investigative judges dismissed outright their allegations of mistreatment, intimidation and abuse, while twelve claimed that investigative judges did not take allegations of torture and forced confessions into consideration.

In 2012, how many ISF officers were investigated in connected to abuse of detainees? How many were indicted?

2. Lack of Due Process

Individuals who had been detained for sex work, drug use, and homosexuality in Lebanon described to Human Rights Watch being picked up by police and detained without due process: For example, 19 former detainees told Human Rights Watch they did not have access to a lawyer; 12 claimed that investigative judges did not take allegations of torture

and forced confessions into consideration; and 14 were not informed of the charges against them. Additionally, Human Rights Watch documented 15 cases in which suspects had been detained for over the 96 hours allowed by law in either the police station or in a courthouse holding cell before appearing in front of a judge.

How is the judiciary overseeing such violations and what measures is it taking to ensure that they do not occur?

Human Rights Watch urges the judiciary to supervise investigations more closely as per its mandate in order to prevent police abuse and mistreatment. It should also take allegations of abuse and torture very seriously and investigate any and all allegations promptly.

We look forward to reading your comments on the above issues.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nadim Houry', with a long horizontal flourish extending to the right.

Nadim Houry
Deputy director, Middle East and North Africa Division
Human Rights Watch

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Annex 2: Letter to the Minister of Interior



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February 4, 2012

Mr. Marwan Charbel
Minister of Interior
Ministry of the Interior
Al Hamra, Sinai
Beirut, Lebanon

Dear Minister Charbel,

Human Rights Watch is preparing a report on police abuse and mistreatment of vulnerable communities in Lebanon, namely drug users, sex workers, and lesbian, gay, bisexual, and transgender persons. Our established practice is to submit our findings to the authorities whose record is the subject of the report, in order for their information and point of view to be reflected in the reports that we publish.

We submit the questions below, as well as a summary of our principal findings, in the hope that you will respond. We will endeavor to reflect any relevant information you send us into our report, provided we receive it by February 25, 2013.

1. Ill-treatment and Torture in Police Stations

Between February and August 2012, Human Rights Watch spoke to 52 individuals that the Internal Security Forces (ISF) had arrested for suspected drug use, sex work, or homosexuality over the past five years. Forty-nine of those interviewed reported that ISF members threatened, humiliated, or tortured them. According to the witnesses, physical violence was not just used to extract confessions but also as a form of punishment, discipline, and behavioral correction.

The most common forms of torture reported to Human Rights Watch included beatings on different parts of the body, with fists, boots, or implements such as sticks, canes, or rulers. Eleven former detainees said that police forced them to listen to the screams of other detainees being beaten in order to scare them into cooperating or confessing. Seventeen reported being denied food, water, and medication when they needed it, or

“IT’S PART OF THE JOB”

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of having their medication confiscated. Nine individuals reported being handcuffed in bathrooms or in extremely uncomfortable positions for hours at a time.

Fifteen women out of 19 detained for sex work or drug use told Human Rights Watch that police had subjected them to some form of sexual violence, ranging from sexual assault to giving prisoners “favors” (such as cigarettes, food, more comfortable conditions in their cells, or even a more lenient police report) in exchange for sex.

Twenty-three individuals told Human Rights Watch that police extracted confessions from them through mental and physical coercion. In some cases, the suspects told us that the confessions were false, and in others they amounted to the only piece of evidence presented to support charges against them.

We know that the Ministry of Interior and the ISF have taken some steps to reduce torture and abuse in detention by setting up a Human Rights Unit, a torture monitoring body, as well as adopting a Code of Conduct for ISF officers.

We would like to ask you to respond to the following questions so that we can accurately represent the government’s efforts:

1. What concrete steps are being taken to implement the code of conduct, particularly the prohibition on use of force?
2. What training is provided to security forces and interrogators with respect to interrogation methods and the use of coercion and torture?
3. How many visits did the Human Rights Unit conduct in 2012, and to which police stations? What was the outcome of the visits?

2. Lack of Due process

Individuals who had been detained for sex work, drug use, and homosexuality in Lebanon described to Human Rights Watch being picked up by police and detained without due process: For example, 19 former detainees told Human Rights Watch they did not have access to a lawyer; 12 claimed that investigative judges did not take allegations of torture and forced confessions into consideration; and 14 were not informed of the charges against them. Additionally, Human Rights Watch documented 15 cases in which suspects had been detained for over the 96 hours allowed by law in either the police station or in a courthouse holding cell before appearing in front of a judge.

1. What measures are in place to prevent police detaining people longer than the time permitted under the Code of Criminal Procedure?

