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LEBANON

Torture and ill-treatment of women in pre-trial detention: a culture of acquiescence

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SUMMARY

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Torture or other ill-treatment of women detainees, especially those accused of major criminal offences, are widespread in police stations in Lebanon. Women accused of political offences also risk torture or ill-treatment while held in pre-trial detention at detention centres operated by the general security and the military intelligence. Women migrant workers, another vulnerable group, have frequently been subjected to torture and ill-treatment in detention, or often after suffering abuse at the hands of their employers. Women in pre-trial detention are routinely held in incommunicado detention and coerced to confess guilt or testify against themselves at a time when they lack the protection of the law.

Furthermore, women risk gender-based violence at the hands of law enforcement institutions and in the community. Certain types of violence against women, including gender-based killings, or what are often described as "honour" or "family killings" remain common in Lebanon and the perpetrators commit them with near impunity. These violations are facilitated by the fact that police stations are staffed by male staff and there are no women interrogators. In addition there is a lack of awareness within the law enforcement institutions of gender-sensitive issues and the importance of gender-sensitive training for law enforcement staff.

The Lebanese Constitution prohibits torture and ill-treatment and safeguards contained in both Lebanese penal law and the Constitution are intended to protect the

integrity of the detainee. However, Amnesty International is concerned that these safeguards are insufficient and are also frequently breached in practice in a culture of acquiescence tacitly accepted by the police, prosecutors, judges and the authorities at large. Officers designated to enforce the law sometimes carry out torture with impunity and those appointed to administer justice fail to prevent this treatment and may even, by failing to investigate allegations of torture, actually appear to condone it.

Some Lebanese laws are discriminatory against women, and thus fall short of international standards on women's rights such as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). For example, whereas lenient sentences are imposed on men committing "honour killings", women convicted of adultery are given harsher sentences than men who commit adultery. Lebanon has ratified CEDAW with reservations which effectively allow for discrimination against women as regards the guardianship, wardship, trusteeship and adoption of children; and personal rights including the right to choose a family name, a profession and an occupation.

This report documents Amnesty International's concerns on torture and gender-based violations against women in pre-trial detention. The report sheds light on violations against three categories of women detainees: political prisoners, common law offenders, and migrant workers. This report comes in the context of the ongoing campaign by non-governmental organizations (NGOs) for the promotion and protection of human rights including women's rights in Lebanon, and as part of Amnesty International's activities carried out in Lebanon in cooperation with women's or other human rights NGOs, academics and journalists.

Amnesty International calls on the Lebanese authorities to take immediate steps to protect women against torture, ill-treatment and all other forms of gender-based and other violations against women in custody. As a first step in this direction the organization urges the Lebanese authorities to fully implement the recommendations contained in this report.

KEYWORDS: WOMEN / TORTURE/ILL-TREATMENT / UNLAWFUL KILLING / SEXUAL ASSAULT / SEXUAL HARASSMENT / ADVERSE DISCRIMINATION / INCOMMUNICADO DETENTION / MIGRANT WORKERS / POLITICAL PRISONERS / TORTURE TECHNIQUES / TRIALS / CONFESSIONS / PRISON CONDITIONS / IMPUNITY / CHILDREN / AI TECHNIQUES / PHOTOGRAPHS /

This report summarizes a 25-page document (11,365 words), : LEBANON Torture and ill-treatment of women in pre-trial detention: a culture of acquiescence (AI Index: MDE 18/009/2001) issued by Amnesty International in August 2001. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International's Arabic Website <http://www.amnesty-arabic.org>. Amnesty International news releases can be received by email: <http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

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LEBANON

Torture and ill-treatment of women in pre-trial detention: a culture of acquiescence

1 INTRODUCTION

Women arrested in Lebanon risk torture and ill-treatment at the hands of law enforcement institutions especially during pre-trial detention¹.

Widespread torture or other ill-treatment of women detainees, especially those accused of major criminal offences, takes place in police stations. Women in pre-trial detention are routinely held in incommunicado detention and coerced to confess guilt or testify against themselves at a time when they lack the protection of the law. Women accused of political offences have also been tortured or ill-treated. Another vulnerable category of women are migrant workers, who have frequently been subjected to torture and ill-treatment in detention.

Amnesty International has in the past researched and documented torture² inflicted on political detainees, especially those belonging to unauthorised political groups including Islamist political activists and supporters of the Lebanese Forces. There is insufficient protection for those under interrogation:

- Detainees are frequently held incommunicado immediately after arrest without access to family, lawyers or the outside world;
- Neither the prosecutor's office nor the judiciary practises a proper oversight to ensure that detainees are humanely treated;
- Detainees are not brought immediately before a judge and examining magistrates fail to investigate allegations of torture;

¹Article 7 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines "torture" as "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."

²See, for example, the report *Lebanon: Human Rights Developments and Violations* (AI Index: MDE 18/19/97).

- When a case comes to court torture allegations are not investigated and many trial judges convict on the basis of uncorroborated evidence extracted under duress.

However, women detainees, most of them detained for common law offences, who represent around 4.7 per cent of the total prison population in Lebanon, are caught in a network of discrimination which often makes them particularly vulnerable to torture and ill-treatment, including to specifically gender-based violations.

- Gender-based violations and other torture and ill-treatment of women are facilitated by the fact that police stations are staffed by male personnel and there are no women interrogators. Police lack training and disregard or abuse the particular needs of women.
- Women are more likely to be deserted by their families when they are accused of criminal offences.
- Female migrant workers, usually domestic workers, are particularly vulnerable as they often do not understand Arabic and are held separately from Lebanese women, who might be able to offer them some help. They have frequently suffered violence in the workplace, only to suffer additional abuses when seeking police protection.
- Many lawyers and some judges are women. Many male lawyers are sympathetic to women detainees and show awareness of gender sensitive issues. However, a number of women have been defended by male lawyers and judged by male judges who have had no training in gender sensitivity and no awareness of the special needs of women.

The Lebanese Constitution prohibits torture and ill-treatment and safeguards contained in both Lebanese penal law and the Constitution are intended to protect the integrity of the detainee. However, violations continue to be carried out with impunity and in contravention of national laws and international treaties. Lebanon has ratified the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the UN Convention on the Rights of the Child (CRC). Under the terms of these treaties Lebanon has an obligation to incorporate the safeguards they contain into law and implement them fully in practice.

Apart from torture or ill-treatment in detention, women risk other forms of gender-based violence at the hands of law enforcement institutions and in the community³. Certain types of violence against women, including gender-based killings, or what are often described as "honour" or "family killings" remain common in Lebanon and the perpetrators commit them with near impunity knowing that they are protected by the Government whose acquiescence may be seen as condoning such crimes⁴.

