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Lebanon is failing torture survivors by delaying implementation of crucial reforms

The Lebanese authorities must stop dragging their feet over implementing key reforms in order to ensure that perpetrators of torture and other ill-treatment do not escape justice, said Amnesty International marking the International Day in Support of Victims of Torture.

Lebanese authorities have consistently failed to implement the national anti-torture law (Law 65) since it came into force in October 2017; and the government has not yet issued the decree to operationalize the National Preventative Mechanism (NPM), an independent national body mandated to investigate torture allegations and monitor detention conditions.

Amnesty International examined eight cases detailing torture and other ill-treatment of detainees in Lebanon, all of which occurred after the anti-torture law came into force. The organization spoke to torture survivors, family members, lawyers, anti-torture civil society and members of the UN Committee against Torture, and reviewed medical records to examine the government’s response.

“The collective failure of the Lebanese authorities to ensure that the 2017 anti-torture law is being applied in practice sends the message that security forces who commit torture and other ill-treatment are above the law and will not face justice,” said Lynn Maalouf, Middle East Research Director for Amnesty International.

“The Lebanese authorities must ensure that the legally binding commitments they have made are translated to concrete actions. As an immediate step the government should issue a decree to operationalize the National Preventative Mechanism.”

As party to the Optional Protocol to the UN Convention against Torture (OPCAT), Lebanon had an obligation to establish -- within a year of ratifying the treaty -- an independent visiting body to prevent torture and other ill-treatment.

In all the cases documented by Amnesty International the torture survivors had stated clearly before a judge that their “confessions” were extracted under duress. However, none of the judges or public prosecutors launched an investigation into these claims, despite the fact that the anti-torture law states that such claims must be investigated within 48 hours.

Two out of the eight victims interviewed by Amnesty International filed lawsuits under the anti-torture law. However, one case was sent for investigation by the same security apparatus implicated in carrying out the torture, a conflict of interest in contravention of Law 65, while the other case is facing delays.

The testimonies provide evidence that torture and other ill-treatment continues to take place across the spectrum of Lebanese security apparatuses: army intelligence (under the Ministry of Defence); State Security (under the Higher Defence Council); the Internal Security Force’s information branch; and the Directorate of General Security’s information branch (both under the Ministry of Interior).

Torture survivors described being subjected to brutal beatings including being struck with a hose or metal chains, given electric shocks on their genitalia, being hung in stress positions for long periods, having their finger bones cracked or being violently slapped or kicked in the face, head and body. Several victims also said that they were insulted or threatened with sexual violence.

“The harrowing accounts of torture in detention centres across Lebanon is a distressing reminder of the urgent need to address such ongoing abuse, including by stamping out the climate of pervasive impunity which allows such abuses to thrive,” said Lynn Maalouf.

According to Suzanne Jabbour of RESTART, a centre for the rehabilitation for victims of torture, a year and half since the anti-torture law was passed not a single allegation of torture against members of the security forces has led to the prosecution of the perpetrators.

Two and a half years after the Lebanese parliament passed a law to create the National Preventative Mechanism along with a National Human Rights Institution (NHRI) in 2016 – neither of these bodies is fully active. Although five members were finally appointed to the National Preventative Mechanism in March 2019, they are still waiting for a decree granting them an official mandate to act. Bassam Kontar, a member of the NHRI, said that members of both institutions are still operating on a voluntary basis and have not been allocated a budget. Without proper funding and official recognition their hands are effectively tied.

In recent weeks Lebanon’s Minister of Interior and Minister of Justice have reaffirmed their “full commitment” to implementing human rights treaties to combat torture.

“The Lebanese government’s public efforts to address torture will be dismissed as little more than empty gestures if the authorities fail to translate this into effective protection from torture for detainees and an end to impunity for perpetrators,” said Lynn Maalouf.

Tortured with impunity

One of the most shocking cases documented by Amnesty International is that of Hassan al-Dika, a 44-year-old father of three, who is believed to have been tortured to death in detention. He died on 11 May 2019.

He was arrested in November 2018 without a judicial warrant and accused of drug dealing.

While held incommunicado for nine days Hassan al-Dika was subjected to heavy beatings, including on his genitals, suspended in the air for long periods, given electric shocks and stripped naked. Throughout this time, he was not allowed to meet with his father, Tawfic al-Dika, who was acting as his lawyer.

Hassan al-Dika later recounted his ordeal in letters written to his father.

“After days of beating they told me: you are here now under our mercy, we can kill you and say you committed suicide. By then, I was ready to confess that I killed the prophet Mohammed just for the beating and electric shocks to stop,” he wrote in one of the letters.

The prosecution repeatedly refused his father’s requests for a medical examination for his son. The request was finally accepted only to be dismissed later by the prosecution when medical reports revealed he had been subjected to violence. Amnesty International reviewed three forensic medical reports and one psychological assessment all stating that Hassan had been subjected to violence and had a severe injury in his lower back that required immediate treatment.

His father filed three complaints on the basis of the anti-torture law but prosecutors failed to open an investigation into the complaints. He said he eventually withdrew the last complaint after security forces threatened him.

“I came to realise that my son’s fate [head] and my own fate [head] lie in their hands. If we didn’t complain, if we didn’t use law number 65, maybe my son would still be alive,” Tawfic al-Dika told Amnesty International.

The Minister of Interior announced an internal investigation into his death.

In another case, Ziad Itani, a Lebanese actor, detained on spying charges suffered horrendous abuse while in detention. He told Amnesty International that state security officers beat him with electric cables, tied him in stress positions using an iron chain, hung him by his wrists for hours, kicked and punched him in the face and threatened to rape him. He said that they made him sign a “confession” as he lay on the ground incapacitated. Medical records reviewed by Amnesty International show damage to his teeth and wrists. Ziad Itani has filed a civil lawsuit against the officers involved – but the case is currently on hold.

Amnesty International also documented cases of two men who were subjected to homophobic slurs, insults and other abuse; and of two Sudanese refugees who were held in inhuman conditions, one was brutally beaten and tortured and racially abused. In another case, a retired army officer with disabilities was blindfolded with his hands handcuffed behind his back and then brutally beaten on his face, neck and back.

Several of the torture survivors said they did not seek accountability because they had

no hopes they would achieve justice in Lebanon.

“If Ziad Itani, a Lebanese famous actor with a high-profile case highlighted all over the media, couldn’t get accountability so far, how will I?” said one.

Diala Chehade, a lawyer who worked on the cases of four refugees who died in custody possibly as result of torture in 2017, told Amnesty International that since the anti-torture law came into force, she has represented more than 50 defendants who stated they had been tortured into “confessing” before a judge but that the law was not invoked to investigate the allegations. One judge even responded by attempting to shame the torture survivor instead saying: “Others are subjected to torture, but no one confessed. How do you explain that you did?”

“The Lebanese government must ensure that the judiciary, prosecution and security forces are thoroughly complying with the anti-torture law and that prosecutors are promptly investigating allegations of torture and that victims are granted full reparations. Lebanese judges have a key role in investigating claims of confessions obtained under torture,” said Lynn Maalouf.

Amnesty International is also calling on the authorities to ensure all members of the security forces receive proper training on preventing torture and to suspend from duty anyone alleged to be responsible for torture or other ill-treatment pending the outcome of an independent investigation.

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ecoi.net summary:

Authorities have failed to implement anti-torture law since it came into force in October 2017



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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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