2. Are statistics available on how long people remain in detention before being referred to an investigative judge?
3. What measures are in place to ensure that people can call a lawyer or receive medical treatment when requested?

3. Complaints Mechanisms

According to our research, the current complaints mechanism within the ISF and the Ministry of Interior is ineffective, haphazard, and it is very hard for individuals to follow up on their cases. Only six people with whom Human Rights Watch spoke actually took the steps to file any complaints. When asked why they did not file complaints, they responded that they either were directly threatened by the police, had no faith in the system, did not know how to go about it, did not want to risk exposure or retaliation, or were simply too scared. It is especially difficult for communities who are already socially marginalized to file complaints.

Given these findings, we have compiled a list of questions pertaining specifically to the issue of impunity and complaints of police violence and abuse:

1. In 2012, how many complaints of police abuse has the ISF received?
2. What is the procedure of following up on submitted complaints?
3. In 2012, how many investigations were launched on the basis of submitted complaints?
4. In 2012, what sorts of disciplinary measures were carried out against police officers found guilty of abuse?
5. What concrete steps has the Ministry of Interior taken to ensure that individuals are able to seek redress for abuse committed by the police?

We look forward to reading your comments on the above issues, as well as any additional comments you wish to provide on the issues of police abuse and redress for violations. We welcome an opportunity to discuss these questions and our preliminary findings with you in person. As stated above, we will be able to reflect any pertinent information you provide to us by February 25, 2013 in our final report.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Nadim Houry", with a long horizontal stroke extending to the right.

Nadim Houry
Deputy director, Middle East and North Africa Division
Human Rights Watch

Annex 3: Response from the Ministry of Interior and Municipalities

Lebanese Republic
Ministry of Interior and Municipalities
The Minister

Dear Human Rights Watch,

Having read your letter in preparation for the publication of your report on police violations, we wish to clarify several matters:

1. Regarding the lack of judicial investigations of torture allegations

The status of human rights within the Internal Security Forces is in a state of ongoing development. We must note several important matters in this field:

- a. The establishment of a human rights department in the Office of the General Inspector of the Internal Security Forces in 2008;
- b. The establishment of a committee to investigate cases of torture in the Internal Security Forces;
- c. The issuance of a code of conduct; and
- d. The issuance and recent adoption of a strategic plan for the Internal Security Forces. The plan defines a clear vision, namely “to fulfill the hopes of citizens and gain their full confidence.” The plan identifies several priorities, the first being respect for human rights and liberties.

Regarding tangible steps taken to implement the code of conduct, the general directorate amended the internal penal provisions for misconduct to include human rights violations in the disciplinary code of the Internal Security Forces, a fundamental measure to implement the code of conduct.

The code of conduct is also a mandatory part of the curriculum at the Training Academy in Werwar, as is a human rights component in the curriculum. In this respect, a detailed learning kit was designed in full compliance with international standards and with provisions in the constitution and existing laws, as well as with international conventions to which Lebanon is party in this field.

Several training programs are carried out in close cooperation with nongovernmental organizations for officers and personnel in various fields, particularly in the areas of judicial investigation – focusing on the provisions of the code of conduct and human rights more generally – and on improving the level of criminal investigation. Currently the final touches are being put on the Practical Guide for Criminal Investigation Techniques, prepared by a group of judges and officers in direct cooperation with the EU.

Regarding visits to detention facilities, in 2012 the Internal Security Forces' anti-torture committee, comprised of seven officers, among them the chair of the human rights department, visited all prisons, holding cells, and the Palace of Justice, as well as a number of holding cells in police stations, regional groups, factions regional branches, administration offices, and judicial offices, to determine the conditions of detainees, cells, and detention facilities. These visits had a positive impact on improving light, paint, and other conditions. At the end of each visit, the committee prepares a report and forwards it to the general directorate, with clear recommendations for the punishment of any human rights offenders, and indeed several persons were punished.

2. Regarding the lack of proper procedures

Article 47 of the Code of Criminal Procedures clearly defines the duration of detention in judicial police centers, which, as you noted, may not exceed 96 hours. Article 48 of the code explicitly states that judicial officers who contravene these detention rules commit the crime of deprivation of liberty stipulated in Article 367 of the Penal Code.

Yet, we must note that the detention order is a judicial order given by the competent public prosecutor. As such, it is not a prerogative of the judicial police officer—an extremely significant point. In practice, when any arrested person is held in judicial police centers for more than this specified period, which happens occasionally, it is because the Palace of Justice is unable to process all detainees. They are therefore held in safety at a center for judicial administration on behalf of the competent Public Prosecution, pursuant to a clear, explicit judicial order.