Some Lebanese laws, including provisions contained in the penal, personal status and employment legislation, are discriminatory against women, and thus fall short of international standards on women's rights such as the CEDAW. For example, whereas lenient sentences are imposed on men committing "honour killings", women convicted of adultery are given harsher sentences than men who commit adultery. In 1997 the Human Rights Committee⁵ expressed concern about the discrimination against women in Lebanon both in law and practice and called on the Lebanese authorities to take "appropriate action to ensure full legal and de facto equality for women in all aspects of society"⁶. Lebanon has ratified CEDAW with reservations which effectively allow for discrimination against women as regards the guardianship, wardship, trusteeship and adoption of children; and personal rights including the right to choose a family name, a profession and an occupation.

1.1 Amnesty International's Methodology

This report concentrates on Amnesty International's concerns on torture in pre-trial detention-concerns which have been raised in previous reports, public statements and letters to the Lebanese authorities. The report sheds light on violations against three categories of

³"Violence against women" is defined by the United Nations Declaration on the Elimination of Violence Against Women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

⁴Other types of violence against women in the community include domestic violence. Studies on domestic violence and "honour" killings sponsored by the Lebanese Association for Combatting Violence Against Women (LACVAW), one of the national human rights groups campaigning against gender-based violations, show an increase in the occurrence of these two crimes. In 1995-1998 36 women were killed as a result of family crimes, sometimes referred to as crime of "honour", according to study titled "*Honour Crimes: A Jurisprudential Study*" co-authored by Fadi Mughayzil and Mirella 'Abd al-Satir and published in 1999 by Joseph & Laure Mughayzil Foundation.

⁵The Human Rights Committee, a body of 18 experts, monitors the implementation of the ICCPR and its optional protocols. States parties to the ICCPR are required to submit periodic reports to the Human Rights Committee on their implementation of the ICCPR.

⁶Concluding observations of the Human Rights Committee: Lebanon, CCPR/C/79/Add.78, para. 19, 1997.

women detainees: political prisoners, common law offenders, and migrant workers. Amnesty International's research shows that safeguards laid down in law are insufficient and are also frequently breached in practice in a culture of acquiescence tacitly accepted by the police, prosecutors, judges and the authorities at large. Officers designated to enforce the law sometimes carry out torture with impunity and those appointed to administer justice fail to prevent this treatment and may even, by failing to investigate allegations of torture, actually appear to condone it. The findings of this report, in particular the culture of acquiescence which fails to ensure that existing safeguards are adhered to, are valid for all detainees.

In its research for this report, Amnesty International has held interviews over several years with victims and their families, lawyers, doctors, human rights and women's rights activists and organizations, academics, journalists and members of the Lebanese judiciary including the prosecutor's office. In September 2000 Amnesty International delegates visited Ba'abda and Tripoli Women's Prisons⁷ and interviewed women about their experiences from the moment of arrest until they were brought to trial. These interviews were - for the purpose of objectivity - focussed on pre-trial procedures and there was no initial focus in the discussion with women detainees on torture or ill-treatment. All the women appeared to have suffered from some violations in criminal procedure during their pre-trial detention and approximately half of them reported that they had suffered serious ill-treatment or torture. Further research was then carried out with lawyers, families, social workers, and other witnesses which corroborated most, but not all, testimonies.

In presenting this report Amnesty International hopes to contribute to the on-going debate within Lebanon and promote changes in the Code of Criminal Procedures (CCP) already under discussion. Since 1999, the Bar Associations in Beirut and Tripoli have worked with officials of the judiciary and the Government on a much delayed project to revise the CCP. As a result a draft CCP was presented to the Parliament in March 2001 and subsequently approved. However, when presented to the President of the Republic for final approval it was returned to Parliament with some reservations. It is still pending final approval by Parliament.

1.2 Lebanese Initiatives for the Protection of Women's Rights

Lebanon has a vibrant and outspoken civil society with many active non-governmental organizations (NGOs) which campaign for human rights, including women's rights.

⁷ Amnesty International acknowledges the access to women's prisons facilitated by the Lebanese prosecutor's office and the cooperation of Government officials, including members of the security services, who have discussed concerns with the organization and otherwise facilitated their work.

Women, who are active in public life, though still tacitly discriminated against, have campaigned vigorously for decades for their full rights and against discrimination and violence. Amnesty International has followed these initiatives and carried out its own activities in cooperation with women's NGOs, academics and journalists. These included a seminar in November 1999 entitled "Towards Making Women's Rights a Reality: The Case of Lebanon" (AI Index: MDE 18/17/00), jointly organized with the Institute of Women's Studies in the Arab World at the Lebanese American University in Beirut, and an exhibition on violence against women in March 2001.

Relatively few women's NGOs work in the area of redress for women in detention, either because of their focus on other areas of discrimination against much larger numbers of women than those who suffer arrest and detention, or because of the difficulty of access to such women. However a number of women's organizations and other groups and individuals do work, often in cooperation with Lebanese Government departments, to improve the appalling treatment of women in police stations and prisons and to address the failures of the system described here. They include Beirut-based Dar al-Amal, which operates rehabilitation and re-integration programs; the Lebanese Association for Combatting Violence Against Women (LACVAW); and the Caritas Centre for Migrants, which provides assistance for migrant workers in prison.

In May 2001 members of the Parliamentary Human Rights Committee (PHRC) and the Parliamentary Committee on the Rights of Women and Children (PCRWC) visited all women's prisons in Lebanon. An earlier visit in February 2000 by Andrée Lahoud, the wife of President Lahoud, highlighted inhumane conditions in Ba'abda Prison where prisoners spoke of the torture or other ill-treatment they had suffered. The international organization, Penal Reform International (PRI), has for several years been working with the Lebanese Government in the field of prison reform, visiting prisons, holding important seminars and visiting prisons, including women's prisons.

2 TORTURE AND ILL-TREATMENT OF WOMEN IN CUSTODY

In Lebanon large numbers of women held in pre-trial detention in the custody of police, the general security and the military intelligence face the risk of being tortured and ill-treated while held in prolonged incommunicado detention, sometimes for as long as several weeks, without access to lawyers or being brought before a judge. Amnesty International's research shows that women detainees held on charges of a political nature including "collaboration" with Israel, and criminal offences such as murder and drug dealing appear to be most at risk of torture or ill-treatment so that they may be coerced to confess guilt or testify against themselves at a time when they lack the protection of the law.

