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Lebanon: Tripoli Detainees Allege Torture, Forced Disappearance

Don't Try Civilians in Military Courts; Drop Unsubstantiated Terrorism Charges

(Beirut) – [Lebanese](#) Military Intelligence forcibly disappeared and allegedly tortured detainees who were participating in protests against the [Covid-19](#) lockdown and deteriorating economic conditions in Tripoli, Human Rights Watch said today. These individuals face apparently unsubstantiated terrorism charges before the country's military courts, which are inherently unfair, and under international law should not have jurisdiction over civilians.

On February 22, 2021, Lebanon's military prosecutor [charged at least 35 people](#), including at least 2 children, with terrorism, forming criminal associations, and stealing public property during protests in the northern city of Tripoli during the last week of January 2021. The defendants also face other charges, including using force against and trying to kill members of the security forces, arson, vandalism, and protesting without permission.

“Lebanese authorities should address the legitimate grievances of people in Tripoli but instead they've escalated repression against a population fighting for a dignified life,” said [Aya Majzoub](#), Lebanon researcher at Human Rights Watch. “The government needs to answer for disappearing and any torture of detainees and drop all unsubstantiated terrorism charges against them.”

Human Rights Watch spoke with five detainees, the families of five protesters, two lawyers involved in the case, a judicial source, and Police Commander Major General Imad Othman. The army did not respond to a Human Rights Watch request for comment. Those interviewed said that there were some incidents of violence during the protests, and some participants threw Molotov cocktails at security forces and set government buildings on fire. But the people interviewed said the defendants in the terrorism case had not been engaged in such serious violence and were not shown any evidence to the contrary. One family member said that her son, then 15, was tortured into confessing to crimes he did not commit.

Four of the 35 people charged in the case remain in detention and 19, including the children, were released. The authorities have refused to identify the other 12 defendants, citing the “secrecy” of the investigations, lawyers working on the case told Human Rights Watch. Ayman Raad, who represents six of those charged, said that the military investigative judge told him that “the defendants will know they are charged when they are called in for interrogation.”

The lawyers said that 19 people were arrested at their homes, workplaces, or on the street, and four were summoned to the Defense Ministry. Most of those arrested were forcibly disappeared for periods of one to five days in Military Intelligence facilities, lawyers said. The lawyers said that families and lawyers sought information about them at intelligence and police stations in the Bekaa and Tripoli where they were last seen, but that security agencies denied having any information about them.

“I didn't leave a person or a place that I didn't ask,” said the mother of Tarek Badawiyyeh, 28, one of the detainees. “But no one knew ... I thought maybe someone beat him or killed him, you know the situation in the country. For three days, I was living in hell. I thought my child was gone.”

Enforced disappearances, when state authorities detain a person but then refuse to reveal their whereabouts or fate, are serious crimes under international law and prohibited at all times. The prohibition includes a duty to investigate allegations of enforced disappearance and prosecute those responsible.

All the detainees, except the four summoned to the Defense Ministry, were interrogated without a lawyer present, the lawyers and their families said, violating [Article 47 of the Code of Criminal Procedure](#). Thirteen of the detainees were interrogated by Military Intelligence, the lawyers said, and two were interrogated by the Internal Security Forces (ISF) Information Branch officers, Major General Imad Othman said. [Human Rights Watch](#) and [other rights groups](#) have routinely documented the violations of Article 47, especially during Military Intelligence interrogations.

Ali Hashem, 34, said that officers from the Military Intelligence branch in Chtoura beat, slapped, and kicked him while he was blindfolded and handcuffed, hurling insults at him: “They told me, ‘You want freedom? Fuck your freedom.’” Hashem said he described his torture to the military investigative judge.

Another detainee said that Military Intelligence officers beat him at one of their branches and at the Defense Ministry. At the Defense Ministry, “they threatened me and started beating me and telling me that we want to torture you so that you implicate [another protester]. They said we will hang you in the *balance*,” a reference to hanging a torture victim by their wrists tied behind the back. The detainee said that he told the military investigative judge that he falsely implicated another protester due to the torture.