As for the ability of persons to contact attorneys or receive medical treatment when requested, these rights are explicitly upheld in Article 47 of the Code of Criminal Procedure. Given the importance of these rights, they are posted at the main entrances of most detention cells and detention centers in Arabic, English, and French. They are also clearly noted on the second page of the interrogation report. The judicial police officer must read these rights to the arrested person immediately upon taking him into custody for

questioning and obtain his signature and this under threat of criminal and disciplinary action.

In practice, a doctor and attorney are usually made available as follows: the judicial police officer secures a doctor with the Internal Security Forces or another body pursuant to the Public Prosecution's order and provides the attorney requested by the detainee without need for an official power of attorney as dictated by procedures.

3. Regarding mechanisms for complaints

You stated in your letter that the existing complaint mechanisms in the Ministry of Interior and the Internal Security Forces are ineffective and arbitrary, and it is difficult for individuals to track the progress of their cases and complaints.

We publicly announce that it is no secret that we read the above with surprise and dismay. Although the mechanisms for complaints may not be uniform, they are largely effective. Citizens can submit complaints to several sources, including but not limited to the Ministry of Interior and Municipalities, the Office of the General Inspector, the competent divisions at the General Directorate of the Internal Security Forces, and the direct superior of the person against whom the complaint is lodged. This is in addition to complaints filed with the competent judicial bodies when the actions constitute a criminal offense.

Moreover, complaints filed with the ministry and the general directorate are pursued with the necessary diligence, starting when persons are summoned for questioning and until the complainant is informed of the result of his complaint, and this happens daily.

It must be noted that your letter stated that people who did not file complaints were afraid or had no confidence in the system. In our opinion, this is avoiding the proper course of action, and the problem is with the person who does not file a complaint, for by failing to do so, he aids the offender in committing further abuses. As such, we encourage all persons to file their complaints in accordance with the rules, so that we may limit violations and punish offenders when necessary.

It should further be noted that granting compensation for abuses is not within the purview of the Ministry of Interior and Municipalities, but is rather up to the courts. The ministry and all its agencies, particularly law enforcement agencies, are subject to existing laws and orders of the competent judiciary, first and foremost the judgments it issues, particularly in connection with human rights violations. It is worth pointing out that we are

witnessing a fundamental transformation in judicial rulings in this regard, as some courts have begun to rely on the provisions of international conventions in addition to the constitution and domestic laws.

Work is underway to create a scientific database using advanced technology in the human rights department. The database will include all complaints, actions taken, and the outcome, and will be available for reference when needed. The human rights department is also currently documenting all official and unofficial interactions related to human rights. The logistics for this are currently under preparation, while the department is acquiring the additional staff necessary to perform its tasks.

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Additional reviews were conducted by Lama Fakihi, Syria and Lebanon researcher in the Middle East and North Africa Division, Liesl Gertholtz, director of the Women's Rights Division, and Rebecca Schleifer, advocacy director for the Health and Human Rights Division. Legal review was by Clive Baldwin, senior legal advisor, program review by Danielle Haas, and final program review by senior editor Joseph Saunders, deputy program director.

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“It’s Part of the Job”

Ill-treatment and Torture of Vulnerable Groups in Lebanese Police Stations

Torture and other ill-treatment remain serious problems in Lebanese police stations, particularly for members of socially marginalized and legally vulnerable groups. *“It’s Part of the Job,”* based on firsthand evidence and investigative research into dozens of previously unreported cases, details abuses by Lebanon’s Internal Security Forces (ISF) against drug users, sex workers, and lesbian, gay, bisexual, and transgender (LGBT) people.

Physical abuse of detainees—including beatings with fists, boots, and implements such as sticks, canes, and rulers, as well as sexual violence and coercion—remains all too common. And ISF officers often do little to hide their disdain of drug users, sex workers, and LGBT people. Verbal abuse, degradation, and humiliation appear to be so common that many victims gloss over them when telling their stories.

Existing government efforts to curb ISF torture, ill-treatment, and discrimination have been inadequate. A more decisive and comprehensive government response is essential if Lebanon is to fulfill its international obligations and put an end to police abuse.



In this Sunday, Feb. 22, 2009 picture, Lebanese police stand guard as protesters carry banners during a sit-in for gays and lesbians in Beirut. In February, about two dozen gays and lesbians held a rare sit-in on Beirut's major intersection of Sodeco to protest what they called the beating of two gay men by two plainclothes police. Police officials denied the men were beaten by their officers.

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