Women are at particular risk of suffering gender-specific torture or other ill-treatment. All the detention centres in Lebanon are operated by male staff and there are no female police officers in the country. In addition, there are no separate detention centres for women held in pre-trial detention, as required by international standards. According to the UN Standard Minimum Rules for the Treatment of Prisoners (Rules 8(a) and 53), women in custody should be held in a designated section of the same institution or in a separate institution staffed and supervised by female staff, and no male staff should enter the part designated for women without being accompanied by a female member of staff. Female staff should be present during the interrogation of female detainees and prisoners and should be solely responsible for conducting body searches (Human Rights Committee, General Comment 16, para. 8)

Violations against women may also be linked to lack of awareness within the law enforcement institutions of gender-sensitive issues and the importance of gender-sensitive training for law enforcement staff. Article 4(h) of the Declaration on the Elimination of Violence against Women, adopted by the UN General Assembly on 20 December 1993, calls for the state to provide such training, and Rule 23(1) of the Standard Minimum Rules calls for the provision of facilities for pre-natal and post-natal care and treatment must be provided in institutions where women are held in custody.

The following forms of gender-specific torture or other ill-treatment have been identified in testimonies of victims collected by Amnesty International:

- Rape and attempted rape
- Insertion of objects into the body
- Beating by solid objects and burning of cigarettes on sensitive parts of the female body
- Forcible stripping and exposing of sensitive parts of the female body by male guards
- Use of sexually abusive language
- Psychological torture including torture of relatives in front of or in the hearing of female detainees
- Constant invasion by male guards of female privacy
- Deprivation of access to female-designated toilets
- Denial of access to women's hygiene and medication
- Lack of adequate facilities for pregnant women.

Gender-specific torture or other ill-treatment is frequently under-reported by women who do not want to expose the "shame" they may have suffered to the outside world or even to their families. However, in one case detailed on pages 19 political prisoners Huda Yamin, Lina Ghurayeb, and Muna Shkayban, spoke in public in 1994 about the gender-specific

torture they were subjected to while held incommunicado at the Ministry of Defence Detention Centre.

Non-gender-specific techniques of torture or other ill-treatment used against women includes, but is not confined to, the following:

- *Farruj* (chicken) where the victim is strapped to a revolving wooden bar resembling a roasting spit and beaten with sticks
- *Dullab* (tyre) which involves hanging the victim from a suspended tyre and beating
- *Falaqa* or beating on the soles of the feet
- Beating by solid objects
- Extinguishing cigarettes on parts of the body
- Use of abusive language
- Deprivation of sleep
- Deprivation of food
- Prolonged solitary confinement
- Restriction of movement or position abuse, including forcing the victim to sit still in one place for hours
- Use of violent interrogation techniques, including yelling and shouting
- Intimidation
- Denial of access to medication

According to Article 12 of the UN Declaration on the Protection of All Persons from being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment “[a]ny statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in the proceedings”. In addition the Human Rights Committee has stated that “... the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment”⁸.

Amnesty International in the past raised with the Lebanese authorities, allegations of torture of women in pre-trial detention including the case of Antoinette Chahin⁹ who was tortured during her pre-trial detention while she was held in connection with the murder of a priest. But despite the fact that a court acquitted Antoinette Chahin in 1999 after five years of incarceration, the Lebanese authorities have not yet made any attempts to bring

⁸Human Rights Committee, General Comment No. 20. (12)

⁹See *Lebanon: Antoinette Chahin: Torture and Unfair Trial* (AI Index: MDE 18/16/97)

those involved in her torture to justice - Article 401 of the Penal Code prohibits torture and provides for punitive measures against officials found responsible for torture or ill-treatment - nor have they provided reparation for the injuries caused or the post-traumatic stress she suffers until now. Furthermore, torture and ill-treatment continued with impunity despite the concerns raised by the Human Rights Committee in 1997 with the Lebanese authorities over "well substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, Lebanese security forces and ... the occurrence of arbitrary arrest and detention, searches operated without warrants, abusive treatment of individuals deprived of their liberty, and violations of the right to a fair trial"¹⁰. No investigations appear to have been made following its call on the Lebanese Government to "investigate the credible allegations of instances of ill-treatment and torture which have been brought to the Committee's attention"¹¹.

3 CRUEL AND INHUMAN PRISON CONDITIONS

There are four women's prisons in Lebanon located in Ba'abda, Tripoli, Zahle in the Beqa'a, and in Barbar al-Khazen in Beirut. Conditions in all four institutions may amount to cruel, inhuman and degrading treatment. There are serious shortcomings, particularly regarding a large number of sick prisoners who are not receiving adequate medical attention and are held in conditions falling short of international standards, including the Standard Minimum Rules, as well as provisions of Lebanese law. Conditions in these institutions, especially as regards hygiene, sanitation, and ventilation, are said to be seriously inadequate. Dormitories are overcrowded¹² and damp, leading to serious health hazards including infestation by insects. For example, in Ba'abda prison more than 40 detainees are held in such conditions in four rooms well beyond their original capacity. Detainees are reportedly locked up most of the time. They have no access to beds and sleep on the floor using sponge mattresses. The prisons visited by Amnesty International delegates, Ba'abda and Tripoli Prisons, were formerly residential apartments and prisoners had no access to fresh air or exercise.

Furthermore, women of different age groups, including children, are held in the same place, and there are no adequate facilities in women's prisons for catering for the needs of pregnant detainees and those with children. The treatment of women detainees by

¹⁰Concluding observations of the Human Rights Committee: Lebanon, CCPR/C/79/Add.78, para. 16, 1997.

¹¹Ibid

¹²In May 2001 the prison population in Lebanon stood at 7,328, out of whom 4,843 were pre-trial detainees and 2,350 were serving prison sentences.

the authorities, including during pregnancy and childbirth, thus fall short of Lebanon's obligations to respect the inherent dignity of the human person as provided by the ICCPR and the Standard Minimum Rules (Rule 23).

Recently the Lebanese authorities have started to take seriously calls by NGOs and members of parliament for the improvement of prison conditions. The visit in May 2001 by members of the PHRC and the PCRWC of all prisons in Lebanon, including women's prisons in Ba'abda and Barbar al-Khazen, called on the Government to take immediate action to rectify the "appalling situation" in these institutions. The Chairperson of the PCRWC and member of parliament, Naila Mu'awwad, described women's prisons in Ba'abda and Barbar al-Khazen as "unfit for human beings". She referred to the Ministry of Interior's refusal to allow members of the media to accompany the delegation and said that the Lebanese people would have been "shocked" had they been exposed to the "reality of conditions" in women's prisons through the eyes of TV cameras. The Chairperson of the PHRC, Dr Marwan Fares, expressed concern at the large number of detainees awaiting trial for long periods and who may well be detained while innocent. He stated that conditions in the country's prisons are "deplorable" and warrant "immediate attention".