A 15-year-old protester who was arrested at a gas station while filling a container with gasoline was taken to Military Intelligence in Qobbeh, where he was beaten, subjected to *falaka* (beating on the soles of the feet), and threatened with electric shocks, his mother said. She said her son just started saying “yes” to whatever was asked of him, even things he knows nothing about. Later at the Defense Ministry, she said, an officer kicked him and punched him in the stomach. He spent his sixteenth birthday in detention, she said.

Lebanon passed [an anti-torture law](#) in 2017. But Human Rights Watch has routinely documented [credible reports of torture](#) in Lebanon since then. The authorities have failed to properly investigate the allegations, and justice for torture in detention remains elusive.

Lawyers and the judicial source said that the military prosecutor charged all the suspects with the same crimes, including terrorism and theft, without specifying the evidence against each individual. They said their clients were not shown any video or other evidence implicating them in the crimes, and that the allegations were based only on “information” and “informants or other confessions.” Under Lebanese law and international human rights law, defendants have the right to know the criminal charges against them and the evidence on which charges are based, including exculpatory evidence.

“If the Lebanese authorities think there is any substance to these charges, they should refer the case to the civilian courts, ensure that the accused receive a fair trial, and investigate the serious allegations of enforced disappearance, torture, and denial of due process,” Majzoub said. “States that provide support to Lebanon’s security agencies should ensure that they are not funding serious abuses.”

Due Process Violations

Defendants, lawyers, and family members said that only the four detainees who turned themselves in to the Defense Ministry had a lawyer present during their preliminary interrogations. The other 19 detainees were denied this right, with security agencies falsely claiming that the defendants said that they did not want a lawyer.

The sister of one detainee interrogated by Military Intelligence officers said that the first thing he told his family when he called and informed them of his whereabouts, more than 24 hours after his arrest, was that he wanted a lawyer. Another detainee said that Military Intelligence officers at the Defense Ministry made him sign a statement that he did not want a lawyer.

Two of the defendants who turned themselves in to the Defense Ministry said that the four of them had an “unofficial interrogation” without their lawyers. “In the middle of the night, they called us,” said Ibrahim Bosot, 25. “It was an interrogation, but not the formal kind where you sign ... We couldn’t see anything inside, they blindfolded and handcuffed us. They gave us advice that we should leave the streets and that we were arrested this time and the treatment was good, but next time it could be different ... The next day, they took us to [the Military Police headquarters in] Reyhaniyye to do the formal investigation in the presence of a lawyer, but in reality, the interrogation was done.” Lawyers said that nothing that the defendants said during this “unofficial interrogation” can be used against them in court.

Parliament amended Article 47 on September 30, 2020, guaranteeing defendants the right to have a lawyer present during preliminary interrogations at security agencies. Article 47 also guarantees defendants the right to remain silent, to contact a person of their choosing, such as a family member, a lawyer, or an employer, and to be examined by a forensic doctor. Arresting officers must inform all detained suspects of these rights promptly upon arrest. Under Lebanese law, officers breaching the guarantees of Article 47 are liable for prosecution for unlawful detention.

Security agents searched through the contents of defendants’ phones and used the information they found to add charges, including those outside the jurisdiction of the military court, lawyers and protesters said. “This is illegal,” Raad said. “The law stipulates that security agencies can only look for evidence directly related to the crimes they are investigating.” In one phone, Raad said, security agencies found a WhatsApp message that they claimed was insulting to the president, and added the crime of “insulting the president” against all the accused.

On February 4, the Tripoli Bar Association submitted a complaint to the Cassation Public Prosecution regarding the crimes of enforced disappearance, arbitrary deprivation of liberty, and violations of the Code of Criminal Procedure and Articles 47 and 32 during the protesters’ arrests.