4 LACK OF LEGAL SAFEGUARDS

International treaties require states to guarantee minimum standards of detention and imprisonment and to protect every detainees rights while he or she is deprived of liberty. The right of all people deprived of their liberty to be treated humanely is protected by many international standards, including the ICCPR, which stipulates in Article 10(1) that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person".

However, although the Constitution, the CCP and other laws which govern pre-trial detention offer some important safeguards to protect detainees from torture and ill-treatment, in fact the failure to provide other essential safeguards, or to enforce in practice existing safeguards has led to a situation where violations of detention procedures, including the use of torture and ill-treatment, can and do happen. The continuing failure to investigate such violations and prevent their occurrence, contributes to a climate of acquiescence and allows those who commit these violations to continue to do so with impunity.

4.1 Lack of access to outside world while in police custody

Detainees' access to the outside world, including receiving visits is a fundamental safeguard against human rights abuses such as torture, and is vital to ensuring the right to fair trial. Access to families, lawyers, doctors, a judicial official and, if the detainee is a foreign

national, to consular staff, are rights that should be guaranteed to all detainees. The UN Special Rapporteur on torture stated, "[t]orture is most frequently practised during incommunicado detention" and called for a total ban of incommunicado detention¹³. The UN Commission on Human Rights stated that "prolonged incommunicado detention may facilitate the perpetration of torture and can itself constitute a form of cruel, inhuman or degrading treatment" (Resolution 1997/38, para 20). Incommunicado detention may violate Article 7 of the ICCPR (prohibiting torture and ill-treatment) and Article 10 of the ICCPR (safeguards for people deprived of their liberty). Principle 19 of the Body of Principles states: "[a] detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations."

The main body concerned with the arrest and detention of accused persons are the judicial officers (*Dabita al-'adliyya*, *Police judiciaire*) who operate within the police and the gendarmerie and include other officials prescribed by Article 12 of the CCP. The *Dabita al-'adliyya* are under the jurisdiction of the Public Prosecutor's office (*Niyaba*), the examining magistrate (*Qadi al-tahqiq*, *Juge d'instruction*) and the Court (CCP Article 11). However, in fact the detainee in the police station is completely in the hands of the *Dabita al-'adliyya*. According to law this detention should last no longer than 24 hours but, with or without access to an examining magistrate, it may last longer.

During the time the detainee is in the hands of the *Dabita al-'adliyya* he or she is almost completely without access to the outside world, without the right to see a lawyer, family or a medical doctor. On some occasions doctors or lawyers have succeeded in gaining access to police stations to visit detainees, but this is rare. At present there is no obligation in law for the *Dabita al-'adliyya*, the *Niyaba*, or the police, to ensure that a detainee is examined by a medical doctor. Even if the detainee complains of torture before the *Niyaba* or the examining magistrate, neither official has an obligation to ensure that the detainee is examined by a doctor. Yet, this would not only provide protection for the detainee against torture and ill-treatment, it would protect the police from false accusations of physical torture.

Not only is the right of the detainee to see his or her family while in the police station not respected, there is currently no provision in law even for the family to be informed of the detention. When the detainee is arrested from home, the family will, of course, know, but if the detainee is arrested from the street or elsewhere the family may spend hours or even days trying to establish the whereabouts of their missing relative.

¹³Report of UN Special Rapporteur on Torture, E/CN 4/1995/434 para 926(d).

Those arrested in connection with political offences (particularly those accused of armed attacks or "collaboration" with Israel) may receive fewer rights than those charged with common law offences. *Al-Amn al-'amm* (General Security) operates in plain clothes and *Al-Mukhabarat al-'Askariyya* (Military Intelligence) carries out arrests, including of foreign nationals, accused of political offences. Many of those charged in connection with political offences are brought before the Military Court, the procedures of which fall short of international standards for fair trial.

4.2 Lack of Access to a Judge

Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release (Article 9(3) of the ICCPR). Both the CCP and the Constitution offer prompt access to a judge as one of the safeguards for the detainee immediately after arrest. Since torture generally takes place immediately after arrest, the requirements in law that detainees must be brought to an examining magistrate within 24 hours (Article 102 of the CCP), and then have the right to a lawyer should, if implemented, be major safeguards.

Furthermore, if an examining magistrate is unable to interrogate the detainee within 24 hours, the *Niyaba* has an obligation to ensure that the detainee is brought before a judge; if this is not possible, the detainee should be released (CCP Article 102). Under CCP Article 103, if a detainee is not brought before the examining magistrate within 24 hours, the detention is considered an arbitrary act and the official responsible will be charged with deprivation of personal freedom under Article 368 of the Penal Code (PC).

The examining magistrate has the records of the interrogation of the defendant by the *Dabita al-'adliyya* and asks the detainee whether he or she acknowledges the truth of these statements.

On his or her appearance before the examining magistrate, the defendant may confirm or deny the statement given to the *Dabita al-'adliyya* and state whether duress was used. If so, the examining magistrate should record this. Immediately after the detainee has seen the examining magistrate he or she is normally transferred from the police station to prison and then can be visited by relatives; however, the examining magistrate may also forbid contact with family and the outside world for up to 10 days, renewable once only.

Amnesty International research shows that there are very few instances where women or other detainees were brought before an examining magistrate within 24 hours. Some detainees had stayed for days, weeks or even months in pre-trial detention. For example political detainees have recounted to Amnesty International delegates how they

remained suffering torture in the Ministry of Defence for up to three months. In addition, there is no legal limit to the maximum period a detainee may be detained in pre-trial detention. The examining magistrate is empowered to renew the detention period indefinitely. For example, in Ba'abda women's prison, Amnesty International delegates interviewed a woman who had already waited eight years for her trial on charges of murder. They were told of another woman who was tried on murder charges after three years in prison and then acquitted. These examples are by no means unusual.

4.3 Lack of access to legal counsel

All detainees should have prompt and regular access to a lawyer and to be brought promptly before a magistrate. These rights are guaranteed by international standards including Principle 7 of the Basic Principles on the Role of Lawyers and Principle 17(1) of the Body of Principles. Detainees who cannot afford to hire lawyers have the right under Article 14(3) (d) of the ICCPR to be assigned qualified counsel.

Under the CCP Article 70, the examining magistrate is required to tell the detainee of his or her right to be represented by a lawyer and the right not to answer without the presence of a lawyer; this must be recorded in the minutes of the proceedings, and indeed this is common practice. In cases where the defendant is unable to appoint a lawyer, the Legal Aid Committee of the Bar Associations provides legal assistance, otherwise the magistrate must appoint a lawyer. However, if the defendant refuses a lawyer or no lawyer appears within 24 hours of being contacted, the interrogation will continue (CCP Article 70).

The law provides that only one lawyer has the right to sit with the detainee during the examining magistrate's interrogation, and must remain silent unless the examining magistrate authorizes him or her to speak (CCP Article 72). If the defendant does not require a lawyer or fails to provide one, the judge may proceed. The current CCP does not provide for the accused person to have immediate access to a lawyer following arrest, yet this is the period when torture, ill-treatment or other violations are most likely to occur. The draft CCP currently before the Parliament addresses some of these shortcomings.

An additional legal deficiency is that proceedings before the examining magistrate are not nullified if the correct procedures are not observed and the accused is not informed of his or her right to a lawyer and therefore fails to have a lawyer present during the sittings.

There are many other difficulties for lawyers defending their clients. Although they have the right to confidential access to their clients, there is often no place they can meet apart from a bench in the lawcourt. The full file of the prisoner's case is frequently not provided to the lawyer who is also not permitted to see the record of the accused's cross-examination before the *Dabita al-'adliyya* nor the testimony of any witnesses. This violates

the right of the accused to communicate with and meet with his or her lawyer in a confidential manner (Principle 22 of the Basic Principles on the Role of Lawyers and Principle 18 of the Body of Principles). Lack of access to the file and records by legal counsel obstructs the right of the defendant to prepare his or her defence properly (Principle 21 of the Basic Principles on the Role of Lawyers).

4.4 Lack of protection against torture or ill-treatment in pre-trial detention

"Under no circumstances may anyone charged with a criminal offence be compelled to confess guilt or testify against themselves" (Article 14(3)(g) of the ICCPR, and Principle 21(2) of the Body of Principles). It is also prohibited to use torture or ill-treatment in order to extract a confession.

The examining magistrate is obliged under law to inform an accused person of his or her rights and to ask whether any confession made before the *Dabita al-'adliyya* was made freely. It is at this stage that a defendant may complain of any torture which they may have suffered while in the police station. However, many detainees alleged that they were accompanied to the examining magistrate by members of the *Dabita al-'adliyya*, sometimes by the very people who had ill-treated or tortured them, and who threatened further torture if they spoke of any ill-treatment before the examining magistrate.

If the examining magistrate receives a report of torture in the police station, he or she must ensure that this is recorded in the minutes of the proceedings (which is usually, but not always, done). In addition the examining magistrate must discard such confessions made before the *Dabita al-'adliyya* and proceed to a new interrogation. Yet, in a serious failure of law, there is no obligation on the examining magistrate to investigate the allegations by ordering an inquiry or even a medical examination - though he or she has the right to order a medical examination and sometimes does so. (However, if the examining magistrate fails to order a medical examination, the detainee has no recourse or appeal against this decision.) The maximum an examining magistrate may do under the law when allegations of torture are received is to send the case forward to the military courts, which should investigate any alleged offences committed by police officers. Thus, it is not surprising that neither officials nor lawyers were able to cite any case (except a case in Zahle in 1996) when officers of the *Dabita al-'adliyya* had been tried for alleged violence to detainees in their custody¹⁴.

¹⁴When an Amnesty International delegate raised the Zahle case in 1997 with the Prosecutor General he said the judge in question was wrong in passing a judgement; instead he should have only referred the case to the Prosecutor General's office so that they may order an investigation.

Although the *Niyaba* has the right to make inspection visits to police stations this is, in practice, rarely done. When human rights violations and possible torture were raised with the Prosecutor General, he told Amnesty International delegates in September 2000 that the *Niyaba* had the right to make inspection visits to all police stations and described a visit he had made to the Barbar al-Khazen Police Station with Bahij Tabbara (Minister of Justice 1992-1998) after being informed that conditions there were extremely poor. He stated that, on the contrary, he had found conditions quite good. However, he agreed that neither he nor any member of his staff had made an inspection visit to any police station since that time, because of the lack of personnel in the prosecutor's offices throughout the country.

5 CASE STUDIES

5.1 Women accused of common law offences

Amnesty International delegates visited female common law detainees in Ba'abda and Tripoli Women's Prisons in September 2000. They interviewed former female detainees, the lawyers of the women involved and other lawyers. The women were not asked specifically about ill-treatment or torture, but about the procedures of arrest and protection in their case. However, approximately half of the women interviewed alleged that they had been tortured or ill-treated in detention after arrest.

Women accused of common law offences often risk being abandoned by their relatives and this means, among other things, that they cannot secure the financial means needed to hire lawyers. This in turn contributes to the lengthening of their pre-trial detention and risk of an unfair trial when brought before a court. Most of the women held at present in women's prisons, including the two prisons mentioned above, are being held pending trial. Some women are held for years and then acquitted after their innocence is proven. Lebnaniya 'Abdallah, for example, whose case is detailed on page 16, was detained for seven years before her eventual acquittal. She was tortured while held in pre-trial detention, but no inquiry appears to have been carried out to investigate the allegations of torture, nor have any reparations made.

Both Lebnaniya 'Abdallah and Bassima Huriya were children aged 16 and 15 years, respectively, at the time of their arrest, and despite this both were held with adult prisoners and subjected to torture and ill-treatment in contravention of the Lebanese law especially Legislative Decree No. 119, 1983, on the protection of delinquent juveniles, and the CRC to which Lebanon is a state party (Article 37 (a) and (c)). Furthermore, accused children are sometimes held for months in prison before being brought to trial. Article 37(b) of the CRC states that the arrest, detention or imprisonment of a child shall be in conformity with

the law and shall be used as a measure of last resort and for the shortest appropriate period of time.

Amnesty International cites these case studies which demonstrate a pattern of torture and ill-treatment, and takes no position on the guilt or innocence of those whose testimonies are given below.

Bassima Huriya

Bassima Huriya, a Syrian national, was arrested on 23 March 1997, when she was a child aged 16, and accused of being an accessory to the murder of her boyfriend. According to her statement she was held by the *Dabita al-'adliyya* for more than 20 days in a Ba 'abda police station. She was held with five other women in a small cell. Interrogation, which was harsh and abusive, would take place only at night, starting around 10.30 or 11.00 pm. She would be constantly beaten by a couple of policemen in civilian clothes; during the night she said the number would rise to 10 or 12. On one occasion she said she was hung during the night by the wrist from the door. On another occasion she was boxed on the ear and fell against a cupboard; as a result she has been suffering from ill-health since then. On one occasion she was tortured by the *farruj* (chicken) method.