Detention Conditions

Five of the defendants who were detained in Military Police headquarters in Reyhaniyye said that the prison was very cold, dirty, and not well ventilated. They said they were not given adequate material to clean themselves or their cells and bathrooms, creating conditions conducive to the spread of Covid-19. They were only allowed to shower once or twice a week. They said the food was inedible and insufficient; their food trays were moldy, and their water had a strange color. Prison guards humiliated them and often referred to them as “animals,” they said.

Omar Bekai, who was subsequently moved to the Fakhreddine Military Police facility, remarked that he “felt like a human again.” He said the prison was very clean, the food was sufficient, and the officers were respectful.

International norms regarding prison conditions, the [United Nations Standard Minimum Rules for the Treatment of Prisoners](#) (the “Mandela Rules”) require that “[a]ll accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.” The Mandela Rules state that “sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner” and that “[a]dequate bathing and shower installations shall be provided.”

The Terrorism Charges

The case is the first since the October 17, 2019, nationwide uprising in which Lebanese authorities charged protesters with terrorism. The October 2019 anti-government demonstrations were prompted by the government’s announcement of new taxes but quickly devolved into expressions of anger against the entire political establishment, whom protesters blamed for the country’s dire economic situation.

These terrorism charges, applied summarily to all 35 defendants, could have a chilling effect on free speech and assembly, Human Rights Watch said.

Lawyers and the judicial source said that the military prosecutor charged the defendants under Article 335 of the criminal code, on criminal associations, and Articles 5 and 6 of the draconian [Law of 1958](#), which was enacted as an emergency measure during the 1958 political crisis but never repealed. Article 5 of the law carries punishments of hard labor for life for crimes such as using explosives to carry out an armed uprising, and Article 6 carries hard labor for life or the death penalty for acts of terrorism. Lebanon has an unofficial moratorium on the death penalty and has not executed anyone since 2004, but courts continue to hand down death sentences.

Article 314 of the criminal code defines terrorism as “all acts designed to foment terror” through means including the use of explosives or inflammable materials that are “liable to create a public emergency.” The definition is overly broad as it does not require, among other elements, an intent to cause death or serious bodily harm to members of the public or an ideological or political motive. That leaves the authorities latitude to characterize as “terrorist” acts that may be serious crimes but are more appropriately classified as vandalism, damage to or destruction of property, riots, or arson.

Human Rights Watch opposes capital punishment in all countries and under all circumstances. Capital punishment is unique in its cruelty and finality, and is plagued with arbitrariness, prejudice, and error. Most countries have abolished the practice, while dozens have adopted a de facto moratorium.

Trials of Civilians in Military Courts

The Lebanese government and security agencies are using the overbroad jurisdiction of the military courts to intimidate and retaliate against political speech and activism. Human Rights Watch has documented the cases of [two demonstrators](#) who were taken before the military courts since the October 17, 2019, uprising on charges related to their involvement in the protest movement.

A 2017 [Human Rights Watch investigation](#) revealed the many due process and international law violations inherent in trying civilians before military courts in Lebanon.

Lebanon’s military court system is an exceptional judicial system under the Defense Ministry. Civilians can end up in military courts for any interaction with security services or their employees. Children accused of these crimes [have been tried](#) before the military courts.

Military court composition and the system for appointing judges undermine the courts’ competence, independence, and impartiality, Human Rights Watch said. The defense minister appoints military judges, who are not required to have a law degree or legal training. Military personnel serving as judges remain subordinate to the defense minister. Access to military court proceedings is restricted, so that human rights organizations and journalists cannot freely monitor the trials.

People tried before the military courts and lawyers [described](#) a range of fair trial violations that they or their clients suffered, including interrogations without the presence of a lawyer, ill-treatment and torture, incommunicado detention, the admissibility of confessions extracted under torture, lengthy pretrial detention, decisions issued without explanation, seemingly arbitrary sentences, and a limited right to appeal.