Bassima Huriya © Dar al-Amal

"I was wearing a skirt, the interrogator said to me: 'You are wearing a skirt so that we won't lift you on to the farruj position', and he threw me trousers to wear, and lifted me on to the farruj. My bottom was black from the beating and they poured water on the ground so that my feet would not swell. The interrogator said 'I'll make sure you get a death sentence'. My family came to see me after 15 days in the police station. Later the lawyer came to see me with my mother. I was swollen and they asked me whether I had been beaten. I said, 'No', as I was afraid of the police officers who were still there. They stopped beating me for four days before they took me to the examining magistrate. When I came before the examining magistrate I said that I had been beaten, and he said, 'Everyone who comes here says they were beaten'. He wrote that I confessed after being beaten and started a new investigation".

Bassima Huriya was held with adults during her detention. She stated that she was given no medical examination while she was detained in the police station. She was brought to trial in 1998 and sentenced on 2 February 2000 to five years' imprisonment.

Fatima Yunes

Fatima Yunes, born in 1966 and the mother of three children, was arrested by members of the State Security (*Amn al-dawleh*) officers on 26 October 1998 in connection with the killing of her husband. She was held in the state security office in Tyre for four days without access to a lawyer or the outside world. During that time she stated that she was tortured by about eight people wearing civilian clothes. She alleged that they kept her sitting on a chair and beat her; she was also beaten in the *farruj* position and interrogators lifted up her skirt as she was bleeding and stubbed out cigarettes on her legs. She lost consciousness and later signed the confession. She was then held for a further nine days in Tyre. When she was brought before the examining magistrate she stated that she was tortured and showed the marks of the torture on



Fatima Yunes ©Dar al-Amal

her body and legs; the magistrate proceeded to a new investigation of her case but did not order any medical examination. She described her torture also to the Lebanese President's wife during a visit she made to the prison.

Lebnaniya 'Abdallah

Lebnaniya 'Abdallah was arrested in 1993 when she was a child aged 15, and charged with inciting the murder of her step-son. She was taken to the police station at Remeila in Tripoli and then to Zgharta where she said she was held and tortured for 21 days. During this period she had to sleep on a chair. She said she was beaten with a whip by six or seven people, stripped to the waist, suffered the *farruj* and constantly abused but nevertheless she did not confess. The interrogators threatened her with more beatings if she told the examining magistrate of her treatment. Lebnaniya 'Abdallah spent most of her imprisonment at Tripoli and Ba'abda Prisons. In 1999 she was sentenced to death; although those sentenced with her stated that she was innocent. Lebnaniya 'Abdallah lodged an appeal against the verdict and in late 2000 the Court of Cassation acquitted her and she was released.

Heba Ma'sarani

Heba Ma'sarani was arrested on 14 June 1997, when she was 39 years old, shortly after the death of her husband, allegedly by suicide, and accused of his murder. She was taken to the *Makhfar al-Mina* (Tripoli port police station) where she was interrogated for two days. There she says she suffered from verbal abuse. Police officers prepared to rape her, stripping off their clothes and undressing her, but the head of the police station heard them and ordered her transfer. She was then moved to Bab al-Ramla police station in Tripoli. However, there she stated that she was tortured for seven days without being interrogated while she remained in the police station after being brought before the examining magistrate. After the head of the police station left at night she said she was raped by members of the *Dabita al-'adliyya*. She was also subjected to the *farruj* and to the method of torture known as the *dullab* or hanging from a suspended tyre and beating. She said the police station was infested with cockroaches, rats, mosquitoes and other insects. After this period she was brought before an examining magistrate who ordered her transfer to prison. She was brought to trial after nine months of detention. The trial has been continuing intermittently for some 18 months. She is currently held in Tripoli prison hospital, where she has been for nearly a year. Amnesty International delegates who visited her in September 2000 found that she was guarded by a large number of security officers who watched her continuously as she lay in bed, from time to time entering her room and prowling around the bed. She told Amnesty International delegates: "I am ready for you to put my name, as my life is over now. I have nothing left to live for. I only hope that the publication of my experiences may help to prevent others from suffering as I have".



Heba Ma'sarani © Dar al-Amal

She now weighs only 36 kilograms. No steps have been taken to investigate her allegations of rape or to provide counselling or address the other serious allegations.

5.2 Political Detainees

Women political detainees, including those accused of "collaboration" with Israel, appear to have been frequently tortured or ill-treated so that "confessions" or other statements, may be obtained. Eventually all women charged with political offences are brought before military courts and given trials which fall short of international standards for fair trial¹⁵. Women civilians should not be brought before military courts in the first place. Amnesty International has frequently stated that trials before military courts are summary and fail to

¹⁵For a critique of the military courts in Lebanon, see for example Amnesty International's report *Lebanon: Human Rights Developments and Violations* (AI Index: MDE 18/19/97), page 27.

provide full rights of defence. The Human Rights Committee called on the Lebanese authorities in 1997 to *"review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts"*¹⁶.

In responses to Amnesty International's concerns raised with the Lebanese authorities, officials have stressed that the procedures in military courts are governed by the CCP, and therefore that detainees brought before military justice have the same rights as those brought before civil courts. Although violations of procedure leading to abuses against the integrity of the human person which occur under normal criminal justice have been cited in the preceding section, violations of rights of certain categories of political detainees are far more flagrant and their treatment is brutal. Women detainees held on charges of "collaboration" with Israel can be detained incommunicado for weeks in detention centres staffed only by male personnel. After arrest they are normally taken to the Ministry of Defence Detention Centre where they are held in cruel, inhuman and degrading conditions compounded by a constant risk of sexual abuse and the invasion of their privacy. Women are subjected, while held in such conditions, to violent interrogation by male staff without the presence of any female staff at this stage of their pre-trial detention. It appears that the duration of incommunicado detention, which varies from one prisoner to another, is determined by the length of time it takes to obtain "confessions". Detainees may also be detained for longer periods so that the physical scars resulting from torture or ill-treatment may heal. These factors have led to a situation whereby judges would not, in most cases, allow allegations of torture to be investigated or for medical examinations to be carried out. However, in certain cases, as the case of Huyam 'Ali 'Alyan below illustrates, a medical examination may be ordered to be carried out before the trial gets underway.