The Tripoli Protests

Protests swept Tripoli during the last week of January over the rapidly deteriorating economic conditions, exacerbated by Covid-19 lockdown measures. Tripoli is one of Lebanon’s most impoverished cities, yet aid that the [government promised](#) has not materialized, pushing the majority of the city’s residents into abject poverty.

Most protesters and families interviewed cited unbearable economic conditions as the reason for participating in

demonstrations.

The mother of Tarek Badawiyyeh, a 28-year-old taxi driver who was detained, said: “You should have seen how my son looked when he was arrested. He was wearing ripped shoes ... He can barely eat, drink, and clothe himself ... my heart is burning. They denied us everything ... they didn’t leave us anything to be able to live ... But if you go ask for your rights, they make you out to be a terrorist.”

Rabie Chemali, a 22-year-old electrician, “has been without work for almost two years,” his mother said. “He and I live alone in the house. Who will feed us? ... This is the reality of the country, they [rulers] have no conscience. There is no more corruption than this.”

Around noon on January 25, protesters angered by the strict Covid-19 lockdown measures began to [gather](#) around Al-Nour Square and to [block roads](#) with burning tires. By nightfall, [clashes](#) had erupted between security forces and protesters, who [threw stones](#) at the Tripoli Serail (administrative building).

Internal Security Forces (ISF) Riot Police violently [beat](#) protesters, including a [reporter](#) for Sawt Beirut International, and fired teargas and [rubber projectiles](#) at protesters in Al-Nour Square. By around 10 p.m., army units were heavily [deployed](#) and protesters dispersed. Several people were reportedly [detained](#), including a [child](#). The [Lebanese Red Cross](#) treated 29 people on site and transported 12 to nearby hospitals.

On January 26, protesters [gathered](#) in front of the Serail, demanding the release of those detained the night before. Local media [reported](#) that protesters threw [stones](#) at the Serail, tried to remove the barbed wire fence outside the building, and set a car on fire. Security forces fired [teargas and rubber projectiles](#) to disperse protesters. The [Lebanese Red Cross](#) treated 17 people on the scene and transported 6 to nearby hospitals.

Protests became increasingly violent on the third night. Media reported that people set [fire](#) to dumpsters in Al-Nour square, again threw stones at the Serail, and [torched](#) the guard room at the Serail’s entrance. Some protesters reportedly [breached](#) the parking lot of the Justice Palace, behind the Serail, and Major General Imad Othman told Human Rights Watch that some people among the protesters were firing live ammunition.

In a statement issued the next morning, the [ISF said](#) that some people in the protests lobbed firecrackers, stones, and [Molotov cocktails](#) at security forces inside the Serail, who responded with teargas and water cannons. The ISF also alleged that three [grenades](#) were thrown toward the Serail’s entrance, two of which exploded. Major General Othman later said that between January 25 and January 30, 17 grenades were thrown toward the security forces, all but three of which exploded. Major General Othman provided Human Rights Watch with photographs showing the damage allegedly caused by the grenades.

Security forces [pushed](#) people from the Serail’s entrance to Al-Nour Square. Othman said that ISF members fired [live ammunition](#) into the air in “self defense.” He said that one ISF member who was being attacked by protesters fired into the ground.

[Live footage](#) from Al-Jadeed captured at around 9:50 p.m. on January 27 shows people pelting the Riot Police with rocks as the police retreat toward the Serail. An officer fires warning shots over their heads with his handgun, and many protesters appear to run away. Some protesters continue to throw rocks, and the officer shoots at the ground a few meters from the people and then aims into the crowd. As most of them flee, another officer fires directly at them with an AK-47-pattern assault rifle.

The video shows two people lying on the ground, one of whom has a visible injury to his left hip. A protester grabs a handful of bullet cartridges from the pavement and holds them up in front of the camera. The Omega Research Foundation, a UK-based independent organization that analyses security technology, [told the Beirut-based media outlet The Public Source](#) that the cartridge cases held by the protester resemble those of an AK-47-pattern rifle.