Huyam 'Ali 'Alyan

Huyam 'Ali 'Alyan, aged 29, was arrested in March 2001 by members of *Al-Mukhabarat al-'Askariyya* following a visit to relatives detained at Rumieh Prison. She was reportedly taken blindfolded and handcuffed to Sidon Barracks. She was then again blindfolded and handcuffed and taken to the Ministry of Defence Detention Centre where she was held in incommunicado detention for 16 days, during which she was reportedly tortured and ill treated. She was subjected to violent interrogation by male officers. During interrogation she was said to have been subjected to physical and psychological torture including severe beating, threats, and the use of sexually abusive language. A solid object was said to have been used in beating her on many parts of her body including her back, abdomen and

¹⁶Concluding observations of the Human Rights Committee: Lebanon, CCPR/C/79/Add.78, para. 14, 1997.

around the labia, resulting in bleeding. Despite her requests she was not given access to medical care and was denied access to sanitary towels to contain her bleeding. This was said to have resulted in a prolapse (slipping) of the uterus¹⁷. During her incommunicado detention she was ordered to sit on a chair in a corridor continually and deprived of sleep. More than 40 women and men were reportedly being held at the corridor at the time of her detention. Food was meagre, and access to the toilet was restricted and she was allowed to go to the toilet sometimes only two hours after asking her male guard. Psychological torture included listening to the screams of her uncle as he was being tortured in a separate room and seeing him being tortured again in front of her. Even though she was forced to confess to "collaboration" with Israel, her torture did not stop. She was later moved to a separate room, and then referred by the Military Prosecutor to a forensic doctor. According to a medical report issued on 11 April 2001 there were bruises on her arms and wrists consistent with the use of violence. She is currently detained at Barbar al-Khazen Prison in Beirut. In June 2001 she was brought before the Military Court in Beirut which indicted her and the prosecution demanded a prison sentence on charges of "collaboration" with Israel. Her trial is scheduled for September 2001.

Khadija Hussain Marwa

Khadija Hussain Marwa, aged 67, was arrested in August 1999 by members of *Al-Mukhabarat al-'Askariyya* from her home in the village of Kafr Hatti in south Lebanon on charges of "collaboration" with Israel. She was initially held incommunicado at the Ministry of Defence Detention Centre, where she was reportedly tortured and ill-treated. She was also reportedly denied access to medication she was receiving on a regular basis and forced to confess under duress to charges of "collaboration". Evidence extracted as a result of torture was reported to have been presented to the Military Court leading to her conviction. She was sentenced to one year in prison. She was released in August 2000 after serving her sentence in a women's prison in Beirut.



Khadija Hussain Marwa ©private

Huda Yamin, Lina Ghurayeb and Muna Shkayban

Huda Yamin, Lina Ghurayeb, and Muna Shkayban were arrested along with other supporters of General 'Aoun, the former commander of the Lebanese army, between 9 and

¹⁷Beatings around the labia could cause significant swelling that could be misinterpreted as a prolapse if she were not properly examined by an experienced gynaecologist. Beatings can also cause irregular menstruation.

12 September 1994 on charges including distribution of leaflets critical of the Syrian presence in Lebanon. Most were released within days, but these three women, and two men, remained in detention for more than two weeks. Huda Yamin, Lina Ghurayeb and Muna Shkayban reported that they were tortured during interrogation at the Ministry of Defence Detention Centre. Lina Ghurayeb and Muna Shkayban were forced to strip naked in front of male interrogation officers, and told to part their thighs. One of them said that she was repeatedly hit with a stick on her breasts. All three women also said they were pulled by their hair and were subjected to humiliating and sexually abusive language. They were released on bail and in 1997 they were acquitted by the Military Court of all charges apart from the distribution of leaflets. Huda Yamin was sentenced to two weeks' imprisonment and Lina Ghurayeb and Muna Shkayban to ten days' imprisonment.

5.3 Women migrant workers

According to the Lebanese Ministry of Labour statistics for 2000 there were 54,272 foreign nationals allowed to work in Lebanon. However, unofficial figures cited by the media and NGOs put the figure of the foreign population in Lebanon (including those without legal residence) at around 150,000. The majority of these, estimated at around 80 per cent, are women domestic workers originating from Asian and African countries including Sri Lanka, India, the Philippines and Ethiopia.

In recent years there have been recurrent reports of systematic ill-treatment or even torture of a large section of these workers. These violations are perpetrated by both employers and agents of the state which they approach to complain about their ill-treatment at the hands of their employers and employment agencies. This may include beatings, locking up, deprivation of food, verbal abuse and overwork. Many are also subjected to gender based violations including sexual abuse. They may be forced to sign undertakings forfeiting salaries which end up in the employment agencies' coffers, or have their salaries arbitrarily withheld by their employers.

Instead of having these abuses redressed by the police, women migrant workers may face further violations, such as torture and ill-treatment. Amnesty International has received reports on women migrant workers who were detained after escaping from abusive employers. For example in 1997 Clarissa Colliante and Elda Esquillo, both Filipino migrant workers, were detained at the General Security Prison for Foreigners reportedly after refusing orders of the Director of the General Security to return to their employers, who, they said, ill-treated them and refused to terminate their contracts. They were brought to the office of the Director of the General Security and ordered to return to their employers and, when they refused, were arbitrarily detained and held incommunicado without charge or access to lawyers. Clarissa Colliante was later deported to the Philippines and Elda Esquillo was forced to return to her employer. In 1999 Clarissa Colliante won a suit against her employer in court in the Philippines.

There are two main categories of women migrant detainees in Lebanon: those held on charges of illegal residence, and those held on charges of prostitution, drug dealing etc. Women detained on charges related to drug dealing or prostitution are said to be at serious risk of being tortured. However, at police stations migrant women are reportedly subjected to beating and other forms of ill-treatment even when they are summoned on trivial charges.

The judiciary has sometimes attempted to safeguard the rights of these workers and dismissed cases where it has been clear that confessions were extracted under duress. In one such case, a young Filipino woman said that she was repeatedly beaten up in a police station in Beirut, for alleged theft, until her legs were swollen. As a result she was admitted to hospital and had an operation. The case against her was later dismissed by a judge on the grounds that the police officer who reportedly beat her did so to obtain a confession. However, those who had beaten her were never brought to justice.