Based on footage and interviews [analyzed by The Public Source](#), it appears that Omar Tayba, who died from his wounds the next morning, was one of the two protesters who fell to the ground after the ISF fired directly at protesters.

The National News Agency reported that [226 people](#) were injured, including [41 ISF officers](#).

Major General Othman told Human Rights Watch that the ISF’s Northern Command investigated this incident under the supervision of the military public prosecution, which showed that Omar Tayba was injured by an “unidentified bullet” in his back. On January 30, the military prosecutor, Judge Fadi Akiki, conducted a field visit to Tripoli and personally oversaw the investigation. Based on the instruction of Judge Akiki, on February 8, the ISF’s investigation was closed and transferred to the military prosecution to continue the investigation and the case’s legal course, the ISF said.

In April 2020, Human Rights Watch [found that](#) the Lebanese Armed Forces unjustifiably used excessive, including lethal, force against protesters in Tripoli, killing one and injuring scores more. The military public prosecution has not taken any [serious measures](#) to investigate the killing of Fawwaz Samman in that incident. Abuses against protesters, including killings, have gone largely unpunished in Lebanon.

Protests in Tripoli resumed for a fourth day on January 28, and also quickly turned violent. Some people threw firecrackers and Molotov cocktails at the [Serail](#), sparking a fire in the [Sharia court](#) within the building at around 9:20 p.m. Just before 11 p.m., protesters [torched the Tripoli municipality building](#). Security forces fired teargas to disperse protesters. The Lebanese Red Cross [treated](#) 106 injured people at the scene and transported 6 to nearby hospitals.

The ISF said that between January 25 and January 30, 70 ISF members were injured.

One detainee arrested on January 28 and forcibly disappeared for four days, then released from the Defense Ministry, was severely tortured. Human Rights Watch viewed a medical report that detailed injuries to his head, shoulders, and neck, and noted signs of severe beating on his body. He is not one of the protesters charged with terrorism.

In one case, the ISF put out a [missing person report](#), but it later surfaced that the protester, a child, had been detained at the Military Intelligence branch in the Qibbeh neighborhood of Tripoli. That child has since been released, the lawyers said.

The Lebanese authorities’ documented [corruption and failure to address](#) the country’s massive political and economic crises have resulted in the most drastic deterioration of rights in decades, Human Rights Watch said. On March 8, the army commander, Joseph Aoun, in a rebuke of the political class, warned that “members of the military are suffering and getting hungry like the rest of the people.” The caretaker interior minister, Mohamed Fehmi, [announced](#) on March 11 that Lebanon’s security forces are drained and unable to perform 90 percent of their duties.

Recommendations

Security forces and prosecutors should respect due process guarantees enshrined in Lebanese law, including Article 47 of the Code of Criminal Procedure, as well as Lebanon’s anti-torture law. Security agencies and the judiciary should investigate the conduct of officials found to be violating these laws and hold them accountable.

To combat impunity and avoid inflaming tensions, the authorities should conduct prompt, fair, and independent investigations into killings of protesters, make the results public, and prosecute anyone found to have broken the law.

Lebanon should urgently reform the military court system by removing civilians and children from their jurisdiction and ensuring that judges deem inadmissible all confessions and evidence obtained under torture. The Defense Ministry should refer all torture allegations to the public prosecutor and put in place a policy of zero tolerance for all forms of torture and inhuman or degrading treatment. It should ensure that all serving judges are fully independent and impartial, including ensuring that no judge is within the military chain of command.

Lebanese courts should refrain from handing down death sentences, and parliament should abolish the death penalty.

International donors to Lebanese security forces, including the United States and the United Kingdom, should investigate whether their support is going to abusive units, and if so, halt it immediately.

eoi.net summary:

Tripoli: At least 35 persons, including children, face terrorism charges before a military court after participating in protests; some of them report about enforced disappearance, being tortured in detention and violations of due process

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