Women migrant workers accused of criminal offences find it difficult to enjoy rights of defence or have lawyers to defend them, by virtue of being illegal residents or foreign nationals. Often they cannot afford the fees and are unaware of provisions which allow them a lawyer appointed by the Bar Association. When detained by police they are most likely to be held for months before being brought before a judge. Migrant women workers have been subjected to beating and other types of ill-treatment before signing under duress, documents written in a language which they did not understand. These documents may then be presented as evidence before the examining magistrate. One such case involves an Ethiopian woman migrant worker, Farhoud Fakadu, aged in her twenties, who was accused of murdering her newly born baby. She alleged that she was slapped by a policeman and a doctor and forced to sign a document in Arabic which she did not understand. Her complaints were ignored by the examining magistrate and no investigation was ordered. She was held for eight months after her arrest in 1997 before being tried and sentenced in 1999 to three years' imprisonment. Foreign nationals accused of offences are entitled to an interpreter as provided by Article 14(3)(f) of the ICCPR, and should be given reasonable facilities to communicate with and receive visits from representatives of their government in accordance with Article 36 of the Vienna Convention on Consular Relations, and Rule 38 of the Standard Minimum Rules.

Women migrant workers accused of criminal offences or illegal residence are normally held in a prison designated for foreigners and run by the General Security forces (*al-Amn al-'Amm*). The current General Security Prison for Foreigners in Beirut was built recently to replace Furn al-Shubbak prison¹⁸ where conditions amounted to cruel, inhuman

¹⁸ Amnesty International has documented cases of asylum-seekers who were tortured while held incommunicado at Furn al-Shubbak prison, in addition to reports of deaths in custody.

and degrading treatment. Conditions in the new facility are reportedly improved though they still fall seriously short of international standards. Detainees continue to suffer ill-treatment while held for long periods in incommunicado detention guarded solely by male staff.

Women migrant workers may not be released after serving their sentences or after being acquitted by a court. This may be due to the broad discretionary powers accorded to the General Security in interpreting the law governing the presence of foreigners in Lebanon, especially when the authorities consider that the presence of the foreigner may constitute "a threat to public safety". As the main reason for the detention and rounding up of women charged with immigration offences is for the purpose of their removal from the country, those women who happen to be without proper travel and identity documentation can end up being detained for long periods as the authorities investigate their cases and make contacts with the relevant foreign countries to secure proper documentation for them to be returned to their countries of origin. However, even when travel documents are arranged, the detainees may still remain held for failing to be able to secure a ticket to travel home.

Amnesty International has the names of over 20 women detainees, representing about one fifth of the total number of foreign women nationals currently held at the General Security Prison for Foreigners in Beirut. The detainees are mostly Sri Lankan and Ethiopian migrant workers, including two women held since they were returned in May 2001 from Syria to Lebanon, on charges of entering Syria illegally. They were imprisoned in Syria for a month and a half and are now detained at the General Security Prison for Foreigners in Beirut pending deportation. There is no time limit for their detention as this depends on, among other things, their obtaining travel documentation and/or tickets. Another woman, from Ethiopia, was arrested and detained in May 2001 after being returned from Beirut airport despite having all the necessary travel documentation, including a proper visa and a ticket. The reason for her arrest is reportedly because a complaint was filed against her by her employer. However, according to information received by Amnesty International she is being arbitrarily detained and does not appear to have committed a recognizably criminal offence.

In Lebanon women migrant workers, especially domestic workers, may not be allowed to travel without the prior consent of their employers who are their sole sponsors.

6 RECOMMENDATIONS

Amnesty International calls on the Lebanese authorities to take immediate steps to protect women against torture, ill-treatment and all other forms of gender-based and other

violations against women in custody. The organization urges the Lebanese authorities to implement the following recommendations:

On Torture and Ill-Treatment

- Ensure that all allegations of torture against women are promptly, impartially, independently and thoroughly investigated, in accordance with international treaties. This should be carried out by an independent body with its findings made public and the victims given medical treatment where required, appropriate reparation including financial compensation, and the perpetrators brought to justice and given fair trials.

On Gender-Based Violations

- Promptly, impartially, independently and thoroughly investigate allegations of rape of women in police custody in accordance with international standards, and ensure that victims alleging rape are provided with medical care including prompt examination by a woman doctor, and counselling if required.
- Provide as a matter of urgency gender-sensitive training to staff in law enforcement institutions including in the police, prisons, the Military Intelligence and the General Security. This should include training in the use of proper investigation methods including forensic and medical aspects.
- Ensure that female detainees are segregated from male prisoners and that appropriate facilities are provided to cater for the needs of women in detention.
- Take immediate measures to recruit women police officers to work in police stations and other detention centres where women are held, and provide necessary training.
- Introduce requirements in laws, subject to penal and disciplinary sanctions, that women detainees are interrogated in the presence of female law enforcement staff and for such staff to be solely responsible for any body search of women detainees that may be necessary.

On Minor Women Offenders

- Ensure that minor women offenders are protected while in detention and not subjected to torture or ill-treatment and held separately from adult offenders. This should include strict implementation of provisions in law on the protection of juveniles, and international standards including the CRC and the ICCPR to which

Lebanon is a state party. The authorities should ensure that detention or imprisonment of a child shall be in conformity with the law and shall be used as a measure of last resort and for the shortest appropriate period of time.

On Women Migrant Workers

- Introduce legislation to protect women migrant workers and to ensure that they are not subjected to any abuse or ill-treatment at the hands of the state or private individuals. This should include ratification of the International Labour Organization (ILO) conventions on the rights of migrant workers, and the establishment of a complaints procedure to deal with abuse and violence against domestic workers perpetrated by the state and individuals.
- Provide communication facilities, including translation and interpretation, to foreign women held in custody. Ensure that they fully understand the reasons for their detention, and introduce guarantees that they are not coerced to sign documents without knowing what they contain.

On Women's Prison Conditions

- Improve as a matter of urgency conditions in women's prisons as required by international standards and in law. This should include improving hygiene, accommodation, sanitation and lighting; the provision of health and recreational facilities, and allowing detainees regular access to fresh air.

On Legal Safeguards And Guarantees

- Ensure that detainees have prompt and regular access to a lawyer and to be brought promptly before a magistrate as a safeguard against torture, ill-treatment, coerced confessions and other abuses.
- Ensure that no one charged with a criminal offence is compelled to confess guilt or testify against themselves and that any statements which may have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment are disregarded as evidence against detainees in court proceedings, except against a person accused of torture as evidence that such statement was made.
- Review all discriminatory laws and amend the Code of Criminal Procedures to ensure that they comply with international law and standards, and the Lebanese Constitution so that proper legal protection is afforded to women in detention.

These should include safeguards to prevent violations of the detainees' fundamental rights, and to ensure that detainees have prompt access to families, lawyers, doctors, a judicial official and to consular staff if the detainee is a foreign national.

- Lifting all the reservations made by Lebanon on CEDAW and ensure that its provisions are incorporated in Lebanese law. Urgent consideration should be given to ratifying the Optional Protocol to CEDAW.

